



CITY OF MOUNT DORA

Police Department
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Mount Dora, FL 32757
352-735-7130
Fax: 352-383-4623

E-mail: policedept@cityofmounddora.com

August 6, 2026

Florida Department of Law Enforcement
Criminal Justice Professionalism Division
P.O. Box 1489
Tallahassee, FL 32302-1489
Attention: Professional Compliance

RE: Mount Dora Police Department IA26-03 - Officer Jeremiah Murphy

Greetings:

Please find attached the FDLE CJSTC Form 78 for Mount Dora Police Department Internal investigation IA26-03 reference Officer Jeremiah Murphy. Officer Murphy was sustained for violation of the following regulations:

- 201.29 Use of Alcohol and Illegal Drugs (Category 8)
- 201.12 Conformance to Laws (Category 9)
- 201.19 Moral Character (Category 8)
- 201.34 Unbecoming Conduct (Category 10)

Officer Murphy resigned with the investigation pending as reflected in his FDLE CTSTC Form 61. His discipline would have been termination had he not resigned. I have included the investigative summary as well as all attachments for your review. Please contact me if you have any questions or need additional information.

Regards,



Jim Deleu
Interim Chief of Police



Please type or print in black or blue and use capital and small letters for names, titles, and address

OFFICER

1. Last Four Digits of Officer's Social Security Number: [REDACTED]
2. Officer's Name: Murphy Jeremiah C.
Last First MI
3. Officer's Last Known Address: [REDACTED]
Street City State Zip Code
4. Officer's Telephone Number: [REDACTED] 5. Officer's Email Address: [REDACTED]

AGENCY

6. Agency ORI: FL0351000 7. Agency Name: Mount Dora Police Department
8. Agency Contact Person: Officer Dave Allmond 9. Agency Contact Person's Telephone Number: 352-735-7130
10. Agency Fax Number: N/A

VIOLATION - ALLEGATION

11. Nature of Allegation(s): 201.29 Use of Alcohol and Illegal Drugs (Positive drug test for cocaine), 201.12 Conformance to Laws, 201.19 Moral Character, 201.24 Unbecoming Conduct.
12. Agency Disposition: Sustained – (Violation of Section 943.13(4) or (7) or Rule 11B-27.0011, F.A.C. ☒
Sustained – (Violation of Agency Policy): ☒ Not Sustained: ☐ Unfounded: ☐ Exonerated: ☐
13. Limitation Period for Disciplinary Action: Date Internal Investigation Initiated: 6/10/26 Date Internal Investigation Completed: 8/6/26

Exception to limitation period for disciplinary action: Place a check mark by the exceptions to limitations that apply	Days Tolled
☐ Written waiver of limitation by officer	_____
☐ Ongoing criminal investigation or criminal prosecution	_____
☐ Officer incapacitated or unavailable	_____
☐ Multi-jurisdictional investigation	_____
☐ Emergency or natural disaster as declared by the Governor	_____
☐ Ongoing compliance hearing proceeding	_____

- | | |
|--|-------|
| ☐ Written waiver of limitation by officer | _____ |
| ☐ Ongoing criminal investigation or criminal prosecution | _____ |
| ☐ Officer incapacitated or unavailable | _____ |
| ☐ Multi-jurisdictional investigation | _____ |
| ☐ Emergency or natural disaster as declared by the Governor | _____ |
| ☐ Ongoing compliance hearing proceeding | _____ |

14. Criminal Charges Filed: N/A
15. Agency Disciplinary Action: Officer resigned pending investigation – Discipline would have been termination.
16. If the allegation has been sustained and determined to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., attach and forward the following documentation to the Florida Department of Law Enforcement.

Summary of the Facts ☒	Internal Investigation Report ☒	Name and Address of Witness ☒
Witness Statement/Disposition ☒	Certified Court Documents ☐	Other Supportive Information ☒

NOTICE: Pursuant to Section 943.1395(5), F.S., an employing agency must conduct an internal investigation when having cause to suspect that an officer it employs or employed at the time of the alleged violation, or employed on a Temporary Employment Authorization is not in compliance with Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C. If the investigation is sustained, the employing agency must forward a report to the Commission as specified by Rule 11B-27.003.

17. Agency administrator's signature

Acting Chief Jim Deleu

19. Agency administrator's name and title

8-6-26
18. Date signed

INSTRUCTIONS FOR COMPLETING FORM CJSTC-78

The Internal Investigation Report form should be completed any time an internal investigation has been completed.

1. Use this form to report to the Commission any sustained allegations(s) of non-compliance with Section 943.13(4) or (7), F.S., or Rule 11B-27.0011, F.A.C.
2. Submit this form within 45 days of the date the allegation has been sustained.
3. Submit this form to the Criminal Justice Professionalism Program if the circumstances meet the following criteria:
 - The officer pleads guilty, no contest, is found guilty, or is convicted of any felony or of a misdemeanor involving perjury or a false statement, regardless of withheld adjudication or suspended sentence.
 - A plea of guilty or a verdict of guilty for any of the enumerated misdemeanor violations or, the perpetration by an officer of an act that would constitute any felony offense or any of the enumerated misdemeanors.
4. The substantiated facts involve an act or conduct which constitutes:
 - Excessive use of force;
 - Misuse of official position (Section 112.313(6), F.S.);
 - Having an unprofessional relationship with an inmate, detainee, probationer or parolee, or community controllee;
 - Sexual harassment involving physical contact or misuse of official position;
 - Engaging in sex while on duty;
 - False statements during the employment application process;
 - Violation of standards of test administration for the Basic Abilities Test (BAT) or State Officer Certification Examination (SOCE);
 - Conduct which subverts or attempts to subvert the Criminal Justice Standards and Training Commission, criminal justice training school, or employing agency examination process.
 - Any overt, conspicuous, or public act of a sexual or simulated sexual nature which is likely to be observed by others;
 - Any willful and offensive exposure or exhibition of sexual organs in public or on the private premises of another or so near that it is likely to be seen, except in any place provided or set apart for that purpose;
 - Willful failure of the agency head to comply with Chapter 943, F.S., as it pertains to Commission rule;
 - Intentional abuse of a Temporary Employment Authorization;
 - Any willful and knowledgeable misuse of electronic databases used to access restricted information for an illegitimate or personal purpose with bad intent;
 - Testing positive for any controlled substances.

NOTE: DO NOT forward this form to the Criminal Justice Professionalism Program if the allegations have been sustained, but are violations of agency policy only, or other agency disposition has been found. If the allegations do not prove to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., a copy of this form should be made a part of the investigative package and kept on file at the agency.

HOW TO COMPLETE EACH ITEM

1. **Officer's Social Security Number.** Enter the last four digits of the officer's Social Security number as in this example: 000-00-1234.
2. **Officer's Name.** Enter the officer's legal last and first name. If the officer has middle initial, enter it above MI.
3. **Officer's Last Known Address.** Enter the officer's last known street address including the apartment number or P.O. Box number and the city. Enter the two-digit U.S. Postmaster's abbreviation of state and nine-digit zip code for the last known address on the third line. Enter the first five digits of the zip code as in this example: 32314-6554.
4. **Officer's Telephone Number.** Enter the officer's last known personal telephone number as in this example: (123) 456-7891.
5. **Officer's Email Address.** Enter the officer's last known email address.
6. **Agency ORI.** Enter the last seven digits of the agency's originating agency identifier number. There are nine digits in agency ORI codes. The first two have been entered, which are FL. Enter as in this example: FL0370000.
7. **Agency Name.** Enter the agency's name.

8. **Agency Contact Person.** Enter the name of person in your agency who can provide additional information to the Criminal Justice Standards and Training Commission regarding the officer's misconduct.
9. **Agency Contact Telephone Number.** Enter the telephone number of the contact person whose name you entered in item 7.
10. **Agency FAX Number.** Enter the FAX number for the agency if the agency has one.
11. **Nature of Allegation(s).** Enter a brief explanation of the officer's misconduct. Indicate in the narrative whether the elements of the misconduct constitute a felony or misdemeanor, whether criminally charged or not, or, constitutes a moral character violation.
12. **Agency Disposition.** Indicate the findings of the internal investigation by entering an X beside the appropriate box.
 - **Sustained: Violation of Section 943.13(4) or (7) F.S., or Rule 11B-27.0011, F.A.C.** In this case, the Internal Investigation Report form should be forwarded to the Criminal Justice Professionalism Program along with supporting documentation.
 - **Sustained: Violation of Agency Policy.** This indicates a violation of agency rules and/or regulations. These violations do not need to be reported to the Criminal Justice Professionalism Program.
 - **Not Sustained:** Insufficient evidence available to prove or disprove the allegation.
 - **Unfounded:** This indicates that the allegations are false or not supported by facts.
 - **Exonerated** - This indicates that the internal investigation determined that the alleged actions occurred but were lawful and proper.
13. **Limitation Period for Disciplinary Action.** Enter the date the internal investigation was initiated and completed. If any exceptions to the limitation period for disciplinary action exist, check all that apply and indicate the number of days tolled.
14. **Criminal Charges Filed.** Enter whether or not criminal charges were filed against the officer for the sustained misconduct. If criminal charges were filed, indicate charge and disposition along with the court case number. In addition, attach copies of all available court documentation.
15. **Agency Disciplinary Action.** Enter the type of administrative disciplinary action taken, if applicable i.e.; suspension, probation, etc.
16. **Attach and Forward the Following.** If the allegations have been sustained and determined to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., indicate which of the following information has been attached with this form by entering an X beside the appropriate box.
 - **Summary of the Facts.** This should be in the form of letter and/or report giving a brief synopsis of the facts.
 - **Internal Investigation Report.** This should be a copy of the internal investigation report regarding the officer's misconduct.
 - **Witness Information.** This should include names, addresses and telephone numbers of individuals who witnessed the officer's misconduct.
 - **Statements and Depositions.** This should include any and all sworn testimony from either the officer or witnesses.
 - **Certified Court Documents.** This should include any evidence, pictures, audio or video tapes, etc., or any other information that would support the sustained allegation of officer misconduct.
17. **Agency Administrator's Signature.** Agency administrator or designee's signature.
18. **Date Signed.** The date the agency administrator or designee signed this form.
19. **Agency Administrator's Name and Title.** Type or print in black ink the agency administrator or designee's name and title.

AGENCY REQUIREMENTS

Submit the completed Internal Investigation Report form CJSTC-78 and attachments to: **Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Professional Compliance.**



Date: August 6, 2026

Case Number: MDPD IA2026-03

Accused: Officer Jeremiah Murphy

Investigator: Officer David Allmond

Investigation Summary

On Monday, June 1, 2026, at approximately 1520 hours, Mount Dora Police Department (MDPD) Captain Jack Andreano received a telephone call from his wife, who is employed by the Orange County Sheriff's Office (OCSO). During his conversation, she advised that she had received a series of text messages from OCSO Crime Prevention Corporal Brittany Bradshaw concerning MDPD Police Officer Jeremiah Murphy.

The messages provided by Corporal Bradshaw stated the following:

- *Do you know Jeremiah Murphy?*
- *He's a Mount Dora Officer apparently.*
- *I guess he's on light duty but Mara is telling me he's going to Flannagan's in Casselberry and using cocaine.*
- *Her girlfriend works there and saw him with cocaine on his face. I guess it's a common thing.*
- *Maybe pass that on to Jack.¹*

Captain Andreano requested his wife obtain additional information about the timeline of the alleged incident and provide him with Corporal Bradshaw's contact information. Shortly thereafter, Corporal Bradshaw sent an additional message stating:

- *Last week and he's part of their little group that hangs out there. It's Flanagans (sp) in Casselberry off Red Bug/Tuscawilla.²*

During his inquiry, Captain Andreano learned that the information provided to her by OCSO Corporal Bradshaw originated from OCSO Deputy Mara Everson. Captain

¹ See attachment #1

² See attachment #1

Andreano made contact with Deputy Everson and ultimately learned that she heard this information from her girlfriend who is employed at the bar. Deputy Everson further stated she was advised that Officer Murphy was observed at the bar during the previous week and described him as becoming increasingly intoxicated while at this location. Additionally, Officer Murphy had reportedly spent approximately 30 minutes in the restroom and later exited with what was described as cocaine visible on his nose. Deputy Everson also stated that Officer Murphy had left the bar and was involved in a traffic crash while operating his mother's vehicle and struck a tree. Officer Murphy was intoxicated at the time of this incident and that an unknown law enforcement agency responded to the crash. Deputy Everson was also advised that Officer Murphy was a recreational user of cocaine. These events were reported to have occurred the week prior to Captain Andreano's inquiry. Captain Andreano also reported that another individual identified as "Kim" witnessed the incident.

On June 1, 2026, Officer Murphy was ordered to undergo a reasonable suspicion drug test at the Mount Dora Centra Care.

On June 9, 2026, Mount Dora Human Resource Director Alan Cline received a verbal report from Centra Care that the result of Officer Murphy's drug test was positive for cocaine. Centra Care advised Mr. Cline that they were not able to document the specific drug in writing until they discussed the test results with Officer Murphy.

On June 10, 2026 MDPD Chief Michael Gibson directed this officer to conduct an administrative investigation into the matter.³ Later this day Officer Murphy was served a *Notice of Internal Investigation*⁴ by Captain Mark Leubscher for the following violations:⁵

- **201.29 Use of Alcohol and Illegal Drugs (Category 8)**
- **201.12 Conformance to Laws (Category 9)**
- **201.19 Moral Character (Category 8)**
- **201.34 Unbecoming Conduct (Category 10)**

This *Notice of Internal Investigation* included the fact that Officer Murphy tested positive for cocaine. Additionally, Officer Murphy was provided a copy of the *F.S. Chapter 112 Police Officer Bill of Rights*.⁶ Officer Murphy was also served a *Relief of Duty with Pay Pursuant to Internal Investigation* form.⁷

On June 16, 2026 Captain Andreano contacted Officer Murphy via a telephone voice mail message and ordered him to contact Total Comp Net to follow up on his drug test.

On June 18, 2026, after Officer Murphy did not contact Total Comp Net, Captain Andreano contacted Officer Murphy via a telephone voice mail message and ordered him

³ See attachment #18

⁴ See attachment #2

⁵ See attachment #3

⁶ See attachment #4

⁷ See attachment #17

to report to the Mount Dora Police Department on Monday, June 22, 2026 at 0900 hours.

On June 22, 2026, Officer Murphy failed to report to the Mount Dora Police Department as ordered. Chief Gibson directed this officer to expand the scope of the administrative investigation to include a violation of:

- **201.08 Insubordination Conduct (Category 10)**

Officer Murphy was served an *Amended Notice of Internal Investigation*⁸ by MDPD Captain Jack Andreano later this date after Officer Murphy failed to report to the police department.

Investigation Details

This officer was directed by Chief Michael Gibson to conduct an internal Investigation on Officer Murphy for the abovementioned violations. I reviewed the following documents:

- Mount Dora Police Department General Order 201- Standards of Conduct.⁹
- City of Mount Dora Employment Policy & Procedure Reference Guide May 2025 Section 17.09 Drug-Free Workplace Program.¹⁰
- Florida Statute Chapter 112.0455 Drug Free Workplace Act.¹¹
- Florida Statute 440.102 Drug-free Workplace Program Requirements.¹²
- Florida Statute 944.474 Legislative Intent – Employee Wellness Program; Drug and Alcohol Testing.¹³
- Florida Statute Chapter 893 Drug Abuse Prevention and Control.¹⁴
- Florida Administrative Code 11B-27.0011 Moral Character.¹⁵
- *Memo of Inquiry* – Jeremiah Murphy from Captain Andreano dated 6/1/26.¹⁶
- Advent Health Centra Care Medical Review Determination/Verification Report.¹⁷
- Murphy Policy Acknowledgement¹⁸
- *Relief of Duty with Pay Pursuant to Internal Investigation*.¹⁹

The review of the *Advent Health Centra Care Medical Review Determination/Verification Report* revealed the following:

⁸ See attachment #5

⁹ See attachment #3

¹⁰ See attachment #6

¹¹ See attachment #7

¹² See attachment #8

¹³ See attachment #9

¹⁴ See attachment #10

¹⁵ See attachment #11

¹⁶ See attachment #12

¹⁷ See attachment #13

¹⁸ See attachment #14

¹⁹ See attachment #17

- The date of collection was 6/1/26 and the donor was Jeremiah Murphy.
- A five (5) panel test was completed
- Officer Murphy signed the collection form and provided a contact phone number.
- The test results were "positive" and reviewed by Medical Review Officer (MRO) Seth Portnoy, D.O. on 6/10/26.
- Under the comments section it was annotated "Unable to contact: {6/8/2026}".

I obtained an email from Centra Care dated 6/11/26 indicating *"All positive drug results are confirmed before released to the MRO. All positive tests goes through GC/MS confirmatory testing"*.²⁰

The review of the City of Mount Dora Employment Policy & Procedure Reference Guide May 2025 Section 17.09 Drug-Free Workplace Program reveals the following points:

- An employee may be required to submit to a reasonable suspicion drug test for: a report of drug use, provided by a reliable and credible source.
- A job applicant or employee who receives a positive confirmed drug test may contest the result to the City within five (5) working days after written notification of the positive test results. If the City finds the explanation unsatisfactory, the City shall within ten (10) working days of receipt of the challenge provide a written response to the job applicant or employee as why explanation is unsatisfactory, along with the report of the positive results.
- The City will not terminate, discipline, refuse to hire, discriminate against, or request or require rehabilitation of a job applicant or employee on the sole basis of a positive drug test that has not been verified by a confirmation test. A confirmation test is a second analytical procedure run on a sample that was positive on the initial test. The confirmation test will be different in scientific principal from that of the initial positive test

The city policy appears to mirror the applicable Florida Statutes.

The review of Florida Statute Chapter 893 Drug Abuse Prevention and Control. revealed that Possession of Cocaine is a third-degree felony.

The review of the *Relief of Duty with Pay Pursuant to Internal Investigation* revealed that Officer Murphy was ordered to: be available via cellular phone and be available to respond to the Police Department Monday through Friday between the hours of 0800 and 1600 hours.

²⁰ See attachment #15

6/22/26

This officer accompanied Captain Jack Andreano as a witness to serve Officer Murphy an *Amended Notice of Internal Investigation* to include **201.08 Insubordination Conduct (Category 10)**. No questions were asked to Officer Murphy, but he spontaneously acknowledged to Captain Andreano that he received the aforementioned orders to contact the Centra Care Medical Review Officer (MRO) and report to the police department earlier that morning.

After reviewing the aforementioned information, I determined that the following **identifiable** individuals would be witnesses that would aid my investigation:

- **MDPD Captain Jack Andreano** – Author of the Memo of Inquiry
- **Mount Dora Human Resources Director Allen Cline** – Human Resource Director and recipient of the results of Officer Murphy's drug test.
- **OCSO Deputy Maya Everson** – Closest identifiable witness to the eyewitness account of the incident at Flannagan's Bar and Grill.

The following **unidentifiable** witnesses were also determined:

- **OCSO Deputy Maya Everson's girlfriend**
- **Unknown person named "Kim" who witnessed the incident.**

This officer has no subpoena power in an administrative investigation and cannot compel testimony or information from civilians or members of other law enforcement agencies.

INVESTIGATIVE INTERVIEWS

6/26/26

This officer conducted a sworn recorded interview of Mount Dora Human Resources Director Alan Cline²¹. I noted the following information from the interview:

- Cline is responsible for recruiting, benefits and employee relations for the City of Mount Dora
- Cline has over 30 years of experience in the human resources field.
- Cline confirmed that the information in his Memorandum of Record was accurate and that he received a telephone call from Centra Care on 6/9/26 with a verbal notification of positive results for cocaine on Officer Murphy's drug test. He further confirmed that Centra care would not provide written verification that the positive results were for cocaine specifically unless Officer Murphy contacted them for a follow-up consultation.
- After reviewing the *Memo of Inquiry* dated 6/1/26 by Captain Andreano, Cline

²¹ See attachment #16

stated, "After reading this memo, I absolutely believe there is reasonable suspicion to conduct a drug test on Officer Murphy".

* This interview was recorded on Officer Allmond's agency issued I-phone utilizing Voice Memo. A transcript was generated by Voice Memo and edited for accuracy by Officer Allmond. Officer Allmond is not a certified transcriptionist. The recording should also be reviewed for proper evaluation of its content.

6/26/26

This officer conducted a sworn recorded interview of MDPD Captain Jack Andreano²². I noted the following from the interview:

- Captain Andreano oversees the Administrative Services Bureau at MDPD.
- Captain Andreano confirmed the contents of his *Memo of Inquiry* dated 6/1/26.
- Captain Andreano stated he felt the circumstances in his *Memo of Inquiry* were sufficient to compel Officer to Murphy to undergo a drug test for reasonable suspicion of drug use.
- Captain Andreano had no reason to believe that anyone he spoke to about the incident has any bias against Officer Murphy that they would not be 100% truthful with him.
- Captain Andreano confirmed he ordered Officer Murphy to contact the Centra Care MRO to follow up on his drug test and additionally to report to the MDPD on 6/22/26 in telephone voice mail messages.
- Captain Andreano confirmed Officer Murphy did not report to the MDPD or contact the MRO as ordered.
- Captain Andreano believed these acts constituted insubordination on the part of Officer Murphy.
- Captain Andreano stated that in a follow-up visit to Officer Murphy's home, Officer Murphy acknowledged these orders.

* This interview was recorded on Officer Allmond's agency issued I-phone utilizing Voice Memo. A transcript was generated by Voice Memo and edited for accuracy by Officer Allmond. Officer Allmond is not a certified transcriptionist. The recording should also be reviewed for proper evaluation of its content.

7/1/26

This officer conducted a sworn recorded interview of OCSO Deputy Mara Everson²³. I noted the following from the interview:

- Deputy Everson is a sworn law enforcement officer.

²² See attachment #16

²³ See attachment #16

- Deputy Everson heard from a bar patron that Officer Murphy was at Flanagan's Bar and Grill and that *"he was intoxicated and came out of the restroom with what appeared to be a white powdery substance all over his face"*. She additionally heard that Officer Murphy was, *"in an altercation with someone and allegedly got kicked out of the bar"* the night of the incident.
- Deputy Everson additionally stated she heard Officer Murphy was in a car accident in his mother's car after leaving the bar while intoxicated and later bragged that he was not arrested for DUI. She had no details of the exact time, location, or law enforcement jurisdiction of this incident.
- Deputy Everson had no reason to believe that anyone who spoke to her about the incident has any bias against Officer Murphy that they would not be 100% truthful with her.

*This interview was recorded on Officer Allmond's agency issued I-phone utilizing Voice Memo. A transcript was generated by Voice Memo and edited for accuracy by Officer Allmond. Officer Allmond is not a certified transcriptionist. The recording should also be reviewed for proper evaluation of its content.

7/2/26

This officer contacted Officer Murphy's Fraternal Order of Police (FOP) representative, Luis Tanzi and requested he notify Officer Murphy report to the Mount Dora Police Department on 7/7/26 at 2:00 pm to review the evidence obtained in the investigation and submit to an investigative interview

7/6/26

FOP representative Luis Tanzi contacted this officer and informed me that Officer Murphy would be submitting his resignation via email to the Chief of Police effective this date. Since he would no longer be an employee on the date of his interview, he would be declining to attend the interview. Later this date, I received a courtesy copy of the resignation email sent to the Chief of Police.²⁴

This officer planned on asking Officer Murphy questions about, but not limited to the following topics:

- Identities of any witnesses that may aid the investigation.
- Use of cocaine on the date of the alleged incident.
- Use of any illegal drugs while employed with the Mount Dora Police Department.
- Details of the alleged traffic crash incident.
- Reasons why Officer Murphy did not contact the Medical Review Officer or report to the Mount Dora Police Department as ordered.

²⁴ See attachment #19

Officer Murphy mentioned to this officer during the service of his *Notice of Internal Investigation* that he would be on a vacation that may interfere with a protentional investigative interview. Questions would have been asked about the specific dates of this vacation and who formally approved the request as no record of a formal vacation request could be located from his supervisor.

Investigative Findings

Administrative investigation findings are based on a preponderance of the evidence. A preponderance of evidence means such evidence as, when considered and compared with that opposing to it, has more convincing force and produces a belief that what is sought to be proved is more likely true than not.

As to the violation of 201.29 Use of Alcohol and Illegal Drugs (Category 8) which states:

Personnel are prohibited from drinking any alcoholic beverage while on duty or reporting for duty influenced by alcohol. Personnel are also prohibited from consuming illegal drugs while on or off-duty.

- Reasonable suspicion of drug use was discovered and Officer Murphy was ordered to undergo a drug test.
- Officer Murphy had a positive, confirmed drug test for cocaine on 6/1/26.
- All requirements under City of Mount Dora Employment Policy & Procedure Reference Guide May 2025 Section 17.09 Drug-Free Workplace Program, Florida Statutes Chapter 112.0455 Drug Free Workplace Act, Florida Statutes 112.0455, 440.102, and 944. 474 were followed during the testing.
- Officer Murphy failed to contact the Medical Review Officer (MRO) for follow-up on the test results and provide any additional information.

Therefore, Officer Jeremiah Murphy is SUSTAINED for violation of 201.29 Use of Alcohol and Illegal Drugs (Category 8)

As to the violation of 201.12 Conformance to Laws (Category 9) which states:

Personnel will comply with the laws, ordinances, rules and Constitutions of the United States and the State of Florida, or any of their subdivisions.

a. Criminal ordinance violations (Category 8)

- Reasonable suspicion of drug use was discovered and Officer Murphy was ordered to undergo a drug test.
- Officer Murphy had a positive, confirmed drug test for cocaine on 6/1/26.
- All requirements under City of Mount Dora Employment Policy & Procedure Reference Guide May 2025 Section 17.09 Drug-Free Workplace Program, Florida

Statutes Chapter 112.0455 Drug Free Workplace Act, Florida Statutes 112.0455, 440.102, and 944. 474 were followed during the testing.

- Officer Murphy failed to contact the Medical Review Officer (MRO) for follow-up on the test results and provide any additional information.
- The totality of the evidence shows Officer Murphy possessed and used cocaine at Flannagan's Bar and Grill.
- Possession of Cocaine is a third-degree felony under Florida Statute Chapter 893.

Therefore, Officer Jeremiah Murphy is SUSTAINED for violation of 201.12 Conformance to Laws (Category 9)

As to the violation of 201.19 Moral Character (Category 8) which states:

Personnel shall maintain a level of moral conduct in their personal and business affairs which is in the highest standards of the law enforcement profession. Personnel shall not participate in any incident involving moral character which impairs their ability to perform as a law enforcement officer or causes the Police Department to be brought into disrepute. The moral character offense list is established by FDLE and provides the guide for employment and certification of law enforcement officers in the State.

- Reasonable suspicion of drug use was discovered and Officer Murphy was ordered to undergo a drug test.
- Officer Murphy had a positive, confirmed drug test for cocaine on 6/1/26.
- All requirements under City of Mount Dora Employment Policy & Procedure Reference Guide May 2025 Section 17.09 Drug-Free Workplace Program, Florida Statutes Chapter 112.0455 Drug Free Workplace Act, Florida Statutes 112.0455, 440.102, and 944. 474 were followed during the testing.
- Officer Murphy failed to contact the Medical Review Officer (MRO) for follow-up on the test results and provide any additional information.
- *Florida Administrative Code 11B-27.0011 (4) (D)* includes as a moral character violation: A certified officer's unlawful injection, ingestion, inhalation, or other introduction of any controlled substance, as defined in Section 893.03, F.S., into his or her body as evidenced by a drug test in accordance with Section 112.0455, 440.102 or 944.474, F.S.

Therefore, Officer Jeremiah Murphy is SUSTAINED for violation of 201.19 Moral Character (Category 8).

As to the violation of 201.34 Unbecoming Conduct (Category 10) which states:

Personnel shall conduct themselves at all times, both on and off-duty, in such manner as to reflect most favorably on the Department. This includes, but is not limited to, electronic communications on social media (e.g., Facebook, Twitter, etc.) and Internet sites. Conduct Unbecoming shall include that which brings the Department into disrepute or reflects discredit upon the employee as a member of the Department, or that which impairs the operation or efficiency of the Department or its personnel. This may include photographs and other information on social media and Internet sites identifying them as members of the Mount Dora Police Department.

Unless in furtherance of an official criminal or administrative investigation, an agency member may not surreptitiously record another agency member during working hours, whether a photo, audio, video, or other recording, without his or her knowledge and consent. Agency members attending celebrations (e.g., retirement parties), or meetings or other events that include members of the public, are deemed to have consented to photographs. Any recordings made in violation of this policy will be the exclusive property of the police department.

- Law enforcement officers are held to the highest moral and ethical standards.
- Officer Murphy was at a public location with what appeared to be cocaine on his face.
- Officer Murphy was known at this location as a Mount Dora Police Officer.
- Officer Murphy tested positive for cocaine after this incident.
- These actions do not reflect conduct that at all times, both on and off-duty, reflect most favorably on the Department.

Therefore, Officer Jeremiah Murphy is SUSTAINED for violation of 201.34 Unbecoming Conduct (Category 10)

As to the violation 201.08 Insubordination Conduct (Category 10) which states:

Personnel shall promptly obey any lawful orders of a superior. This will include orders relayed from a superior by personnel of the same or lesser classification.

- On June 16, 2026 Captain Andreano contacted Officer Murphy via a telephone voice mail message and ordered him to contact Total Comp Net to follow up on his urine test.
- On June 18, 2026, after Officer Murphy did not contact Total Comp Net, Captain Andreano contacted Officer Murphy via a telephone voice mail message and ordered him to report to the Mount Dora Police Department on Monday, June 22, 2026 at 0900 hours.
- Officer Murphy failed to follow these orders.
- Officer Murphy acknowledged to Captain Andreano on June 22, 2026 that he received these orders.

Therefore, Officer Jeremiah Murphy is **SUSTAINED** for violation of 201.08 Insubordination Conduct (Category 10).

Attachments

1. Screenshot of text messages and phone calls provided by Captain Andreano.
2. *Notice of Internal Investigation.*
3. Mount Dora Police Department Standards of Conduct.
4. Florida State 112 – Police Officer Bill of Rights.
5. *Amended Notice of Internal Investigation.*
6. City of Mount Dora Employment Policy & Procedure Reference Guide May 2025 Section 17.09 Drug-Free Workplace Program.
7. Florida Statute Chapter 112.0455 Drug Free Workplace Act.
8. Florida Statute 440.102 Drug-free Workplace Program Requirements.
9. Florida Statute 944.474 Legislative Intent – Employee Wellness Program; Drug and Alcohol Testing.
10. Florida Statute Chapter 893 Drug Abuse Prevention and Control.
11. Florida Administrative Code 11B-27.0011 Moral Character.
12. Memo of Inquiry – Jeremiah Murphy from Captain Andreano dated 6/1/26.
13. Advent Health Centra Care Medical Review Determination/Verification Report.
14. Murphy Policy Acknowledgement
15. Email from Centra Care reference confirmatory testing.
16. Sworn interview information.
17. *Relief of Duty with Pay Pursuant to Internal Investigation form.*
18. *Authorization to Conduct an Internal Investigation 26-03.*
19. Murphy resignation email.

Witness List

Captain Jack Andreano

Mount Dora Police Department
1300 North Donnelly Street
Mount Dora, FL 3257

Mr. Alan Cline

City of Mount Dora Human Resources
510 North Baker Street
Mount Dora, FL 32757

Deputy Maya Everson

Orange County Sheriff's Office
P.O. Box 1440
Orlando, FL 32802-1440

I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes.

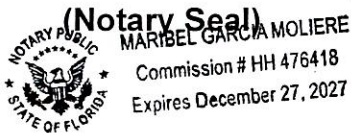
Officer David Allmond
Officer David Allmond

8/18/26
Date

State of Florida

County of Lake

The foregoing instrument was acknowledged before me, by means of physical presence this 6th day of Aug, 2026, by Officer Dave Allmond, who is personally known to me.



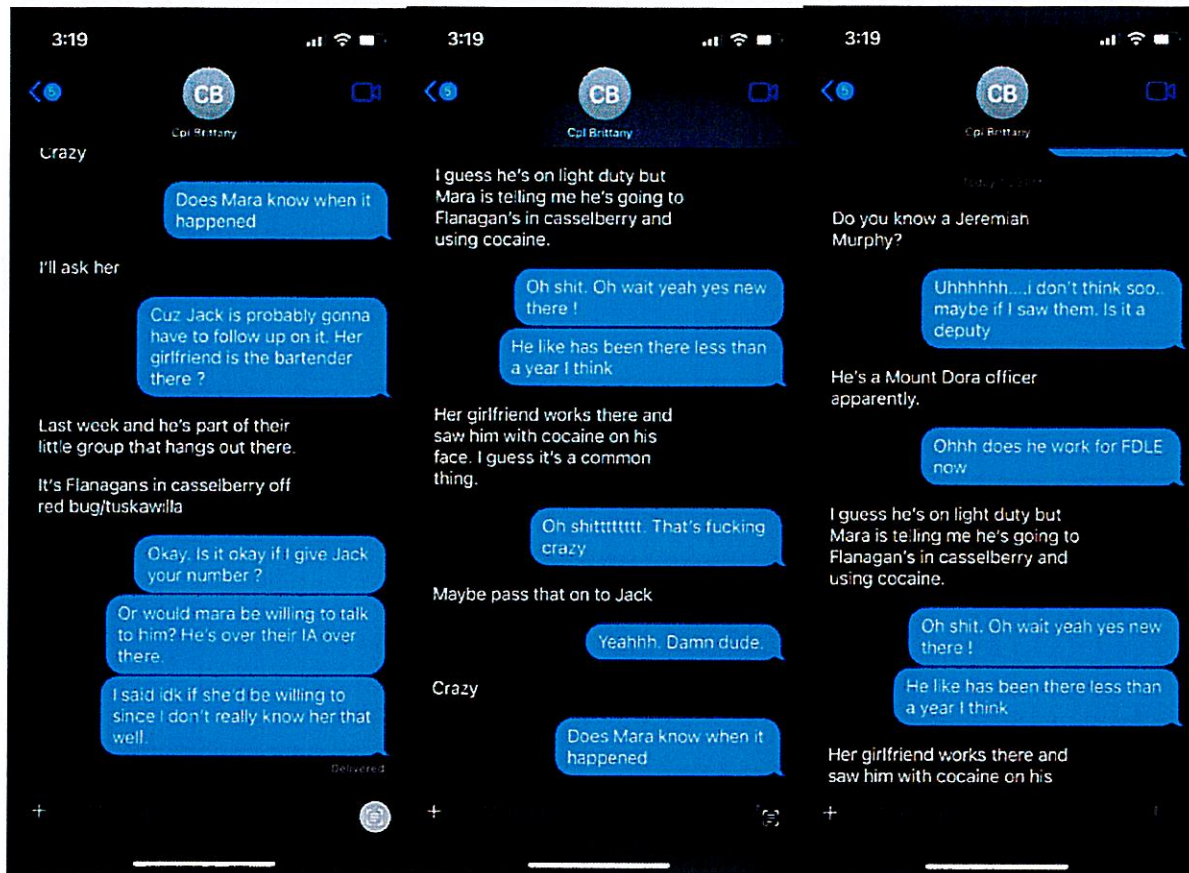
Signature of Notary Public

Name of Notary MARIBEL GARCIA-MOLIERE

Notary Public – State of Florida

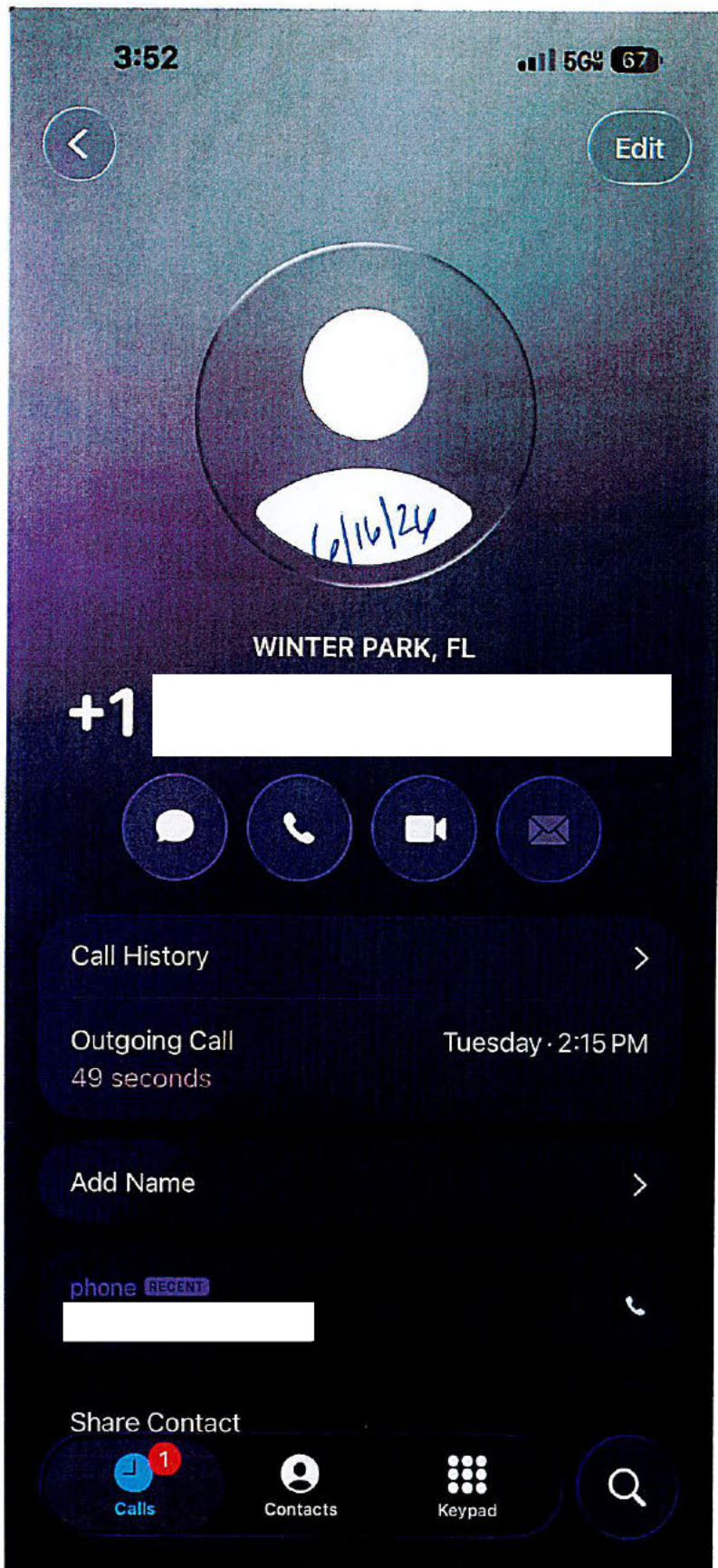
My commission expires: 12/27/27

Commission No.: HH 476418



MA 6/26/26

@
6/26/2026



MA
6/26/24

6/26/2026



Today

2:50 PM Outgoing Call
37 seconds

Share Contact

Create New Contact

Add to Existing Contact

Add to Emergency Contacts

Block Caller

June 9, 2026

6:19 PM Outgoing Call
49 seconds

Share Contact

Create New Contact

Add to Existing Contact

Add to Emergency Contacts

Block Caller



NA
6/26/26
6/26/2026



CITY OF MOUNT DORA

Police Department
1300 N. Donnelly St.
Mount Dora, FL 32757
352-735-7130
Fax: 352-383-4623

E-mail: policedept@cityofmoundora.com

DATE: June 10, 2026
TO: Officer Jeremiah Murphy
FROM: Chief Michael T. Gibson
SUBJECT: Notice of Internal Investigation, 2026-03

The public places a significant degree of trust in law enforcement officers and expects that members of this profession will conduct themselves in a manner that upholds the integrity of the badge both on and off duty. Allegations involving the use of illegal narcotics, impairment, or conduct that may compromise an officer's ability to perform their duties strike at the core of that trust and require immediate review.

It has come to my attention that information was received alleging that you engaged in conduct involving the use of illegal narcotics while off duty. Specifically, the department received information indicating that you were observed using cocaine while at a business establishment in Seminole County during the week preceding June 1, 2026. Additional information received alleged that you were visibly intoxicated and subsequently involved in a traffic crash after leaving the establishment.

Upon receipt of the allegations, you were immediately directed to submit to reasonable suspicion drug screening. Following completion of the screening, you were placed on administrative leave pending the results of the narcotics test. The results of the screening subsequently returned positive for cocaine.

After reviewing the information received and the results of the narcotics screening, I have determined that the allegations warrant a formal Internal Investigation. Based upon the allegations received and the positive cocaine test result, I reasonably believe that violations of department policy may have occurred and that a professional standards investigation is necessary to determine the full facts and circumstances of this matter.

Potential policy violations include, but are not limited to:

- 201.12 Conformance to Laws (Category 9)
- 201.19 Moral Character (Category 8)
- 201.29 Use of Alcohol and Illegal Drugs (Category 8)
- 201.34 Unbecoming Conduct (Category 10)

As a result, I am directing and authorizing Officer Dave Allmond to conduct a professional standards investigation into this matter. Please review Florida Statute 112.532 as it pertains to your rights as a law enforcement officer during the course of this investigation being provided.

Until the conclusion of this investigation, you are directed to refrain from discussing the substance of this matter with anyone other than your legal counsel, legal representative, or the assigned investigator. You are also reminded that your full cooperation with this investigation is expected and required.

If you should have any questions regarding the process moving forward, do not hesitate to contact the assigned investigator.

Notice Received:

Notice Served:


Officer Jeremiah Murphy

Date: 6/10/26


Captain Mark Leubscher

Date: 6-10-26


Chief Michael T. Gibson

Date: 6/10/26

Copies: Investigator Allmond / Internal Investigations File
Officer Jeremiah Murphy

Provided
Police Officer
Bill of Rights
OFL 12A(1)

MOUNT DORA POLICE DEPARTMENT
General Order - 201
Standard of Conduct

Effective Date: June 30, 2020
Review Responsibility: Deputy Chief
Scope: All Personnel

Revision Date: June 9, 2026
Review Month: February

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Directive Statement:

The purpose of this policy is to establish clear rules, standards, and guidelines governing the conduct of members of the Mount Dora Police Department and to identify conduct that may result in disciplinary action for violations of this policy.

MOUNT DORA POLICE DEPARTMENT

General Order - 201

Standard of Conduct

All Department members, whether sworn or non-sworn, are expected to maintain the highest standards of conduct in both their professional and personal lives. This policy section establishes the standards and expectations to which all personnel shall adhere. Compliance with established policies and professional standards of conduct promotes accountability, professionalism, and public trust, and helps maintain the integrity and reputation of the Department within both the community and the law enforcement profession.

201.01 Consequences of Violation of Policies and Procedures: Violation of policies and procedures may result in disciplinary action to include, but not be limited to verbal reprimand, written reprimand, suspension from duty without pay, disciplinary probation, demotion, or termination. Personnel transfers are not disciplinary in nature and are solely administrative as long as there is no fiscal impact to the employee.

201.02 Unsatisfactory Performance (Category 10): Personnel shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Personnel shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the police department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the personnel's rank, grade or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police action; or absence without leave including abuse of sick time. In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of policies, procedures, directives or orders of the police department.

201.03 Leaving Duty Post (Category 1): Personnel shall not leave their assigned duty posts during a tour of duty except as authorized by proper authority.

201.04 Neglect of Duty (Category 4): Personnel shall not engage in any activities or personal business which would cause them to be inattentive to duty.

201.05 Conflicting Orders (Category 1): Personnel who are given an otherwise proper order which is in conflict with a previous order, policy, procedure or directive shall respectfully inform the superior issuing the order of the conflict. If the superior issuing the order does not alter or retract the conflicting order, the order will stand. Under these circumstances, the responsibility for the conflict will be upon the superior. Personnel shall obey the conflicting order and will not be held responsible for disobedience of the order, policy, procedure or directive previously issued.

201.06 Illegal Orders (Category 8): Personnel shall neither give nor obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, personnel shall request the issuing person to clarify the order or confer with higher authority.

MOUNT DORA POLICE DEPARTMENT

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Standard of Conduct

201.07 Courtesy and Respect (Category 1): Personnel will be courteous and respectful to their superiors, subordinates, fellow personnel, and members of the public.

201.08 Insubordination (Category 10): Personnel shall promptly obey any lawful orders of a superior. This will include orders relayed from a superior by personnel of the same or lesser classification.

201.09 Personal Appearance (Category 1): Personnel on duty shall wear uniforms or other clothing in accordance with established department procedures. Except when acting under proper and specific orders from a superior, personnel on duty shall maintain a neat, well-groomed appearance.

201.10 Truthfulness (Category 9): Personnel shall truthfully relay all information and answer all questions related to their employment with the Department, volunteer activities with the Department, or questions otherwise related to Department operations, that are asked by, or provided to the Chief, the Chief's designee, or a superior officer. Personnel shall truthfully answer any questions during any legal proceeding, or otherwise under oath.

201.11 Medical Examinations ((Category 9): Personnel shall submit to any reasonable physical, psychiatric, chemical, or laboratory tests or examinations if ordered by the Chief or designee to determine fitness for duty.

201.12 Conformance to Laws (Category 9 or as otherwise specified): Personnel will comply with the laws, ordinances, rules and Constitutions of the United States and the State of Florida, or any of their subdivisions.

a. Criminal ordinance violations (Category 8)

201.13 Behavior and Language (Category 2): In the performance of their duties, all personnel shall maintain command of temper, patience, and discretion. Employee shall refrain from using improper, obscene, profane, or insolent language.

201.14 Dissemination of Information (Category 7): Personnel shall treat the official business of the Police Department's as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established department procedures or state statute. Personnel may remove or copy official records or reports from a Police Department installation only in accordance with established department procedures or state statute. Personnel shall not divulge the identity of persons giving confidential information except as authorized by proper authority.

201.15 Endorsements and Referrals (Category 1): Personnel shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, towing service, bondsman, mortician, etc.). In the case of a towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, personnel shall proceed in accordance with established agency directives.

MOUNT DORA POLICE DEPARTMENT

General Order - 201

Standard of Conduct

201.16 Posting of Bonds (Category 1): Personnel who post bail for any person arrested, except for members of their immediate family, shall report same to their supervisor on their next working day.

201.17 Intervention (Category 5): Personnel shall not interfere with cases being handled by other personnel of the Police Department or by any other governmental agency unless:

- a. Ordered to intervene by a superior officer, or
- b. The intervening personnel believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action. Personnel shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their superior officer unless the exigencies of the situation require immediate action.

201.18 Reporting for Duty (Category 1): Personnel shall report for duty at the time and place required by their assignment. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas shall constitute an order to report for duty under this section.

201.19 Moral Character (Category 8): Personnel shall maintain a level of moral conduct in their personal and business affairs which is in the highest standards of the law enforcement profession. Personnel shall not participate in any incident involving moral character which impairs their ability to perform as a law enforcement officer or causes the Police Department to be brought into disrepute. The moral character offense list is established by FDLE and provides the guide for employment and certification of law enforcement officers in the State.

201.20 Accepting Compensation (Category 8): Personnel shall notify the Chief of Police in writing prior to accepting compensation for personal injury or property damage incurred in the performance of official duties.

201.21 Legal Involvement (Category 1): Personnel who are a party to any lawsuit involving their employment with the Department shall immediately notify the Chief of Police in writing through the chain of command. Service of a Summons and Complaint against the Department shall constitute sufficient notice.

201.22 Use of Authority (Category 4): Personnel will not use their uniform or police equipment in any manner other than authorized by the Chief of Police.

201.23 Abuse of Power (Category 9): Personnel shall not use their official position, authority, title, or identification for personal or financial gain for themselves or their associates. Exceptions are agency pay and benefits, and off-duty employment that is conducted consistent with Department Policy. Personnel shall not use their official position, authority, title, or identification to infringe upon a person's civil rights or to otherwise violate the law.

MOUNT DORA POLICE DEPARTMENT

General Order - 201

Standard of Conduct

201.24 Destruction of Records (Category 9): No personnel will intentionally alter, dispose of, destroy, or remove any official Department file, document, or record except as provided for by law or by an authorized superior.

201.25 Falsification of Records (Category 9): Personnel shall not falsify any document, record, statement, report or communication.

201.26 Property and Evidence (Category 8): Personnel shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established agency procedures.

201.27 Damage or Loss of Property (Category 10): Personnel shall utilize Department equipment only for its intended purpose, in accordance with established Department procedures, and shall not carelessly handle, abuse, damage or lose Department equipment. All Department equipment issued to personnel shall be maintained in proper order. Personnel shall not inappropriately abuse or damage property belonging to another party.

201.28 Fictitious Illness or Injury Reports (Category 9): Personnel shall not feign illness or injury, falsely report themselves or others ill or injured for leave purposes, or otherwise deceive or attempt to deceive any Department supervisor as to the condition of their health.

201.29 Use of Alcohol and Illegal Drugs (Category 8): Personnel are prohibited from drinking any alcoholic beverage while on duty or reporting for duty influenced by alcohol. Personnel are also prohibited from consuming illegal drugs while on or off-duty.

Nothing in this regulation should be construed as prohibiting on-duty drinking when necessary to maintain cover or further an investigation when authorized to do so by the Deputy Chief or above. Personnel are also prohibited from consuming any substance to the extent that on-duty performance is impaired.

201.30 Alcoholic Beverages and Illegal Drugs in Department Facilities (Category 8): Personnel shall not store or bring into any Department facility or vehicles alcoholic beverages, controlled substances, narcotics or hallucinogens except those which are lawfully held for evidence or for investigative or other lawful purposes.

201.31 Use of Alcohol Off-Duty (Category 10): Personnel, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in offensive behavior which discredits the Department, or renders the personnel unfit to report for their next regular tour of duty.

201.32 Excessive Use of Force (Category 8): Personnel shall not use more force in any situation than is reasonably necessary under the circumstances. Personnel shall use force in accordance with law and Department written directives.

201.33 Use of Weapons (Category 6): Personnel shall not use or handle weapons, including the chemical agent IPD, in a careless or imprudent manner. Personnel shall use weapons in accordance with law and Department general orders.

MOUNT DORA POLICE DEPARTMENT

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Standard of Conduct

201.34 Unbecoming Conduct (Category 10): Personnel shall conduct themselves at all times, both on and off-duty, in such manner as to reflect most favorably on the Department. This includes, but is not limited to, electronic communications on social media (e.g., Facebook, Twitter, etc.) and Internet sites. Conduct Unbecoming shall include that which brings the Department into disrepute or reflects discredit upon the employee as a member of the Department, or that which impairs the operation or efficiency of the Department or its personnel. This may include photographs and other information on social media and Internet sites identifying them as members of the Mount Dora Police Department.

Unless in furtherance of an official criminal or administrative investigation, an agency member may not surreptitiously record another agency member during working hours, whether a photo, audio, video, or other recording, without his or her knowledge and consent. Agency members attending celebrations (e.g., retirement parties), or meetings or other events that include members of the public, are deemed to have consented to photographs. Any recordings made in violation of this policy will be the exclusive property of the police department.

201.35 Associations (Category 5): Personnel shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the Police Department for involvement in criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the personnel.

201.36 Political Activity (Category 5): Political Activity (Category 5)

- a. On-duty personnel may not use their official authority to:
 - 1. Solicit or receive funds, assessments, subscriptions or contributions for a political candidate; or Solicit or receive funds, assessments, subscriptions or contributions for a political candidate; or
 - 2. Participate in political activity on behalf of, or in opposition to any candidate for political office.
- b. Personnel shall not:
 - 1. Interfere with any election;
 - 2. Interfere with any person's vote for a political party or candidate;
 - 3. Display election campaign materials on police department vehicles or issued equipment; or
 - 4. Wear or display election campaign articles on uniforms while on or off-duty.

201.37 Operating Vehicles (Category 10): Personnel shall operate official vehicles in a careful and prudent manner and shall obey all laws and all department orders pertaining to such operation.

201.38 Treatment of Persons in Custody (Category 8): Personnel shall not mistreat persons who are in their custody. Personnel shall handle such persons in accordance with law and Department procedures.

MOUNT DORA POLICE DEPARTMENT

General Order - 201

Standard of Conduct

201.39 Carrying Firearms (Category 1): All full-time sworn officers shall carry an approved firearm on or about their person while on-duty. While off-duty, all full-time sworn officers are strongly encouraged to carry on or about their person a concealed, approved firearm unless it would be impractical to do so by the nature of their activities, such as recreational activities, sports, etc.

201.40 Violation of Rules (Category 10): Personnel will obey the policies, procedures, instructions and directives of the Chief of Police and the City of Mount Dora Policy and Procedure Manual.

201.41 Police Identification (Category 1): Personnel shall carry their badges and identification cards on their persons at all times, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name to any person requesting that information, when they are on duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

201.42 Discrimination (Category 8): Personnel shall not engage in any form of illegal discrimination or harassment based on race, color, religion, gender, sexual orientation, national origin, age, or as otherwise prohibited by law. All personnel shall report any such discrimination or harassment observed by them committed by another employee immediately to a supervisor, who shall relay the information by the chain of command to the Chief of Police.

201.43 Chain of Command (Category 4): The Chain of Command designates the accepted lines of authority as established from top to bottom, from which all organizational commands are transmitted. The chain of command must be followed. Exceptions to following the Chain of Command are:

- a. When a subordinate has reasonable cause to believe that a supervisor is involved in unlawful or immoral conduct.
- b. When a subordinate reasonably believes they have been given an unlawful order.

201.44 Failure to Cooperate with Internal Inquiry/Investigation (Category 9): Personnel shall answer all questions, provide all requested documents, and otherwise cooperate with inquiries and/or investigations that are related to their employment with the Department, off-duty employment, volunteer activities with the Department or that are otherwise related to Police Department operations. This specifically includes requests from superior officers, or other designees of the Chief of Police.

201.45 Criticism (Category 4): Personnel shall not publicly criticize or ridicule the Police Department, its policies, or other personnel by speech, writing, or other expression, where such speech, writing or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Police Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

MOUNT DORA POLICE DEPARTMENT

General Order - 201

Standard of Conduct

201.46 Sleeping on Duty (Category 10): Personnel shall remain awake while on duty. If unable to do so, they shall report to their superior officer, who shall determine the proper course of action.

201.47 Labor Activity (Category 8):

Personnel shall have the right to join labor organizations, but nothing will compel the police department to recognize or to engage in collective bargaining with any such labor organizations except as provided by law.

Personnel shall not engage in, call or encourage any strike, slowdown, concerted abuse of sick leave, unauthorized picketing in furtherance of a strike, slowdown, or concerted abuse of sick leave or any other concerted interruption of work. Employees shall not engage in such activities in sympathy for or in support of any other employees or union. "Strike" includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician's statement, the stoppage of work, work speed ups, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purposes of inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment. "Unauthorized picketing" includes any action which is in furtherance of a strike, slowdown or concerted abuse of sick leave and has the effect of preventing employees from reporting to or continuing work.

201.48 Gifts, Gratuities (Category 4): Personnel shall not solicit or accept gifts, presents, or other gratuities in return for favor(s) or official act(s).

201.49 Commercial Testimonials (Category 1): Employees shall not permit their names or photographs to be used to endorse any product or service if they are identified as employees of the Mount Dora Police Department without the permission of the Chief of Police.

201.50 Accepting Compensation from Insurance Companies (Category 2): When approached by representatives from insurance companies whose clients are involved in auto accidents (or other incidents) to go to the scene and walk through the facts with their experts, officers will:

1. Not discuss or assist in any pending criminal action except when subpoenaed to do so;
2. Do so only in civil cases with the authorization of the Deputy Chief based on whether time/activity allows, and;
3. Not accept any compensation for such assistance.

201.51 Disclaimer: The Chief of Police reserves the unilateral right to promulgate, amend or delete any policy without notice.



Michael T. Gibson
Chief of Police

112.532 Law enforcement officers' and correctional officers' rights.

All law enforcement officers and correctional officers employed by or appointed to a law enforcement agency or a correctional agency shall have the following rights and privileges:

(1) **RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS WHILE UNDER INVESTIGATION.**—Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason that could lead to disciplinary action, suspension, demotion, or dismissal, the interrogation must be conducted under the following conditions:

(a) The interrogation shall be conducted at a reasonable hour, preferably at a time when the law enforcement officer or correctional officer is on duty, unless the seriousness of the investigation is of such a degree that immediate action is required.

(b) The interrogation shall take place either at the office of the command of the investigating officer or at the office of the local precinct, police unit, or correctional unit in which the incident allegedly occurred, as designated by the investigating officer or agency.

(c) The law enforcement officer or correctional officer under investigation shall be informed of the rank, name, and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interrogation. All questions directed to the officer under interrogation shall be asked by or through one interrogator during any one investigative interrogation, unless specifically waived by the officer under investigation.

(d) The law enforcement officer or correctional officer under investigation must be informed of the nature of the investigation before any interrogation begins, and he or she must be informed of the names of all complainants. All identifiable witnesses shall be interviewed, whenever possible, prior to the beginning of the investigative interview of the accused officer. The complaint, all witness statements, including all other existing subject officer statements, and all other existing evidence, including, but not limited to, incident reports, GPS locator information, and audio or video recordings relating to the incident under investigation, must be provided to each officer who is the subject of the complaint before the beginning of any investigative interview of that officer. An officer, after being informed of the right to review witness statements, may voluntarily waive the provisions of this paragraph and provide a voluntary statement at any time.

(e) Interrogating sessions shall be for reasonable periods and shall be timed to allow for such personal necessities and rest periods as are reasonably necessary.

(f) The law enforcement officer or correctional officer under interrogation may not be subjected to offensive language or be threatened with transfer, dismissal, or disciplinary action. A promise or reward may not be made as an inducement to answer any questions.

(g) The formal interrogation of a law enforcement officer or correctional officer, including all recess periods, must be recorded on audio tape, or otherwise preserved in such a manner as to allow a transcript to be prepared, and there shall be no unrecorded questions or statements. Upon the request of the interrogated officer, a copy of any recording of the interrogation session must be made available to the interrogated officer no later than 72 hours, excluding holidays and weekends, following said interrogation.

(h) If the law enforcement officer or correctional officer under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, he or she shall be completely informed of all his or her rights before commencing the interrogation.

(i) At the request of any law enforcement officer or correctional officer under investigation, he or she has the right to be represented by counsel or any other representative of his or her choice, who shall be present at all times during the interrogation whenever the interrogation relates to the officer's continued fitness for law enforcement or correctional service.

(j) Notwithstanding the rights and privileges provided by this part, this part does not limit the right of an agency to discipline or to pursue criminal charges against an officer.

(2) **COMPLAINT REVIEW BOARDS.**—A complaint review board shall be composed of three members: One member selected by the chief administrator of the agency or unit; one member selected by

the aggrieved officer; and a third member to be selected by the other two members. Agencies or units having more than 100 law enforcement officers or correctional officers shall utilize a five-member board, with two members being selected by the administrator, two members being selected by the aggrieved officer, and the fifth member being selected by the other four members. The board members shall be law enforcement officers or correctional officers selected from any state, county, or municipal agency within the county. There shall be a board for law enforcement officers and a board for correctional officers whose members shall be from the same discipline as the aggrieved officer. The provisions of this subsection shall not apply to sheriffs or deputy sheriffs.

(3) **CIVIL SUITS BROUGHT BY LAW ENFORCEMENT OFFICERS OR CORRECTIONAL OFFICERS.**—Every law enforcement officer or correctional officer shall have the right to bring civil suit against any person, group of persons, or organization or corporation, or the head of such organization or corporation, for damages, either pecuniary or otherwise, suffered during the performance of the officer's official duties, for abridgment of the officer's civil rights arising out of the officer's performance of official duties, or for filing a complaint against the officer which the person knew was false when it was filed. This section does not establish a separate civil action against the officer's employing law enforcement agency for the investigation and processing of a complaint filed under this part.

(4) **NOTICE OF DISCIPLINARY ACTION; COPY OF AND OPPORTUNITY TO ADDRESS CONTENTS OF INVESTIGATIVE FILE; CONFIDENTIALITY.**—

(a) A dismissal, demotion, transfer, reassignment, or other personnel action that might result in loss of pay or benefits or that might otherwise be considered a punitive measure may not be taken against any law enforcement officer or correctional officer unless the law enforcement officer or correctional officer is notified of the action and the reason or reasons for the action before the effective date of the action.

(b) Notwithstanding s. 112.533(2), whenever a law enforcement officer or correctional officer is subject to disciplinary action consisting of suspension with loss of pay, demotion, or dismissal, the officer or the officer's representative shall, upon request, be provided with a complete copy of the investigative file, including the final investigative report and all evidence, and with the opportunity to address the findings in the report with the employing law enforcement agency before imposing disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. The contents of the complaint and investigation shall remain confidential until such time as the employing law enforcement agency makes a final determination whether or not to issue a notice of disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. This paragraph does not provide law enforcement officers with a property interest or expectancy of continued employment, employment, or appointment as a law enforcement officer.

(5) **RETALIATION FOR EXERCISING RIGHTS.**—No law enforcement officer or correctional officer shall be discharged; disciplined; demoted; denied promotion, transfer, or reassignment; or otherwise discriminated against in regard to his or her employment or appointment, or be threatened with any such treatment, by reason of his or her exercise of the rights granted by this part.

(6) **LIMITATIONS PERIOD FOR DISCIPLINARY ACTIONS.**—

(a) Except as provided in this subsection, disciplinary action, suspension, demotion, or dismissal may not be undertaken by an agency against a law enforcement officer or correctional officer for any act, omission, or other allegation or complaint of misconduct, regardless of the origin of the allegation or complaint, if the investigation of the allegation or complaint is not completed within 180 days after the date the agency receives notice of the allegation or complaint by a person authorized by the agency to initiate an investigation of the misconduct. If the agency determines that disciplinary action is appropriate, it shall complete its investigation and give notice in writing to the law enforcement officer or correctional officer of its intent to proceed with disciplinary action, along with a proposal of the specific action sought, including length of suspension, if applicable. Notice to the officer must be provided within 180 days after the date the agency received notice of the alleged misconduct, regardless of the origin of the allegation or complaint, except as follows:

1. The running of the limitations period may be tolled for a period specified in a written waiver of the limitation by the law enforcement officer or correctional officer.

2. The running of the limitations period is tolled during the time that any criminal investigation or prosecution is pending in connection with the act, omission, or other allegation of misconduct.

3. If the investigation involves an officer who is incapacitated or otherwise unavailable, the running of the limitations period is tolled during the period of incapacitation or unavailability.

4. In a multijurisdictional investigation, the limitations period may be extended for a period of time reasonably necessary to facilitate the coordination of the agencies involved.

5. The running of the limitations period may be tolled for emergencies or natural disasters during the time period wherein the Governor has declared a state of emergency within the jurisdictional boundaries of the concerned agency.

6. The running of the limitations period is tolled during the time that the officer's compliance hearing proceeding is continuing beginning with the filing of the notice of violation and a request for a hearing and ending with the written determination of the compliance review panel or upon the violation being remedied by the agency.

(b) An investigation against a law enforcement officer or correctional officer may be reopened, notwithstanding the limitations period for commencing disciplinary action, demotion, or dismissal, if:

1. Significant new evidence has been discovered that is likely to affect the outcome of the investigation.

2. The evidence could not have reasonably been discovered in the normal course of investigation or the evidence resulted from the predisciplinary response of the officer.

Any disciplinary action resulting from an investigation that is reopened pursuant to this paragraph must be completed within 90 days after the date the investigation is reopened.

History.—s. 2, ch. 74-274; s. 2, ch. 82-156; s. 2, ch. 93-19; s. 721, ch. 95-147; s. 1, ch. 98-249; s. 1, ch. 2000-184; s. 1, ch. 2003-149; s. 3, ch. 2005-100; s. 1, ch. 2007-110; s. 1, ch. 2009-200; s. 3, ch. 2020-104.

112.533 Receipt and processing of complaints.

(1)(a) Every law enforcement agency and correctional agency shall establish and put into operation a system for the receipt, investigation, and determination of complaints received by such agency from any person, which shall be the procedure for investigating a complaint against a law enforcement and correctional officer and for determining whether to proceed with disciplinary action or to file disciplinary charges, notwithstanding any other law or ordinance to the contrary. When law enforcement or correctional agency personnel assigned the responsibility of investigating the complaint prepare an investigative report or summary, regardless of form, the person preparing the report shall, at the time the report is completed:

1. Verify pursuant to s. 92.525 that the contents of the report are true and accurate based upon the person's personal knowledge, information, and belief.

2. Include the following statement, sworn and subscribed to pursuant to s. 92.525:

"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes."

The requirements of subparagraphs 1. and 2. shall be completed prior to the determination as to whether to proceed with disciplinary action or to file disciplinary charges. This subsection does not preclude the Criminal Justice Standards and Training Commission from exercising its authority under chapter 943.

(b)1. Any political subdivision that initiates or receives a complaint against a law enforcement officer or correctional officer must within 5 business days forward the complaint to the employing agency of the officer who is the subject of the complaint for review or investigation.

2. For purposes of this paragraph, the term "political subdivision" means a separate agency or unit of local government created or established by law or ordinance and the officers thereof and includes, but is not limited to, an authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village.

Notwithstanding the rights and privileges provided under this part or any provisions provided in a collective bargaining agreement, the agency head or the agency head's designee may request a sworn or certified investigator from a separate law enforcement or correctional agency to conduct the investigation when a conflict is identified with having an investigator conduct the investigation of an officer of the same employing agency; the employing agency does not have an investigator trained to conduct such investigations; or the agency's investigator is the subject of, or a witness in, the investigation and such agency is composed of any combination of 35 or fewer law enforcement officers or correctional officers. The employing agency must document the identified conflict. Upon completion of the investigation, the investigator shall present the findings without any disciplinary recommendation to the employing agency.

(2)(a) A complaint filed against a law enforcement officer or correctional officer with a law enforcement agency or correctional agency and all information obtained pursuant to the investigation by the agency of the complaint is confidential and exempt from the provisions of s. 119.07(1) until the investigation ceases to be active, or until the agency head or the agency head's designee provides written notice to the officer who is the subject of the complaint, either personally or by mail, that the agency has either:

1. Concluded the investigation with a finding not to proceed with disciplinary action or to file charges; or
2. Concluded the investigation with a finding to proceed with disciplinary action or to file charges.

Notwithstanding the foregoing provisions, the officer who is the subject of the complaint, along with legal counsel or any other representative of his or her choice, may review the complaint and all statements regardless of form made by the complainant and witnesses and all existing evidence, including, but not limited to, incident reports, analyses, GPS locator information, and audio or video recordings relating to the investigation, immediately before beginning the investigative interview. All statements, regardless of form, provided by a law enforcement officer or correctional officer during the course of a complaint investigation of that officer shall be made under oath pursuant to s. 92.525. Knowingly false statements given by a law enforcement officer or correctional officer under investigation may subject the law enforcement officer or correctional officer to prosecution for perjury. If a witness to a complaint is incarcerated in a correctional facility and may be under the supervision of, or have contact with, the officer under investigation, only the names and written statements of the complainant and nonincarcerated witnesses may be reviewed by the officer under investigation immediately prior to the beginning of the investigative interview.

(b) This subsection does not apply to any public record which is exempt from public disclosure pursuant to chapter 119. For the purposes of this subsection, an investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding is made within 45 days after the complaint is filed.

(c) Notwithstanding other provisions of this section, the complaint and information shall be available to law enforcement agencies, correctional agencies, and state attorneys in the conduct of a lawful criminal investigation.

(3) A law enforcement officer or correctional officer has the right to review his or her official personnel file at any reasonable time under the supervision of the designated records custodian. A law enforcement

6/10/26

officer or correctional officer may attach to the file a concise statement in response to any items included in the file identified by the officer as derogatory, and copies of such items must be made available to the officer.

(4) Any person who is a participant in an internal investigation, including the complainant, the subject of the investigation and the subject's legal counsel or a representative of his or her choice, the investigator conducting the investigation, and any witnesses in the investigation, who willfully discloses any information obtained pursuant to the agency's investigation, including, but not limited to, the identity of the officer under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with a confidential internal investigation of an agency, before such complaint, document, action, or proceeding becomes a public record as provided in this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. However, this subsection does not limit a law enforcement or correctional officer's ability to gain access to information under paragraph (2)(a). Additionally, a sheriff, police chief, or other head of a law enforcement agency, or his or her designee, is not precluded by this section from acknowledging the existence of a complaint and the fact that an investigation is underway.

History.—s. 3, ch. 74-274; s. 3, ch. 82-156; s. 1, ch. 82-405; s. 1, ch. 83-136; s. 1, ch. 87-59; s. 2, ch. 89-223; s. 1, ch. 90-32; s. 31, ch. 90-360; s. 3, ch. 93-19; s. 722, ch. 95-147; s. 39, ch. 96-406; s. 2, ch. 98-249; s. 2, ch. 2000-184; s. 2, ch. 2003-149; s. 33, ch. 2004-335; s. 42, ch. 2005-251; s. 2, ch. 2007-110; s. 1, ch. 2007-118; s. 2, ch. 2009-200; s. 4, ch. 2020-104.

112.534 Failure to comply; official misconduct.

(1) If any law enforcement agency or correctional agency, including investigators in its internal affairs or professional standards division, or an assigned investigating supervisor, intentionally fails to comply with the requirements of this part, the following procedures apply. For purposes of this section, the term "law enforcement officer" or "correctional officer" includes the officer's representative or legal counsel, except in application of paragraph (d).

(a) The law enforcement officer or correctional officer shall advise the investigator of the intentional violation of the requirements of this part which is alleged to have occurred. The officer's notice of violation is sufficient to notify the investigator of the requirements of this part which are alleged to have been violated and the factual basis of each violation.

(b) If the investigator fails to cure the violation or continues the violation after being notified by the law enforcement officer or correctional officer, the officer shall request the agency head or his or her designee be informed of the alleged intentional violation. Once this request is made, the interview of the officer shall cease, and the officer's refusal to respond to further investigative questions does not constitute insubordination or any similar type of policy violation.

(c) Thereafter, within 3 working days, a written notice of violation and request for a compliance review hearing shall be filed with the agency head or designee which must contain sufficient information to identify the requirements of this part which are alleged to have been violated and the factual basis of each violation. All evidence related to the investigation must be preserved for review and presentation at the compliance review hearing. For purposes of confidentiality, the compliance review panel hearing shall be considered part of the original investigation.

(d) Unless otherwise remedied by the agency before the hearing, a compliance review hearing must be conducted within 10 working days after the request for a compliance review hearing is filed, unless, by mutual agreement of the officer and agency or for extraordinary reasons, an alternate date is chosen. The panel shall review the circumstances and facts surrounding the alleged intentional violation. The

compliance review panel shall be made up of three members: one member selected by the agency head, one member selected by the officer filing the request, and a third member to be selected by the other two members. The review panel members shall be law enforcement officers or correctional officers who are active from the same law enforcement discipline as the officer requesting the hearing. Panel members may be selected from any state, county, or municipal agency within the county in which the officer works. The compliance review hearing shall be conducted in the county in which the officer works.

(e) It is the responsibility of the compliance review panel to determine whether or not the investigator or agency intentionally violated the requirements provided under this part. It may hear evidence, review relevant documents, and hear argument before making such a determination; however, all evidence received shall be strictly limited to the allegation under consideration and may not be related to the disciplinary charges pending against the officer. The investigative materials are considered confidential for purposes of the compliance review hearing and determination.

(f) The officer bears the burden of proof to establish that the violation of this part was intentional. The standard of proof for such a determination is by a preponderance of the evidence. The determination of the panel must be made at the conclusion of the hearing, in writing, and filed with the agency head and the officer.

(g) If the alleged violation is sustained as intentional by the compliance review panel, the agency head shall immediately remove the investigator from any further involvement with the investigation of the officer. Additionally, the agency head shall direct an investigation be initiated against the investigator determined to have intentionally violated the requirements provided under this part for purposes of agency disciplinary action. If that investigation is sustained, the sustained allegations against the investigator shall be forwarded to the Criminal Justice Standards and Training Commission for review as an act of official misconduct or misuse of position.

(2)(a) All the provisions of s. [838.022](#) shall apply to this part.

(b) The provisions of chapter 120 do not apply to this part.

History.—s. 4, ch. 74-274; s. 35, ch. 77-104; s. 1, ch. 78-291; s. 4, ch. 82-156; s. 4, ch. 93-19; s. 3, ch. 2000-184; s. 8, ch. 2003-158; s. 3, ch. 2009-200; s. 5, ch. 2011-4; s. 6, ch. 2016-151.



CITY OF MOUNT DORA

Police Department
1300 N. Donnelly St.
Mount Dora, FL 32757
352-735-7130
Fax: 352-383-4623
E-mail: policedept@cityofmoundora.com

DATE: June 22, 2026
TO: Officer Jeremiah Murphy
FROM: Chief Michael T. Gibson
SUBJECT: Amended Notice of Internal Investigation, 2026-03

On June 10, 2026 you were served with a *Notice of Internal Investigation* and *Relief of Duty with Pay Pursuant to Internal Investigation* by Captain Mark Leubscher. Stipulation seven (7) of the *Relief of Duty with Pay Pursuant to Internal Investigation* states: You must be available via cellular phone and be available to respond to the Police Department Monday through Friday between the hours of 0800 and 1600 hours. On Tuesday June 16, 2026 Captain Jack Andreano called you at your listed telephone number and left a voice mail message ordering you to contact Total Comp Net at 954-677-1200 to follow up on your drug test.

As of this date, we have not received confirmation that you made this telephone call. On Thursday June 18, 2026 Captain Andreano called you at your listed telephone number and left a voice mail message ordering you to report to the Mount Dora Police Department on Monday June 22, 2026 at 0900 hours. You failed to report to the Mount Dora Police Department as ordered or contact Captain Andreano.

As a result, I am directing and authorizing Officer Dave Allmond to expand the scope of the aforementioned professional standards investigation to add:

201.08 Insubordination (Category 10)

Please review Florida Statute 112.532 as it pertains to your rights as a law enforcement officer during the course of this investigation being provided.

Until the conclusion of this investigation, you are directed to refrain from discussing the substance of this matter with anyone other than your legal counsel, legal representative, or the assigned investigator. You are also reminded that your full cooperation with this investigation is expected and required.

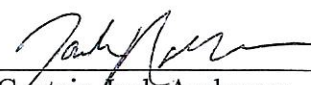
If you should have any questions regarding the process moving forward, do not hesitate to contact the assigned investigator.

Notice Received:

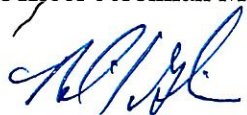
Notice Served:


Officer Jeremiah Murphy

Date: 6/22/2026

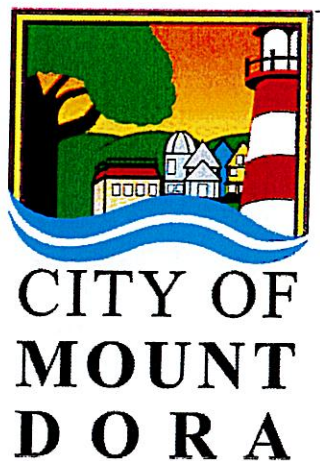

Captain Jack Andreano

Date: 6/22/2026


Chief Michael T. Gibson

Date: 6/22/2026

Copies: Investigator Allmond / Internal Investigations File
Officer Jeremiah Murphy



Employment Policy
& Procedure Reference Guide
May 2025

17.09 Drug-Free Workplace Program

It is the purpose of this policy to establish and proclaim the City of Mount Dora's intent to maintain a 'DRUG FREE' workplace. In so doing, the City has adopted the Drug-Free Workplace Program in accordance with the requirements set forth in Florida Statutes Section 440.101 and 440.102, as well as in accordance with Rule 38F-9, established by the Florida Department of Labor and Employment Security, Division of Workers' Compensation. It is a condition of employment with the City of Mount Dora for an employee to refrain from reporting to work or working with the presence of drugs or alcohol in her/his body. In addition to possible disciplinary procedures and termination as a result of any violation of this Drug-Free Workplace Program, an employee injured in the course and scope of employment who refuses to submit to a test for drugs or alcohol, or is tested and has a positive confirmation of drug or alcohol use, may forfeit his/her eligibility for medical and indemnity benefits under the Workers' Compensation Act.

The City acknowledges the problem of substance abuse, including abuse of alcohol by our society. Furthermore, the City sees substance abuse as a serious threat to both employees its customers, and the general public. The City is addressing this problem by establishing a substance abuse policy to ensure all employees have a drug-free workplace.

Drug and alcohol addiction is a complex, yet treatable condition. For this reason, this program is targeted at alleviating the problem at the community level by involving and educating employees. Policies are designed not only to eradicate drug abuse in the workplace, but also to encourage drug users to seek and successfully complete rehabilitative treatment.

While the City understands that employees and applicants under a physician's care may be required to use prescription or over-the-counter drugs, abuse of prescribed or over-the-counter medications will be dealt with in the same manner as any other substance abuse. Because substance abuse and chemical dependencies are treatable conditions, employees seeking help for a drug or alcohol problem, whether voluntarily or through disciplinary action, will be treated the same as those employees with other conditions as far as eligibility for health benefits and sick and/or personal leave. Nothing in this policy, however, shall limit the City's right to enforce appropriate disciplinary measures for violation of policy, including, if necessary, termination; nor does this policy bind the City to payment for any care provided beyond the City's existing employee benefits.

With these basic objectives in mind, the City of Mount Dora has established the following policy:

A. Drug Use

Employees are absolutely prohibited from using, possessing, distributing, manufacturing, selling, attempting to sell or being under the influence of drugs while on or off the job. As used in this policy, improper drug use is the use of any drug which is not legally obtainable; which is legally obtainable, but has not been legally obtained; or which is being used in a manner or for a purpose other than prescribed (for example, use of depressants and stimulants not prescribed for current personal treatment by an accredited physician). Some examples of drugs include:

- Marijuana
- Amphetamines
- Cannabinoids
- Cocaine
- Phencyclidine (PCP)
- Hallucinogens (LSD)

- Methaqualone
- Opiates
- Barbiturates
- Benzodiazepines
- Synthetic Narcotics or Designer Drugs

Employees who violate this policy will be subject to disciplinary action, up to and including possible termination.

B. Alcohol Use

Employees are absolutely prohibited from using, possessing, distributing, manufacturing, selling, attempting to sell, or being under the influence of alcohol while on duty, while on City property, or on any work site. "Alcohol" means ethyl alcohol (ethanol) and includes use of any beverage, mixture or preparation containing ethyl alcohol, including but not limited to, distilled spirits, wine, malt beverages and intoxicating liquors. With regard to alcohol, an employee may also be determined to be "under the influence of alcohol" for purposes of this policy if the employee has a blood level of .05 g/d l% or higher. Employees who violate this policy will be subject to discipline, including possible termination.

C. Use of Prescription and Nonprescription Medication

1. Employees must notify their supervisor when using any medication that may limit their ability to perform their job. Such notification may be confidentially given. Verification of any and all medication may be required.
2. Where prescription medication is involved, verification may include the employee submitting a prescription copy of a physician's statement showing medication required and dates of use. Failure to report the use of medication or failure to verify the use of medication may result in discipline, including possible termination.

D. Arrest and Conviction for Drugs

1. It is a condition of employment with the City of Mount Dora that any employee convicted of any criminal drug violation occurring in the workplace or off-the-job must report such conviction to his supervisor within five (5) calendar days of such conviction. Further, a nolo contendere or guilty plea for drug activity is also to be reported in the same manner.
2. In deciding what action to take, the supervisor, department head and City Manager will take into consideration the nature of the charges, the employee's present job assignment, the employee's record with the City and other factors relative to the impact of the employee's conviction, or nolo contendere or guilty plea upon the conduct of City business.

E. Duty to Report Employee Drug and Substance Abuse

Employees must immediately report violations of these policies by other employees. Any employee who, in good faith based on reasonable suspicion, reports an alleged violation of this policy, or any supervisor who investigates or takes action in good faith based on reasonable suspicion, shall not be harassed, retaliated against, or discriminated against in any way for making reports or participating in any investigation or

action based thereon. To the greatest extent possible, the reporting of employee drug and substance abuse will be kept confidential.

F. Confidentiality

1. All information, interviews, reports, statement memoranda, and drug test results, written or otherwise, received by the City through a drug testing program will be kept confidential. Also, laboratories, employee assistance programs, drug and alcohol rehabilitation programs, and their personnel who receive or have access to information concerning drug test results shall keep all information confidential. Unless compelled by a hearing officer, court or professional or occupational licensing board, information regarding drug testing may be released only by the voluntary written consent of the person tested.
2. Nothing in this provision shall be construed to prohibit the City, an agent of the City, or laboratory conducting a drug test information when consulting legal counsel in connection with actions brought under or related to Rule 38F-9 or when information is relevant to a defense in a civil administrative matter.

G. Drug Test

1. The following is a list of all drugs for which the City will test the job applicant or employee:
 - Alcohol
 - Opiates
 - Amphetamines
 - Barbiturates
 - Cannabinoids
 - Benzodiazepines
 - Cocaine
 - Synthetic narcotics
 - Phencyclidine
 - Methadone
 - Methaqualone
 - Propoxyphene
2. The following is a list of some over-the-counter and prescription drugs which could alter or affect the outcome of a drug test:
 - a) Alcohol - all liquid medications containing ethyl alcohol (ethanol) (the label will indicate alcohol content)
 - b) Amphetamines - Obetrol, Biphetamine, Desoxyxyn, Dexedrine and Didrex
 - c) Cannabinoids - Marinol (Dronabinol, THC)
 - d) Cocaine - Cocaine HCl topical solution (Roxanne)
 - e) Phencyclidine - not legal by prescription
 - f) Methaqualone - not legal by prescription
 - g) Opiates - Paregoric, Parepectolin, Donnagel PG, Morphine, Ty- lenol with Codeine, Emprim with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine DH, Novahistine Expectorant, Dlaudid (Hydromorphon), M-S Contin and Roxanol (morphine sulfate), Perdocan, Vicodin
 - h) Barbiturates - Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilian, Triad

- i) Benzodiazepines - Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax
- j) Methadone - Dolophine, Methadose
- k) Propoxyphene - Darvocet, Darvon N, Dolene

H. Job Applicant Drug Testing

1. A job applicant who has applied for a position with the City of Mount Dora and has been offered employment conditional upon successfully passing a drug test will undergo screening for the presence of drugs or alcohol. An applicant who refuses to take the test or whose test results are confirmed positive will be denied employment. Positive test results may be challenged by the applicant.
2. The job applicant has the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication and the possible affect these drugs may have on the outcome of a drug test. If the job applicant is using prescription or non-prescription medications, which may affect the outcome of a drug test, the applicant must report the use of the medication to the individual administering the test before the test is taken.

I. Employee Drug Testing

The City will maintain drug testing practices to identify employees who are working under the influence of drugs or alcohol. It shall be a condition of continued employment for all employees to submit to the following drug tests:

1. Reasonable Suspicion, which may include, but is not necessarily limited to:
 - a. Observable phenomena while at work, such as direct observation of drug use or the physical symptoms of being under the influence of drugs, such as drowsiness or sleepiness, slurred or incoherent speech, unusually aggressive behavior, severe mood swings, lack of coordination and the like;
 - b. Abnormal conduct or erratic behavior or a significant otherwise unexplained deterioration in work performance;
 - c. A report of drug use, provided by a reliable and credible source;
 - d. Evidence that an individual has tampered with a drug test during their employment with the City;
 - e. When there is information that an employee has caused, or contributed to, or has been involved in an accident while at work;
 - f. And when there is evidence an employee has used, possessed, sold, solicited, or transferred drugs while working or while on City property or while operating City vehicles, machinery or other equipment.

J. Confirmation of Drug Test Results

The City will not terminate, discipline, refuse to hire, discriminate against, or request or require rehabilitation of a job applicant or employee on the sole basis of a positive test result that has not been verified by a confirmation test. A confirmation test is a second analytical procedure run on a sample that was positive on the initial test. The confirmation test will be different in scientific principal from that of the initial test procedure.

K. Challenge of a Positive Drug Test Result

1. A job applicant or employee who receives a positive confirmed drug test result may contest the result to the City within five (5) working days after written notification of the positive test results. If the City finds the explanation unsatisfactory, the City shall within ten (10) working days of receipt of the challenge provide a written response to the job applicant or employee as why the explanation is unsatisfactory, along with the report of the positive results.
2. It is the responsibility of the job applicant or employee to notify the laboratory of a pending challenge of the positive test results and of the need to retain the test sample until the matter is settled.

L. Consequences of Confirmed Positive Test Results

1. If an employee tests positive, the department shall immediately place the employee on sick leave. If there is insufficient accrued sick leave or accrued vacation leave, the employee will be placed on leave of absence without pay.
2. An employee who has tested positive and who has been referred to the Employee Assistance Program or other appropriate treatment program and who refuses this referral shall be terminated for cause.
3. An employee who accepts treatment must understand the requirement to complete such program. Failure to do so will result in termination for cause.
4. An employee who completes treatment will be required to furnish proof of such completion to their Department Head and the City's Human Resources department. This proof will be reviewed by the City's designated competent medical authority as part of a fitness for duty medical examination prior to the employee being reinstated to work status.
5. Special risk employees may be terminated or disciplined for the first positive confirmed drug test result when illicit drugs, pursuant to Florida Statutes Section 893, are confirmed. No special risk employee shall be permitted to continue to work in a "safety-sensitive" position, but may be placed either in a "non-safety-sensitive" position or on sick leave while participating in a rehabilitative program.
6. The City will decide on a case-by-case basis whether to refer an employee to a treatment program in lieu of termination from employment. Nothing herein shall preclude the City from terminating the employment of an employee who is the subject of a confirmed positive test.

Likewise, nothing herein guarantees any employee the right to be referred to a treatment program.

M. Voluntary Request for Treatment

1. An employee who seeks voluntary treatment for alcohol or drug related problems and has not been previously tested as positive may do so without consequence of disciplinary action assuming they have not been involved in any other aspect covered under I. above. Every degree of confidentiality shall be afforded in a case such as this.
2. An employee in this category shall be placed on sick leave. If there is insufficient accrued sick and/or vacation leave, the employee will be placed on leave of absence without pay. The duration of the leave shall be at the sole discretion of the City.
3. The employee must understand the treatment program must be completed and proof of such completion must be furnished to the Department Head and Human Resources department. This proof will be reviewed by the City's designated competent medical authority as part of a fitness for duty medical examination prior to the employee being reinstated to work status.

The 2025 Florida Statutes

[Title X](#)[Chapter 112](#)[View Entire
Chapter](#)

PUBLIC OFFICERS, EMPLOYEES, AND PUBLIC OFFICERS AND EMPLOYEES: GENERAL
RECORDS PROVISIONS

112.0455 Drug-Free Workplace Act.—

(1) **SHORT TITLE.**—This section shall be known and may be cited as the “Drug-Free Workplace Act.”

(2) **PURPOSE.**—This section is intended to:

(a) Promote the goal of drug-free workplaces within government through fair and reasonable drug-testing methods for the protection of public employees and employers.

(b) Encourage employers to provide employees who have drug use problems with an opportunity to participate in an employee assistance program or an alcohol and drug rehabilitation program.

(c) Provide for confidentiality of testing results.

(3) **FINDINGS.**—The Legislature finds that:

(a) Drug use has serious adverse effects upon a significant portion of the workforce, resulting in billions of dollars of lost productivity each year and posing a threat to the workplace and to public safety and security.

(b) Maintaining a healthy and productive workforce, safe working conditions free from the effects of drugs, and quality products and services is important to employers, employees, and the general public in this state. The Legislature further finds that drug use creates a variety of workplace problems, including increased injury on the job, increased absenteeism, increased financial burden on health and benefit programs, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of products and services.

(c) Certain drug-testing standards are necessary to protect persons participating in workplace drug-testing programs.

(d) In balancing the interests of employers, employees, and the welfare of the general public, the establishment of standards to assure fair and accurate testing for drugs in the workplace is in the best interests of all.

(4) **NO LEGAL DUTY TO TEST.**—All drug testing conducted by employers shall be in conformity with the standards established in this section and all applicable rules promulgated pursuant to this section. However, employers shall not have a legal duty under this section to request an employee or job applicant to undergo drug testing. No testing of employees shall take effect until local drug abuse assistance programs have been identified.

(5) **DEFINITIONS.**—Except where the context otherwise requires, as used in this act:

(a) “Chain of custody” refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing for accountability at each stage in handling, testing, storing specimens, and reporting of test results.

(b) “Confirmation test,” “confirmed test,” or “confirmed drug test” means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. The confirmation test must be different in scientific principle from that of the initial test procedure. This confirmation method must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

(c) “Drug” means alcohol, including distilled spirits, wine, malt beverages, and intoxicating liquors; amphetamines; cannabinoids; cocaine; phencyclidine (PCP); hallucinogens; methaqualone; opiates; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of the substances listed herein.

(d) "Drug test" or "test" means any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites.

(e) "Employee" means a person who works for salary, wages, or other remuneration for an employer.

(f) "Employee assistance program" means an established program for employee assessment, counseling, and possible referral to an alcohol and drug rehabilitation program.

(g) "Employer" means an agency within state government that employs individuals for salary, wages, or other remuneration.

(h) "Initial drug test" means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens. All initial tests must use an immunoassay procedure or an equivalent, or must use a more accurate scientifically accepted method approved by the Agency for Health Care Administration as more accurate technology becomes available in a cost-effective form.

(i) "Job applicant" means a person who has applied for a position with an employer and has been offered employment conditioned upon successfully passing a drug test.

(j) "Prescription or nonprescription medication" means a drug or medication obtained pursuant to a prescription as defined by s. 893.02 or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

(k) "Random testing" means a drug test conducted on employees who are selected through the use of a computer-generated random sample of an employer's employees.

(l) "Reasonable suspicion drug testing" means drug testing based on a belief that an employee is using or has used drugs in violation of the employer's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Reasonable suspicion drug testing may not be required except upon the recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee in question. Among other things, such facts and inferences may be based upon:

1. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
3. A report of drug use, provided by a reliable and credible source, which has been independently corroborated.
4. Evidence that an individual has tampered with a drug test during employment with the current employer.
5. Information that an employee has caused, or contributed to, an accident while at work.
6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.

(m) "Special risk" means employees who are required as a condition of employment to be certified under chapter 633 or chapter 943.

(n) "Specimen" means a tissue, hair, or product of the human body capable of revealing the presence of drugs or their metabolites.

(6) NOTICE TO EMPLOYEES.—

(a) Employers with no drug-testing program shall ensure that at least 60 days elapse between a general one-time notice to all employees that a drug-testing program is being implemented and the beginning of actual drug testing. Employers with drug-testing programs in place prior to the effective date of this section are not required to provide a 60-day notice period.

(b) Prior to testing, all employees and job applicants for employment shall be given a written policy statement from the employer which contains:

1. A general statement of the employer's policy on employee drug use, which shall identify:
 - a. The types of testing an employee or job applicant may be required to submit to, including reasonable suspicion or other basis; and
 - b. The actions the employer may take against an employee or job applicant on the basis of a positive confirmed drug test result.
2. A statement advising the employee or job applicant of the existence of this section.

3. A general statement concerning confidentiality.
 4. Procedures for employees and job applicants to confidentially report the use of prescription or nonprescription medications both before and after being tested. Additionally, employees and job applicants shall receive notice of the most common medications by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test. A list of such medications shall be developed by the Agency for Health Care Administration.
 5. The consequences of refusing to submit to a drug test.
 6. Names, addresses, and telephone numbers of employee assistance programs and local alcohol and drug rehabilitation programs.
 7. A statement that an employee or job applicant who receives a positive confirmed drug test result may contest or explain the result to the employer within 5 working days after written notification of the positive test result. If an employee or job applicant's explanation or challenge is unsatisfactory to the employer, the person may contest the drug test result as provided by subsections (14) and (15).
 8. A statement informing the employee or job applicant of his or her responsibility to notify the laboratory of any administrative or civil actions brought pursuant to this section.
 9. A list of all drugs for which the employer will test, described by brand names or common names, as applicable, as well as by chemical names.
 10. A statement regarding any applicable collective bargaining agreement or contract and the right to appeal to the Public Employees Relations Commission.
 11. A statement notifying employees and job applicants of their right to consult the testing laboratory for technical information regarding prescription and nonprescription medication.
- (c) An employer shall include notice of drug testing on vacancy announcements for those positions where drug testing is required. A notice of the employer's drug-testing policy shall also be posted in an appropriate and conspicuous location on the employer's premises, and copies of the policy shall be made available for inspection by the general public during regular business hours in the employer's personnel office or other suitable locations.
- (7) **TYPES OF TESTING.**—Drug testing must be conducted within each agency's appropriation. An employer may conduct, but is not required to conduct, the following types of drug tests:
- (a) *Job applicant testing.*—An employer may require job applicants to submit to a drug test and may use a refusal to submit to a drug test or a positive confirmed drug test as a basis for refusal to hire the job applicant.
 - (b) *Reasonable suspicion.*—An employer may require an employee to submit to reasonable suspicion drug testing.
 - (c) *Random testing.*—An employer may conduct random testing once every 3 months. The random sample of employees chosen for testing must be computer-generated by an independent third party. A random sample may not constitute more than 10 percent of the total employee population.
 - (d) *Routine fitness for duty.*—An employer may require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the employer's established policy or that is scheduled routinely for all members of an employment classification or group.
 - (e) *Followup testing.*—If the employee in the course of employment enters an employee assistance program for drug-related problems, or an alcohol and drug rehabilitation program, the employer may require the employee to submit to a drug test as a followup to such program, and on a quarterly, semiannual, or annual basis for up to 2 years thereafter.
- (8) **PROCEDURES AND EMPLOYEE PROTECTION.**—All specimen collection and testing for drugs under this section shall be performed in accordance with the following procedures:
- (a) A sample shall be collected with due regard to the privacy of the individual providing the sample, and in a manner reasonably calculated to prevent substitution or contamination of the sample.
 - (b) Specimen collection shall be documented, and the documentation procedures shall include:
 1. Labeling of specimen containers so as to reasonably preclude the likelihood of erroneous identification of test results.

2. A form for the employee or job applicant to provide any information he or she considers relevant to the test, including identification of currently or recently used prescription or nonprescription medication, or other relevant medical information. Such form shall provide notice of the most common medications by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test. The providing of information does not preclude the administration of the drug test, but shall be taken into account in interpreting any positive confirmed results.

(c) Specimen collection, storage, and transportation to the testing site shall be performed in a manner that will reasonably preclude specimen contamination or adulteration.

(d) Each initial and confirmation test conducted under this section, not including the taking or collecting of a specimen to be tested, shall be conducted by a licensed laboratory as described in subsection (12).

(e) A specimen for a drug test may be taken or collected by any of the following persons:

1. A physician, a physician assistant, a registered professional nurse, a licensed practical nurse, a nurse practitioner, or a certified paramedic who is present at the scene of an accident for the purpose of rendering emergency medical service or treatment.

2. A qualified person employed by a licensed laboratory.

(f) A person who collects or takes a specimen for a drug test conducted pursuant to this section shall collect an amount sufficient for two drug tests as determined by the Agency for Health Care Administration.

(g) Any drug test conducted or requested by an employer may occur before, during, or immediately after the regular work period of the employee, and shall be deemed to be performed during work time for the purposes of determining compensation and benefits for the employee.

(h) Every specimen that produces a positive confirmed result shall be preserved by the licensed laboratory that conducts the confirmation test for a period of at least 210 days from the time the results of the positive confirmation test are mailed or otherwise delivered to the employer. However, if an employee or job applicant undertakes an administrative or legal challenge to the test result, the employee or job applicant shall notify the laboratory and the sample shall be retained by the laboratory until the case or administrative appeal is settled. During the 180-day period after written notification of a positive test result, the employee or job applicant who has provided the specimen shall be permitted by the employer to have a portion of the specimen retested, at the employee or job applicant's expense, at another laboratory, licensed and approved by the Agency for Health Care Administration, chosen by the employee or job applicant. The second laboratory must test at equal or greater sensitivity for the drug in question as the first laboratory. The first laboratory that performed the test for the employer is responsible for the transfer of the portion of the specimen to be retested, and for the integrity of the chain of custody during such transfer.

(i) Within 5 working days after receipt of a positive confirmed test result from the testing laboratory, an employer shall inform an employee or job applicant in writing of such positive test result, the consequences of such results, and the options available to the employee or job applicant.

(j) The employer shall provide to the employee or job applicant, upon request, a copy of the test results.

(k) Within 5 working days after receiving notice of a positive confirmed test result, the employee or job applicant may submit information to an employer explaining or contesting the test results, and why the results do not constitute a violation of the employer's policy.

(l) If an employee or job applicant's explanation or challenge of the positive test results is unsatisfactory to the employer, a written explanation as to why the employee or job applicant's explanation is unsatisfactory, along with the report of positive results, shall be provided by the employer to the employee or job applicant. All such documentation shall be kept confidential and exempt from the provisions of s. 119.07(1) by the employer pursuant to subsection (11) and shall be retained by the employer for at least 1 year.

(m) An employer may not discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of an employee or job applicant on the sole basis of a positive test result that has not been verified by a confirmation test.

(n) Upon successful completion of an employee assistance program or an alcohol and drug rehabilitation program, the employee shall be reinstated to the same or equivalent position that was held prior to such

rehabilitation.

(o) An employer may not discharge, discipline, or discriminate against an employee, or refuse to hire a job applicant, on the basis of any prior medical history revealed to the employer pursuant to this section.

(p) An employer who performs drug testing or specimen collection shall use chain-of-custody procedures as established by the Agency for Health Care Administration to ensure proper recordkeeping, handling, labeling, and identification of all specimens to be tested.

(q) An employer shall pay the cost of all drug tests, initial and confirmation, which the employer requires of employees.

(r) An employee or job applicant shall pay the costs of any additional drug tests not required by the employer.

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

(t) If testing is conducted based on reasonable suspicion, each employer shall promptly detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation shall be given to the employee upon request and the original documentation shall be kept confidential and exempt from the provisions of s. 119.07(1) by the employer pursuant to subsection (11) and retained by the employer for at least 1 year.

(u) If an employee is unable to participate in outpatient rehabilitation, the employee may be placed on leave status while participating in an employee assistance program or an alcohol and drug rehabilitation program. If placed on leave-without-pay status, the employee shall be permitted to use any accumulated leave credits prior to being placed on leave without pay. Upon successful completion of an employee assistance program or an alcohol and drug rehabilitation program, the employee shall be reinstated to the same or equivalent position that was held prior to such rehabilitation.

(9) CONFIRMATION TESTING.—

(a) If an initial drug test is negative, the employer may in its sole discretion and at the employer's expense seek a confirmation test.

(b) Only licensed laboratories as described in subsection (12) shall conduct confirmation drug tests.

(c) All positive initial tests shall be confirmed using gas chromatography/mass spectrometry (GC/MS) or an equivalent or more accurate scientifically accepted method approved by the Agency for Health Care Administration as such technology becomes available in a cost-effective form.

(10) EMPLOYER PROTECTION.—

(a) No employee or job applicant whose drug test result is confirmed as positive in accordance with the provisions of this section shall, by virtue of the result alone, be defined as a person with a "handicap" as cited in the 1973 Rehabilitation Act.

(b) An employer who discharges or disciplines an employee or refuses to hire a job applicant in compliance with this section shall be considered to have discharged, disciplined, or refused to hire for cause.

(c) No physician-patient relationship is created between an employee or job applicant and an employer or any person performing or evaluating a drug test, solely by the establishment, implementation, or administration of a drug-testing program.

(d) Nothing in this section shall be construed to prevent an employer from establishing reasonable work rules related to employee possession, use, sale, or solicitation of drugs, including convictions for drug-related offenses, and taking action based upon a violation of any of those rules.

(e) Nothing in this section shall be construed to operate retroactively.

(f) If an employee or job applicant refuses to submit to a drug test, the employer shall not be barred from discharging or disciplining the employee, or from refusing to hire the job applicant. However, nothing in this paragraph shall abrogate the rights and remedies of the employee or job applicant as otherwise provided in this section.

(g) An employer who refuses to hire a job applicant based on a positive confirmed drug test result shall not be required to hold the employment position vacant while the job applicant pursues administrative action. However, should the job applicant prevail in the actions, the employer shall provide him or her the opportunity of employment in the next available comparable position.

(h) An employer may discharge or discipline an employee following a first-time positive confirmed drug test result. If the employer does not discharge the employee, the employer may refer the employee to an employee assistance program or an alcohol and drug rehabilitation program in which the employee may participate at the expense of the employee or pursuant to a health insurance plan.

1. If an employer refers an employee to an employee assistance program or an alcohol and drug rehabilitation program, the employer must determine whether the employee is able to safely and effectively perform the job duties assigned to the employee while the employee participates in the employee assistance program or the alcohol and drug rehabilitation program.

2. An employee whose assigned duties require the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, hold a position subject to s. 110.1127, or hold a position in which a momentary lapse in attention could result in injury or death to another person, is deemed unable to safely and effectively perform the job duties assigned to the employee while the employee participates in the employee assistance program or the alcohol and drug rehabilitation program.

3. If an employer refers an employee to an employee assistance program or an alcohol and drug rehabilitation program and the employer determines that the employee is unable, or the employee is deemed unable, to safely and effectively perform the job duties assigned to the employee before he or she completes the employee assistance program or the alcohol and drug rehabilitation program, the employer shall place the employee in a job assignment that the employer determines the employee can safely and effectively perform while participating in the employee assistance program or the alcohol and drug rehabilitation program.

4. If a job assignment in which the employee may safely and effectively perform is unavailable, the employer shall place the employee on leave status while the employee is participating in an employee assistance program or an alcohol and drug rehabilitation program. If placed on leave status without pay, the employee may use accumulated leave credits before being placed on leave without pay.

(i) This section does not prohibit an employer from conducting medical screening or other tests required by any statute, rule, or regulation for the purpose of monitoring exposure of employees to toxic or other unhealthy substances in the workplace or in the performance of job responsibilities. Such screening or tests shall be limited to the specific substances expressly identified in the applicable statute, rule, or regulation, unless prior written consent of the employee is obtained for other tests.

(11) CONFIDENTIALITY.—

(a) Except as otherwise provided in this subsection, all information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of a drug-testing program are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with this section.

(b) Employers, laboratories, employee assistance programs, drug and alcohol rehabilitation programs, and their agents may not release any information concerning drug test results obtained pursuant to this section without a written consent form signed voluntarily by the person tested, except where such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal taken under this section, or where deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. The consent form must contain, at a minimum:

1. The name of the person who is authorized to obtain the information.
2. The purpose of the disclosure.
3. The precise information to be disclosed.

4. The duration of the consent.

5. The signature of the person authorizing release of the information.

(c) Information on drug test results shall not be released or used in any criminal proceeding against the employee or job applicant. Information released contrary to this section shall be inadmissible as evidence in any such criminal proceeding.

(d) Nothing herein shall be construed to prohibit certifying bodies of special risk employees from receiving information on positive confirmed drug test results for the purpose of reviewing certification.

(e) Nothing herein shall be construed to prohibit the employer, agent of the employer, or laboratory conducting a drug test from having access to employee drug test information when consulting with legal counsel in connection with actions brought under or related to this section or where the information is relevant to its defense in a civil or administrative matter.

(12) DRUG-TESTING STANDARDS; LABORATORIES.—

(a) The requirements of part II of chapter 408 apply to the provision of services that require licensure pursuant to this section and part II of chapter 408 and to entities licensed by or applying for such licensure from the Agency for Health Care Administration pursuant to this section. A license issued by the agency is required in order to operate a laboratory.

(b) A laboratory may analyze initial or confirmation drug specimens only if:

1. The laboratory is licensed and approved by the Agency for Health Care Administration using criteria established by the United States Department of Health and Human Services as general guidelines for modeling the state drug testing program and in accordance with part II of chapter 408. Each applicant for licensure and licensee must comply with all requirements of part II of chapter 408.

2. The laboratory has written procedures to ensure chain of custody.

3. The laboratory follows proper quality control procedures, including, but not limited to:

a. The use of internal quality controls including the use of samples of known concentrations which are used to check the performance and calibration of testing equipment, and periodic use of blind samples for overall accuracy.

b. An internal review and certification process for drug test results, conducted by a person qualified to perform that function in the testing laboratory.

c. Security measures implemented by the testing laboratory to preclude adulteration of specimens and drug test results.

d. Other necessary and proper actions taken to ensure reliable and accurate drug test results.

(c) A laboratory shall disclose to the employer a written test result report within 7 working days after receipt of the sample. All laboratory reports of a drug test result shall, at a minimum, state:

1. The name and address of the laboratory which performed the test and the positive identification of the person tested.

2. Positive results on confirmation tests only, or negative results, as applicable.

3. A list of the drugs for which the drug analyses were conducted.

4. The type of tests conducted for both initial and confirmation tests and the minimum cutoff levels of the tests.

5. Any correlation between medication reported by the employee or job applicant pursuant to subparagraph (8)(b)2. and a positive confirmed drug test result.

No report shall disclose the presence or absence of any drug other than a specific drug and its metabolites listed pursuant to this section.

(d) The laboratory shall submit to the Agency for Health Care Administration a monthly report with statistical information regarding the testing of employees and job applicants. The reports shall include information on the methods of analyses conducted, the drugs tested for, the number of positive and negative results for both initial and confirmation tests, and any other information deemed appropriate by the Agency for Health Care Administration. No monthly report shall identify specific employees or job applicants.

(e) Laboratories shall provide technical assistance to the employer, employee, or job applicant for the purpose of interpreting any positive confirmed test results which could have been caused by prescription or nonprescription medication taken by the employee or job applicant.

(13) RULES.—

(a) The Agency for Health Care Administration may adopt additional rules to support this law and part II of chapter 408, using criteria established by the United States Department of Health and Human Services as general guidelines for modeling drug-free workplace laboratories, concerning, but not limited to:

1. Standards for drug-testing laboratory licensing and denial, suspension, and revocation of a license.
2. Urine, hair, blood, and other body specimens and minimum specimen amounts which are appropriate for drug testing, not inconsistent with other provisions established by law.
3. Methods of analysis and procedures to ensure reliable drug-testing results, including standards for initial tests and confirmation tests, not inconsistent with other provisions established by law.
4. Minimum cutoff detection levels for drugs or their metabolites for the purposes of determining a positive test result, not inconsistent with other provisions established by law.
5. Chain-of-custody procedures to ensure proper identification, labeling, and handling of specimens being tested, not inconsistent with other provisions established by law.
6. Retention, storage, and transportation procedures to ensure reliable results on confirmation tests and retests.
7. A list of the most common medications by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test.

(b) The following standards and procedures are established related to hair testing:

1. Hair cutoff levels for initial drug-screening tests.—The following initial cutoff levels must be used when screening hair specimens to determine whether they are negative for these drugs or their metabolites:

- a. Marijuana: 10 pg/10 mg of hair;
- b. Cocaine: 5 ng/10 mg of hair; and
- c. Opiate/synthetic narcotics and metabolites: 5 ng/10 mg of hair. For the purpose of this section, opiate and metabolites include the following:

- (I) Codeine;
- (II) Heroin, monoacetylmorphine (heroin metabolites);
- (III) Morphine;

d. Phencyclidine: 3 ng/10 mg of hair; and

e. Amphetamines: 5 ng/10 mg of hair. For the purpose of this section, amphetamines include the following:

- (I) Amphetamines;
- (II) Methamphetamine;

2. Hair cutoff levels for drug confirmation testing.—

a. All specimens identified as positive on the initial test must be confirmed using gas chromatography/mass spectrometry (GC/MS), mass spectrometry/mass spectrometry (MS/MS) at the following cutoff levels for these drugs on their metabolites. All confirmations must be by quantitative analysis.

(I) Marijuana metabolites: 1 pg/10 mg of hair (Delta-9-tetrahydrocannabinol-0-carboxylic acid).

(II) Cocaine: must be at or above 5 ng/10 mg of hair. Cocaine metabolites if present will be recorded at the following minimum levels:

- (A) Benzoylcegonine at 1 ng/10 mg of hair; and
- (B) Cocaethylene at 1 ng/10 mg of hair.

(III) Opiate/synthetic narcotics and metabolites: 5 ng/10 mg of hair; opiate and metabolites include the following:

- (A) Codeine;
- (B) 6-Monoacetylmorphine (heroin metabolite); and
- (C) Morphine.

(IV) Phencyclidine: 3 ng/10 mg of hair.

(V) Amphetamines: 5 ng/10 mg of hair. For the purpose of this section, amphetamines include the following:

(A) Amphetamines; and

(B) Methamphetamines.

b. All hair specimens undergoing confirmation must be decontaminated using a wash procedure which has been published in the peer-reviewed literature which, as a minimum, has an initial 15-minute organic solvent wash followed by multiple (minimum of three) 30-minute aqueous washes.

c. After hair is washed, the drug entrapped in the hair is released either by digestion (chemical or enzymatic) or by multiple solvent extractions. The resulting digest or pooled solvent extracts are then screened and confirmed by approved methods.

d. All confirmation analysis methods must eliminate the melanin fraction of the hair before analysis. If a nondigestion method is used, the laboratory must present published data in the peer-reviewed literature from a large population study which indicates that the method of extraction does not possess a statistically significant hair-color bias.

e. Additional hair samples may be collected to reconfirm the initial report. The recollected sample shall be retested as specified; however, the confirmation analysis must be performed even if the screening test is negative. A second positive report must be made if the drug concentration in the digest by confirmation methods exceeds the limit of quantitation of the testing laboratory's method. A second test must be offered to anyone disputing a positive hair test result.

3. Hair specimen collection procedures.—

a. Designation of collection site.—Each drug-testing program shall have one or more designated collection sites which have all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of hair specimens to a licensed drug-testing facility.

b. Security.—While security is important with any collection, in the case of hair, only the temporary storage area in the designated collection site needs to be secure.

c. Chain of custody.—Chain-of-custody standardized forms shall be properly executed by authorized collection site personnel upon receipt of specimens. Handling and transportation of hair specimens from one authorized individual or place to another shall always be accomplished through chain-of-custody procedures. Every effort shall be made to minimize the number of persons handling specimens.

d. Access to authorized personnel only.—The hair collection site need be off limits to unauthorized personnel only during the actual collection of specimens.

e. Privacy.—Procedures for collecting hair should be performed on one individual at a time to prevent substitutions or interference with the collection of reliable samples. Procedures must ensure that the hair collection does not infringe on the individual's privacy.

f. Integrity and identity of specimen.—Precautions must be taken to ensure that the root end of a hair specimen is indicated for the laboratory which performs the testing. The maximum length of hair that shall be tested is 3.9 cm distal from the head, which on average represents a 3-month time window. The following minimum precautions must be taken when collecting a hair specimen to ensure that specimens are obtained and correctly identified:

(I) When an individual arrives at the collection site, the collection site personnel shall request the individual to present photo identification. If the individual does not have proper photo identification, the collection site personnel shall contact the supervisor of the individual, the coordinator of the drug testing program, or any other employer official who can positively identify the individual. If the individual's identity cannot be established, the collection site personnel shall not proceed with the collection.

(II) If the individual fails to arrive at the assigned time, the collection site personnel shall contact the appropriate authority to obtain guidance on the action to be taken.

(III) The collection site personnel shall note any unusual behavior or appearance on the chain-of-custody form.

(IV) Hair shall be cut as close to the scalp or body, excluding the pubic area, as possible. Upon taking the specimen from the individual, the collection site personnel shall determine that it contains approximately 1/2-inch of hair when fanned out on a ruler (about 40 mg of hair).

(V) Both the individual being tested and the collection site personnel shall keep the specimen in view at all times prior to the specimen container being sealed with a tamper-resistant seal and labeled with the individual's specimen number and other required information.

(VI) The collection site personnel shall label the container which contains the hair with the date, the individual's specimen number, and any other identifying information provided or required by the drug-testing program.

(VII) The individual shall initial the container for the purpose of certifying that it is the specimen collected from the individual.

(VIII) The collection site personnel shall indicate on the chain-of-custody form all information identifying the specimen. The collection site personnel shall sign the chain-of-custody form next to the identifying information or the chain of custody on the specimen container.

(IX) The individual must be asked to read and sign a statement certifying that the specimen identified as having been collected from the individual is in fact that specimen the individual provided.

(X) The collection site personnel shall complete the chain-of-custody form.

g. Collection control.—To the maximum extent possible, collection site personnel shall keep the individual's specimen container within sight both before and after collection. After the specimen is collected, it must be properly sealed and labeled. An approved chain-of-custody form must be used for maintaining control and accountability of each specimen from the point of collection to final disposition of the specimen. The date and purpose must be documented on an approved chain-of-custody form each time a specimen is handled or transferred, and every individual in the chain must be identified. Every effort must be made to minimize the number of persons handling specimens.

h. Transportation to the testing facility.—Collection site personnel shall arrange to transport the collected specimens to the drug-testing facility. The specimens shall be placed in containers which shall be securely sealed to eliminate the possibility of undetected tampering. The collection site personnel shall ensure that the chain-of-custody documentation is sealed separately from the specimen and placed inside the container sealed for transfer to the drug-testing facility.

4. Quality assurance and quality control.—

a. Quality assurance.—Testing facilities shall have a quality assurance program which encompasses all aspects of the testing process, including, but not limited to, specimen acquisition, chain of custody, security and reporting of results, initial and confirmatory testing, and validation of analytical procedures. Quality assurance procedures shall be designed, implemented, and reviewed to monitor the conduct of each step of the process of testing for drugs.

b. Quality control.—

(I) Each analytical run of specimens to be screened shall include:

- (A) Hair specimens certified to contain no drug;
- (B) Hair specimens fortified with known standards; and
- (C) Positive controls with the drug or metabolite at or near the threshold (cutoff).

(II) In addition, with each batch of samples, a sufficient number of standards shall be included to ensure and document the linearity of the assay method over time in the concentration area of the cutoff. After acceptable values are obtained for the known standards, those values must be used to calculate sample data. Implementation of procedures to ensure that carryover does not contaminate the testing of an individual's specimen must be documented. A minimum of 5 percent of all test samples must be quality control specimens. The testing facility's quality control samples, prepared from fortified hair samples of determined concentration, must be included in the run and must appear as normal samples to drug-screen testing facility analysis. One percent of each run, with a minimum of at least one sample, must be the testing facility's own quality control samples.

5.a. Proficiency testing.—

(I) Each hair drug-testing facility shall enroll and demonstrate satisfactory performance in a proficiency-testing program established by an independent group.

(II) The drug-testing facility shall maintain records which document the handling, processing, and examination of all proficiency-testing samples for a minimum of 2 years from the date of testing.

(III) The drug-testing facility shall ensure that proficiency-testing samples are analyzed at least three times each year using the same techniques as those employed for unknown specimens.

(IV) The proficiency-testing samples must be included with the routine sample run and tested with the same frequency as unknown samples by the individuals responsible for testing unknown specimens.

(V) The drug-testing facility may not engage in discussions or communications concerning proficiency-testing results with other drug-testing facilities, nor may they send proficiency-testing samples or portions of the samples to another drug-testing facility for analysis.

b. Satisfactory performance.—

(I) The drug-testing facility shall maintain an overall testing-event score equivalent to passing proficiency scores for other drug-testing matrices.

(II) Failure to participate in a proficiency-testing event shall result in a score of 0 percent for that testing event.

c. Unsuccessful performance.—Failure to achieve satisfactory performance in two consecutive testing events, or two out of three consecutive testing events, is determined to be unsuccessful performance.

(c) The Department of Management Services may adopt rules for all executive branch agencies implementing this section.

(d) The State Courts Administrator may adopt rules for the state courts system implementing this section.

(e) The Justice Administrative Commission may adopt rules on behalf of the state attorneys and public defenders of Florida, the capital collateral regional counsel, and the Judicial Qualifications Commission.

(f) The President of the Senate and the Speaker of the House of Representatives may adopt rules, policies, or procedures for the employees and members of the legislative branch implementing this section.

This section shall not be construed to eliminate the bargainable rights as provided in the collective bargaining process where applicable.

(14) DISCIPLINE REMEDIES.—

(a) An executive branch employee who is disciplined or who is a job applicant for another position and is not hired pursuant to this section, may file an appeal with the Public Employees Relations Commission. Any appeal must be filed within 30 calendar days of receipt by the employee or job applicant of notice of discipline or refusal to hire. The notice shall inform the employee or job applicant of the right to file an appeal, or if available, the right to file a collective bargaining grievance pursuant to s. 447.401. Such appeals shall be resolved pursuant to the procedures established in ss. 447.207(1)-(4), 447.208(2), and 447.503(4) and (5). A hearing on the appeal shall be conducted within 30 days of the filing of the appeal, unless an extension is requested by the employee or job applicant and granted by the commission or an arbitrator.

(b) The commission shall promulgate rules concerning the receipt, processing, and resolution of appeals filed pursuant to this section.

(c) Appeals to the commission shall be the exclusive administrative remedy for any employee who is disciplined or any job applicant who is not hired pursuant to this section, notwithstanding the provisions of chapter 120. However, nothing in this subsection shall affect the right of an employee or job applicant to file a collective bargaining grievance pursuant to s. 447.401 provided that an employee or job applicant may not file both an appeal and a grievance.

(d) An employee or a job applicant who has been disciplined or who has not been hired pursuant to this section must exhaust either the administrative appeal process or collective bargaining grievance-arbitration process.

(e) Upon resolving an appeal filed pursuant to paragraph (c), and finding a violation of this section, the commission may order the following relief:

1. Rescind the disciplinary action, expunge related records from the personnel file of the employee or job applicant and reinstate the employee.
2. Order compliance with paragraph (10)(g).
3. Award back pay and benefits.

4. Award the prevailing employee or job applicant the necessary costs of the appeal, reasonable attorney's fees, and expert witness fees.

(15) NONDISCIPLINE REMEDIES.—

(a) Any person alleging a violation of the provisions of this section, that is not remediable by the commission or an arbitrator pursuant to subsection (14), must institute a civil action for injunctive relief or damages, or both, in a court of competent jurisdiction within 180 days of the alleged violation, or be barred from obtaining the following relief. Relief is limited to:

1. An order restraining the continued violation of this section.
2. An award of the costs of litigation, expert witness fees, reasonable attorney's fees, and noneconomic damages provided that damages shall be limited to the recovery of damages directly resulting from injury or loss caused by each violation of this section.

(b) Any employer who complies with the provisions of this section shall be without liability from all civil actions arising from any drug testing program or procedure performed in compliance with this section.

(c) Pursuant to any claim alleging a violation of this section, including a claim under this section where it is alleged that an employer's action with respect to a person was based on an incorrect test result, there shall be a rebuttable presumption that the test was valid if the employer complied with the provisions of this section.

(d) No cause of action shall arise in favor of any person based upon the failure of an employer to establish a program or policy for drug testing.

(16) FEDERAL COMPLIANCE.—The drug-testing procedures provided in this section do not apply where the specific work performed requires employees or job applicants to be subject to drug testing pursuant to:

(a) Federal regulations that specifically preempt state and local regulation of drug testing with respect to such employees and job applicants;

(b) Federal regulations or requirements enacted or implemented in connection with the operation of federally regulated facilities;

(c) Federal contracts where the drug testing is conducted for safety, or protection of sensitive or proprietary data or national security; or

(d) State agency rules that adopt federal regulations applicable to the interstate component of a federally regulated activity.

(17) LICENSE FEE.—Fees from licensure of drug-testing laboratories shall be sufficient to carry out the responsibilities of the Agency for Health Care Administration for the regulation of drug-testing laboratories. In accordance with s. 408.805, applicants and licensees shall pay a fee for each license application submitted under this part, part II of chapter 408, and applicable rules. The fee shall be not less than \$16,000 or more than \$20,000 per biennium and shall be established by rule.

History.—s. 1, ch. 89-173; s. 1, ch. 90-238; s. 25, ch. 90-360; s. 1, ch. 91-201; s. 6, ch. 91-279; s. 4, ch. 91-429; s. 40, ch. 92-279; s. 55, ch. 92-326; s. 7, ch. 93-129; s. 2, ch. 95-119; s. 680, ch. 95-147; s. 1, ch. 96-289; s. 32, ch. 96-406; s. 7, ch. 98-136; ss. 5, 71, ch. 98-171; s. 53, ch. 2000-349; s. 25, ch. 2001-53; s. 2, ch. 2001-67; s. 148, ch. 2001-277; s. 37, ch. 2004-267; s. 11, ch. 2006-1; s. 7, ch. 2007-217; s. 1, ch. 2007-230; s. 1, ch. 2012-8; s. 7, ch. 2016-10; s. 23, ch. 2016-145; s. 31, ch. 2023-8.

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[Title XXXI](#)
LABOR

[Chapter 440](#)
WORKERS' COMPENSATION

[View Entire Chapter](#)

440.102 Drug-free workplace program requirements.—The following provisions apply to a drug-free workplace program implemented pursuant to law or to rules adopted by the Agency for Health Care Administration:

(1) **DEFINITIONS.**—Except where the context otherwise requires, as used in this act:

(a) “Chain of custody” refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results.

(b) “Confirmation test,” “confirmed test,” or “confirmed drug test” means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

(c) “Drug” means alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this paragraph. An employer may test an individual for any or all of such drugs.

(d) “Drug rehabilitation program” means a service provider as defined in s. [397.311](#) which provides confidential, timely, and expert identification, assessment, and resolution of employee drug abuse.

(e) “Drug test” or “test” means any chemical, biological, or physical instrumental analysis administered, by a laboratory certified by the United States Department of Health and Human Services or licensed by the Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug or its metabolites.

(f) “Employee” means any person who works for salary, wages, or other remuneration for an employer.

(g) “Employee assistance program” means an established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and followup services for employees who participate in the program or require monitoring after returning to work. If, in addition to the above activities, an employee assistance program provides diagnostic and treatment services, these services shall in all cases be provided by service providers as defined in s. [397.311](#).

(h) “Employer” means a person or entity that employs a person and that is covered by the Workers’ Compensation Law.

(i) “Initial drug test” means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration as such more accurate technology becomes available in a cost-effective form.

(j) “Job applicant” means a person who has applied for a position with an employer and has been offered employment conditioned upon successfully passing a drug test, and may have begun work pending the results of the drug test. For a public employer, “job applicant” means only a person who has applied for a special-risk or mandatory-testing position.

(a) One time only, prior to testing, an employer shall give all employees and job applicants for employment a written policy statement which contains:

1. A general statement of the employer's policy on employee drug use, which must identify:
 - a. The types of drug testing an employee or job applicant may be required to submit to, including reasonable-suspicion drug testing or drug testing conducted on any other basis.
 - b. The actions the employer may take against an employee or job applicant on the basis of a positive confirmed drug test result.
2. A statement advising the employee or job applicant of the existence of this section.
3. A general statement concerning confidentiality.
4. Procedures for employees and job applicants to confidentially report to a medical review officer the use of prescription or nonprescription medications to a medical review officer both before and after being tested.
5. A list of the most common medications, by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test. A list of such medications as developed by the Agency for Health Care Administration shall be available to employers through the department.
6. The consequences of refusing to submit to a drug test.
7. A representative sampling of names, addresses, and telephone numbers of employee assistance programs and local drug rehabilitation programs.
8. A statement that an employee or job applicant who receives a positive confirmed test result may contest or explain the result to the medical review officer within 5 working days after receiving written notification of the test result; that if an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the employer; and that a person may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration.
9. A statement informing the employee or job applicant of his or her responsibility to notify the laboratory of any administrative or civil action brought pursuant to this section.
10. A list of all drugs for which the employer will test, described by brand name or common name, as applicable, as well as by chemical name.
11. A statement regarding any applicable collective bargaining agreement or contract and the right to appeal to the Public Employees Relations Commission or applicable court.
12. A statement notifying employees and job applicants of their right to consult with a medical review officer for technical information regarding prescription or nonprescription medication.

(b) An employer not having a drug-testing program shall ensure that at least 60 days elapse between a general one-time notice to all employees that a drug-testing program is being implemented and the beginning of actual drug testing. An employer having a drug-testing program in place prior to July 1, 1990, is not required to provide a 60-day notice period.

(c) An employer shall include notice of drug testing on vacancy announcements for positions for which drug testing is required. A notice of the employer's drug-testing policy must also be posted in an appropriate and conspicuous location on the employer's premises, and copies of the policy must be made available for inspection by the employees or job applicants of the employer during regular business hours in the employer's personnel office or other suitable locations.

(4) TYPES OF TESTING.—

(a) An employer is required to conduct the following types of drug tests:

1. Job applicant drug testing.—An employer must require job applicants to submit to a drug test and may use a refusal to submit to a drug test or a positive confirmed drug test as a basis for refusing to hire a job applicant.
2. Reasonable-suspicion drug testing.—An employer must require an employee to submit to reasonable-suspicion drug testing.
3. Routine fitness-for-duty drug testing.—An employer must require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the employer's established policy or that is scheduled routinely for all members of an employment classification or group.

results, and the options available to the employee or job applicant. The employer shall provide to the employee or job applicant, upon request, a copy of the test results.

(i) Within 5 working days after receiving notice of a positive confirmed test result, an employee or job applicant may submit information to the employer explaining or contesting the test result, and explaining why the result does not constitute a violation of the employer's policy.

(j) The employee's or job applicant's explanation or challenge of the positive test result is unsatisfactory to the employer, a written explanation as to why the employee's or job applicant's explanation is unsatisfactory, along with the report of positive result, shall be provided by the employer to the employee or job applicant; and all such documentation shall be kept confidential by the employer pursuant to subsection (8) and shall be retained by the employer for at least 1 year.

(k) An employer may not discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of an employee or job applicant on the sole basis of a positive test result that has not been verified by a confirmation test and by a medical review officer.

(l) An employer that performs drug testing or specimen collection shall use chain-of-custody procedures established by the Agency for Health Care Administration to ensure proper recordkeeping, handling, labeling, and identification of all specimens tested.

(m) An employer shall pay the cost of all drug tests, initial and confirmation, which the employer requires of employees. An employee or job applicant shall pay the costs of any additional drug tests not required by the employer.

(n) An employer shall not discharge, discipline, or discriminate against an employee solely upon the employee's voluntarily seeking treatment, while under the employ of the employer, for a drug-related problem if the employee has not previously tested positive for drug use, entered an employee assistance program for drug-related problems, or entered a drug rehabilitation program. Unless otherwise provided by a collective bargaining agreement, an employer may select the employee assistance program or drug rehabilitation program if the employer pays the cost of the employee's participation in the program.

(o) If drug testing is conducted based on reasonable suspicion, the employer shall promptly detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation shall be given to the employee upon request and the original documentation shall be kept confidential by the employer pursuant to subsection (8) and shall be retained by the employer for at least 1 year.

(p) All authorized remedial treatment, care, and attendance provided by a health care provider to an injured employee before medical and indemnity benefits are denied under this section must be paid for by the carrier or self-insurer. However, the carrier or self-insurer must have given reasonable notice to all affected health care providers that payment for treatment, care, and attendance provided to the employee after a future date certain will be denied. A health care provider, as defined in s. 440.13(1)(g), that refuses, without good cause, to continue treatment, care, and attendance before the provider receives notice of benefit denial commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) CONFIRMATION TESTING.—

(a) If an initial drug test is negative, the employer may in its sole discretion seek a confirmation test.

(b) Only licensed or certified laboratories as described in subsection (9) may conduct confirmation drug tests.

(c) All positive initial tests shall be confirmed using gas chromatography/mass spectrometry (GC/MS) or an equivalent or more accurate scientifically accepted method approved by the Agency for Health Care Administration or the United States Food and Drug Administration as such technology becomes available in a cost-effective form.

(d) If an initial drug test of an employee or job applicant is confirmed as positive, the employer's medical review officer shall provide technical assistance to the employer and to the employee or job applicant for the purpose of interpreting the test result to determine whether the result could have been caused by prescription or nonprescription medication taken by the employee or job applicant.

(7) EMPLOYER PROTECTION.—

in connection with actions brought under or related to this section or when the information is relevant to its defense in a civil or administrative matter.

(9) DRUG-TESTING STANDARDS FOR LABORATORIES.—

(a) The requirements of part II of chapter 408 apply to the provision of services that require licensure pursuant to this section and part II of chapter 408 and to entities licensed by or applying for such licensure from the agency pursuant to this section. A license issued by the agency is required in order to operate a drug-free workplace laboratory.

(b) A laboratory may analyze initial or confirmation test specimens only if:

1. The laboratory obtains a license under part II of chapter 408 and s. 112.0455(17). Each applicant for licensure and each licensee must comply with all requirements of this section, part II of chapter 408, and applicable rules.

2. The laboratory has written procedures to ensure the chain of custody.

3. The laboratory follows proper quality control procedures, including, but not limited to:

a. The use of internal quality controls, including the use of samples of known concentrations which are used to check the performance and calibration of testing equipment, and periodic use of blind samples for overall accuracy.

b. An internal review and certification process for drug test results, conducted by a person qualified to perform that function in the testing laboratory.

c. Security measures implemented by the testing laboratory to preclude adulteration of specimens and drug test results.

d. Other necessary and proper actions taken to ensure reliable and accurate drug test results.

(c) A laboratory shall disclose to the medical review officer a written positive confirmed test result report within 7 working days after receipt of the sample. All laboratory reports of a drug test result must, at a minimum, state:

1. The name and address of the laboratory that performed the test and the positive identification of the person tested.

2. Positive results on confirmation tests only, or negative results, as applicable.

3. A list of the drugs for which the drug analyses were conducted.

4. The type of tests conducted for both initial tests and confirmation tests and the minimum cutoff levels of the tests.

5. Any correlation between medication reported by the employee or job applicant pursuant to subparagraph (5)(b)2. and a positive confirmed drug test result.

A report must not disclose the presence or absence of any drug other than a specific drug and its metabolites listed pursuant to this section.

(d) The laboratory shall submit to the Agency for Health Care Administration a monthly report with statistical information regarding the testing of employees and job applicants. The report must include information on the methods of analysis conducted, the drugs tested for, the number of positive and negative results for both initial tests and confirmation tests, and any other information deemed appropriate by the Agency for Health Care Administration. A monthly report must not identify specific employees or job applicants.

(10) RULES.—The Agency for Health Care Administration shall adopt rules pursuant to s. 112.0455, part II of chapter 408, and criteria established by the United States Department of Health and Human Services as general guidelines for modeling drug-free workplace laboratories, concerning, but not limited to:

(a) Standards for licensing drug-testing laboratories and suspension and revocation of such licenses.

(b) Urine, hair, blood, and other body specimens and minimum specimen amounts that are appropriate for drug testing.

(c) Methods of analysis and procedures to ensure reliable drug-testing results, including standards for initial tests and confirmation tests.

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CRIMINAL PROCEDURE AND CORRECTIONS STATE CORRECTIONAL SYSTEM

944.474 Legislative intent; employee wellness program; drug and alcohol testing.—

(1) It is the intent of the Legislature that the state correctional system provide a safe and secure environment for both inmates and staff. A healthy workforce is a productive workforce, and security of the state correctional system can best be provided by strong and healthy employees. The Department of Corrections may develop and implement an employee wellness program. The program may include, but is not limited to, wellness education, smoking cessation, nutritional education, and overall health-risk reduction, including the effects of using drugs and alcohol.

(2) An employee of the department may not test positive for illegal use of controlled substances. An employee of the department may not be under the influence of alcohol while on duty. In order to ensure that these prohibitions are adhered to by all employees of the department and notwithstanding s. [112.0455](#), the department may develop a program for the drug testing of all job applicants and for the random drug testing of all employees. The department may randomly evaluate employees for the contemporaneous use or influence of alcohol through the use of alcohol tests and observation methods. Notwithstanding s. [112.0455](#), the department may develop a program for the reasonable suspicion drug testing of employees who are in mandatory-testing positions, as defined in s. [440.102](#)(1)(o), or special risk positions, as defined in s. [112.0455](#)(5), for the controlled substances listed in s. [893.03](#)(3)(d). The reasonable suspicion drug testing authorized by this subsection shall be conducted in accordance with s. [112.0455](#), but may also include testing upon reasonable suspicion based on violent acts or violent behavior of an employee who is on or off duty. The department shall adopt rules pursuant to ss. [120.536](#)(1) and [120.54](#) that are necessary to administer this subsection.

History.—s. 9, ch. 96-312; s. 1, ch. 2006-116; s. 40, ch. 2010-117; s. 3, ch. 2012-8; s. 34, ch. 2016-105.

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CHAPTER 893

DRUG ABUSE PREVENTION AND CONTROL

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893.30 Controlled substance safety education and awareness.

893.01 Short title.—This chapter shall be cited and known as the “Florida Comprehensive Drug Abuse Prevention and Control Act.”

History.—s. 1, ch. 73-331.

893.015 Statutory references.—The purpose of this chapter is to comprehensively address drug abuse prevention and control in this state. To this end, unless expressly provided otherwise, a reference in any section of the Florida Statutes to chapter 893 or to any section or portion of a section of chapter 893 includes all subsequent amendments to chapter 893 or to the referenced section or portion of a section.

History.—s. 3, ch. 2017-107; s. 2, ch. 2017-110.

893.02 Definitions.—The following words and phrases as used in this chapter shall have the following meanings, unless the context otherwise requires:

(1) “Administer” or “administration” means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a person or animal.

(2) “Cannabinoid receptor agonist” means a chemical compound or substance that, according to scientific or medical research, study, testing, or analysis demonstrates the presence of binding activity at one or more of the CB1 or CB2 cell membrane receptors located within the human body.

¹(3) “Cannabis” means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. The term does not include “marijuana,” as defined in s. 381.986, if manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in conformance with s. 381.986. The term does not include hemp as defined in s. 581.217 or industrial hemp as defined in s. 1004.4473.

(4) “Controlled substance” means any substance named or described in Schedules I-V of s. 893.03. Laws controlling the manufacture, distribution, preparation, dispensing, or administration of such substances are drug abuse laws.

(5) “Cultivating” means the preparation of any soil or hydroponic medium for the planting of a controlled substance or the tending and care or harvesting of a controlled substance.

(6) “Deliver” or “delivery” means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(7) “Dispense” means the transfer of possession of one or more doses of a medicinal drug by a pharmacist or other licensed practitioner to the ultimate consumer thereof or to one who represents that it is his or her intention not to consume or use the same but to transfer the same to the ultimate consumer or user for consumption by the ultimate consumer or user.

(8) “Distribute” means to deliver, other than by administering or dispensing, a controlled substance.

(9) “Distributor” means a person who distributes.

(10) “Department” means the Department of Health.

(11) “Homologue” means a chemical compound in a series in which each compound differs by one or more repeating hydrocarbon functional group units at any single point within the compound.

(12) "Hospital" means an institution for the care and treatment of the sick and injured, licensed pursuant to the provisions of chapter 395 or owned or operated by the state or Federal Government.

(13) "Laboratory" means a laboratory approved by the Drug Enforcement Administration as proper to be entrusted with the custody of controlled substances for scientific, medical, or instructional purposes or to aid law enforcement officers and prosecuting attorneys in the enforcement of this chapter.

(14) "Listed chemical" means any precursor chemical or essential chemical named or described in s. 893.033.

(15)(a) "Manufacture" means the production, preparation, propagation, compounding, cultivating, growing, conversion, or processing of a controlled substance, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation, compounding, packaging, or labeling of a controlled substance by:

1. A practitioner or pharmacist as an incident to his or her administering or delivering of a controlled substance in the course of his or her professional practice.

2. A practitioner, or by his or her authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis, and not for sale.

(b) "Manufacturer" means and includes every person who prepares, derives, produces, compounds, or repackages any drug as defined by the Florida Drug and Cosmetic Act. However, this definition does not apply to manufacturers of patent or proprietary preparations as defined in the Florida Pharmacy Act. Pharmacies, and pharmacists employed thereby, are specifically excluded from this definition.

(16) "Mixture" means any physical combination of two or more substances, including, but not limited to, a blend, an aggregation, a suspension, an emulsion, a solution, or a dosage unit, whether or not such combination can be separated into its components by physical means, whether mechanical or thermal.

(17) "Nitrogen-heterocyclic analog" means an analog of a controlled substance which has a single carbon atom in a cyclic structure of a compound replaced by a nitrogen atom.

(18) "Patient" means an individual to whom a controlled substance is lawfully dispensed or administered pursuant to the provisions of this chapter.

(19) "Pharmacist" means a person who is licensed pursuant to chapter 465 to practice the profession of pharmacy in this state.

(20) "Positional isomer" means any substance that possesses the same molecular formula and core structure and that has the same functional group or substituent as those found in the respective controlled substance, attached at any positions on the core structure, but in such manner that no new chemical functionalities are created and no existing chemical functionalities are destroyed relative to the respective controlled substance. Rearrangements of alkyl moieties within or between functional groups or substituents, or divisions or combinations of alkyl moieties, which do not create new chemical functionalities or destroy existing chemical functionalities, are allowed and include resulting compounds that are positional isomers. As used in this definition, the term "core structure" means the parent molecule that is the common basis for the class that includes, but is not limited to, tryptamine, phenethylamine, or ergoline. Examples of rearrangements resulting in creation or destruction of chemical functionalities, and therefore resulting in compounds that are not positional isomers, include, but are not limited to, ethoxy to alpha-hydroxyethyl, hydroxy and methyl to methoxy, or the repositioning of a phenolic or alcoholic hydroxy group to create a hydroxylamine. Examples of rearrangements resulting in compounds that would be positional isomers, include, but are not limited to, tert-butyl to sec-butyl, methoxy and ethyl to isopropoxy, N,N-diethyl to N-methyl-N-propyl, or alpha-methylamino to N-methylamino.

(21) "Possession" includes temporary possession for the purpose of verification or testing, irrespective of dominion or control.

(22) "Potential for abuse" means that a substance has properties of a central nervous system stimulant or depressant or an hallucinogen that create a substantial likelihood of its being:

- (a) Used in amounts that create a hazard to the user's health or the safety of the community;
- (b) Diverted from legal channels and distributed through illegal channels; or
- (c) Taken on the user's own initiative rather than on the basis of professional medical advice.

Proof of potential for abuse can be based upon a showing that these activities are already taking place, or upon a showing that the nature and properties of the substance make it reasonable to assume that there is a substantial likelihood that such activities will take place, in other than isolated or occasional instances.

(23) "Practitioner" means a physician licensed under chapter 458, a dentist licensed under chapter 466, a veterinarian licensed under chapter 474, an osteopathic physician licensed under chapter 459, an advanced practice registered nurse licensed under chapter 464, a naturopath licensed under chapter 462, a certified optometrist licensed under chapter 463, a psychiatric nurse as defined in s. 394.455, a podiatric physician licensed under chapter 461, or a physician assistant licensed under chapter 458 or chapter 459, provided such practitioner holds a valid federal controlled substance registry number.

(24) "Prescription" includes any order for drugs or medicinal supplies which is written or transmitted by any means of communication by a licensed practitioner authorized by the laws of this state to prescribe such drugs or medicinal supplies, is issued in good faith and in the course of professional practice, is intended to be dispensed by a person authorized by the laws of this state to do so, and meets the requirements of s. 893.04.

(a) The term also includes an order for drugs or medicinal supplies transmitted or written by a physician, dentist, veterinarian, or other practitioner licensed to practice in a state other than Florida, but only if the pharmacist called upon to fill such an order determines, in the exercise of his or her professional judgment, that the order was issued pursuant to a valid patient-physician relationship, that it is authentic, and that the drugs or medicinal supplies ordered are considered necessary for the continuation of treatment of a chronic or recurrent illness.

(b) If the physician writing the prescription is not known to the pharmacist, the pharmacist shall obtain proof to a reasonable certainty of the validity of the prescription.

(c) A prescription for a controlled substance may not be issued on the same prescription blank with another prescription for a controlled substance that is named or described in a different schedule or with another prescription for a medicinal drug, as defined in s. 465.003, that is not a controlled substance.

(25) "Wholesaler" means any person who acts as a jobber, wholesale merchant, or broker, or an agent thereof, who sells or distributes for resale any drug as defined by the Florida Drug and Cosmetic Act. However, this definition does not apply to persons who sell only patent or proprietary preparations as defined in the Florida Pharmacy Act. Pharmacies, and pharmacists employed thereby, are specifically excluded from this definition.

History.—s. 2, ch. 73-331; s. 1, ch. 75-18; s. 470, ch. 77-147; s. 1, ch. 77-174; s. 184, ch. 79-164; s. 1, ch. 79-325; s. 37, ch. 82-225; s. 169, ch. 83-216; s. 1, ch. 85-242; s. 1, ch. 91-279; s. 1, ch. 92-19; s. 1434, ch. 97-102; s. 104, ch. 97-264; s. 234, ch. 98-166; s. 300, ch. 99-8; s. 10, ch. 99-186; s. 1, ch. 2000-320; s. 3, ch. 2001-55; s. 10, ch. 2002-78; s. 13, ch. 2005-128; s. 1, ch. 2008-184; s. 18, ch. 2010-117; s. 1, ch. 2011-73; s. 12, ch. 2013-26; s. 5, ch. 2014-157; s. 1, ch. 2016-105; s. 5, ch. 2016-145; s. 18, ch. 2016-224; s. 9, ch. 2016-231; ss. 1, 10, ch. 2017-232; s. 83, ch. 2018-106; s. 2, ch. 2019-132; s. 1, ch. 2019-166; s. 2, ch. 2021-154; s. 26, ch. 2022-35; s. 3, ch. 2023-299.

¹**Note.**—Section 1, ch. 2017-232, provides that "[i]t is the intent of the Legislature to implement s. 29, Article X of the State Constitution by creating a unified regulatory structure. If s. 29, Article X of the State Constitution is amended or a constitutional amendment related to cannabis or marijuana is adopted, this act shall expire 6 months after the effective date of such amendment." If such amendment or adoption takes place, subsection (3), as amended by s. 1, ch. 2017-232, will read:

(3) "Cannabis" means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. The term does not include "low-THC cannabis," as defined in s. 381.986, if manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in conformance with s. 381.986.

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

(1) **SCHEDULE I.**—A substance in Schedule I has a high potential for abuse and has no currently accepted medical use in treatment in the United States and in its use under medical supervision does not meet accepted safety

standards. The following substances are controlled in Schedule I:

(a) Unless specifically excepted or unless listed in another schedule, any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

1. Acetyl-alpha-methylfentanyl.
2. Acetylmethadol.
3. Allylprodine.
4. Alphacetylmethadol (except levo-alpha-acetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM).
5. Alphamethadol.
6. Alpha-methylfentanyl (N-[1-(alpha-methyl-betaphenyl) ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine).
7. Alpha-methylthiofentanyl.
8. Alphameprodine.
9. Benzethidine.
10. Benzylfentanyl.
11. Betacetylmethadol.
12. Beta-hydroxyfentanyl.
13. Beta-hydroxy-3-methylfentanyl.
14. Betameprodine.
15. Betamethadol.
16. Betaprodine.
17. Clonitazene.
18. Dextromoramide.
19. Diampromide.
20. Diethylthiambutene.
21. Difenoxin.
22. Dimenoxadol.
23. Dimepheptanol.
24. Dimethylthiambutene.
25. Dioxaphetyl butyrate.
26. Dipipanone.
27. Ethylmethylthiambutene.
28. Etonitazene.
29. Etoxidine.
30. Flunitrazepam.
31. Furethidine.
32. Hydroxypethidine.
33. Ketobemidone.
34. Levomoramide.
35. Levophenacymorphan.
36. Desmethylprodine (1-Methyl-4-Phenyl-4-Propionoxypiperidine).
37. 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide).
38. 3-Methylthiofentanyl.
39. Morpheridine.
40. Noracymethadol.
41. Norlevorphanol.
42. Normethadone.
43. Norpipanone.

44. Para-Fluorofentanyl.
45. Phenadoxone.
46. Phenampromide.
47. Phenomorphan.
48. Phenoperidine.
49. PEPAP (1-(2-Phenylethyl)-4-Phenyl-4-Acetyloxypiperidine).
50. Piritramide.
51. Proheptazine.
52. Properidine.
53. Propiram.
54. Racemoramide.
55. Thenylfentanyl.
56. Thiofentanyl.
57. Tianeptine.
58. Tilidine.
59. Trimeperidine.
60. Acetylfentanyl.
61. Butyrylfentanyl.
62. Beta-Hydroxythiofentanyl.

63. Fentanyl derivatives. Unless specifically excepted, listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, whenever the existence of such salts is possible within any of the following specific chemical designations containing a 4-anilidopiperidine structure:

- a. With or without substitution at the carbonyl of the aniline moiety with alkyl, alkenyl, carboalkoxy, cycloalkyl, methoxyalkyl, cyanoalkyl, or aryl groups, or furanyl, dihydrofuranyl, benzyl moiety, or rings containing heteroatoms sulfur, oxygen, or nitrogen;
- b. With or without substitution at the piperidine amino moiety with a phenethyl, benzyl, alkylaryl (including heteroaromatics), alkyltetrazolyl ring, or an alkyl or carbomethoxy group, whether or not further substituted in the ring or group;
- c. With or without substitution or addition to the piperidine ring to any extent with one or more methyl, carbomethoxy, methoxy, methoxymethyl, aryl, allyl, or ester groups;
- d. With or without substitution of one or more hydrogen atoms for halogens, or methyl, alkyl, or methoxy groups, in the aromatic ring of the anilide moiety;
- e. With or without substitution at the alpha or beta position of the piperidine ring with alkyl, hydroxyl, or methoxy groups;
- f. With or without substitution of the benzene ring of the anilide moiety for an aromatic heterocycle; and
- g. With or without substitution of the piperidine ring for a pyrrolidine ring, perhydroazepine ring, or azepine ring;

excluding, Alfentanil, Carfentanil, Fentanyl, and Sufentanil; including, but not limited to:

- (I) Acetyl-alpha-methylfentanyl.
- (II) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine).
- (III) Alpha-methylthiofentanyl.
- (IV) Benzylfentanyl.
- (V) Beta-hydroxyfentanyl.
- (VI) Beta-hydroxy-3-methylfentanyl.
- (VII) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide).

- (VIII) 3-Methylthiofentanyl.
- (IX) Para-Fluorofentanyl.
- (X) Thenylfentanyl or Thienyl fentanyl.
- (XI) Thiofentanyl.
- (XII) Acetylfentanyl.
- (XIII) Butyrylfentanyl.
- (XIV) Beta-Hydroxythiofentanyl.
- (XV) Lofentanil.
- (XVI) Ocfentanil.
- (XVII) Ohmfentanyl.
- (XVIII) Benzodioxolefentanyl.
- (XIX) Furanyl fentanyl.
- (XX) Pentanoyl fentanyl.
- (XXI) Cyclopentyl fentanyl.
- (XXII) Isobutyryl fentanyl.
- (XXIII) Remifentanil.

64. Nitazene derivatives. Unless specifically excepted, listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, whenever the existence of such salts is possible within any of the following specific chemical designations containing a benzimidazole ring with an ethylamine substitution at the 1-position and a benzyl ring substitution at the 2-position structure:

- a. With or without substitution on the benzimidazole ring with alkyl, alkoxy, carboalkoxy, amino, nitro, or aryl groups, or halogens;
- b. With or without substitution at the ethylamine amino moiety with alkyl, dialkyl, acetyl, or benzyl groups, whether or not further substituted in the ring system;
- c. With or without inclusion of the ethylamine amino moiety in a cyclic structure;
- d. With or without substitution of the benzyl ring; or
- e. With or without replacement of the benzyl ring with an aromatic ring, including, but not limited to:
 - (I) Butonitazene.
 - (II) Clonitazene.
 - (III) Etodesnitazene.
 - (IV) Etonitazene.
 - (V) Flunitazene.
 - (VI) Isotodesnitazene.
 - (VII) Isotonitazene.
 - (VIII) Metodesnitazene.
 - (IX) Metonitazene.
 - (X) Nitazene.
 - (XI) N-Desethyl Etonitazene.
 - (XII) N-Desethyl Isotonitazene.
 - (XIII) N-Piperidino Etonitazene.
 - (XIV) N-Pyrrolidino Etonitazene.
 - (XV) Protonitazene.

(b) Unless specifically excepted or unless listed in another schedule, any of the following substances, their salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- 1. Acetorphine.
- 2. Acetyldihydrocodeine.

3. Benzylmorphine.
4. Codeine methylbromide.
5. Codeine-N-Oxide.
6. Cyprenorphine.
7. Desomorphine.
8. Dihydromorphine.
9. Drotebanol.
10. Etorphine (except hydrochloride salt).
11. Heroin.
12. Hydromorphenol.
13. Methyl-desorphine.
14. Methyl-dihydromorphine.
15. Monoacetylmorphine.
16. Morphine methylbromide.
17. Morphine methylsulfonate.
18. Morphine-N-Oxide.
19. Myrophine.
20. Nicocodine.
21. Nicomorphine.
22. Normorphine.
23. Pholcodine.
24. Thebacon.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances or that contains any of their salts, isomers, including optical, positional, or geometric isomers, homologues, nitrogen-heterocyclic analogs, esters, ethers, and salts of isomers, homologues, nitrogen-heterocyclic analogs, esters, or ethers, if the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation or class description:

1. Alpha-Ethyltryptamine.
2. 4-Methylaminorex (2-Amino-4-methyl-5-phenyl-2-oxazoline).
3. Aminorex (2-Amino-5-phenyl-2-oxazoline).
4. DOB (4-Bromo-2,5-dimethoxyamphetamine).
5. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).
6. Bufotenine.
7. Cannabis.
8. Cathinone.
9. DET (Diethyltryptamine).
10. 2,5-Dimethoxyamphetamine.
11. DOET (4-Ethyl-2,5-Dimethoxyamphetamine).
12. DMT (Dimethyltryptamine).
13. PCE (N-Ethyl-1-phenylcyclohexylamine) (Ethylamine analog of phencyclidine).
14. JB-318 (N-Ethyl-3-piperidyl benzilate).
15. N-Ethylamphetamine.
16. Fenethylamine.
17. 3,4-Methylenedioxy-N-hydroxyamphetamine.
18. Ibogaine.
19. LSD (Lysergic acid diethylamide).
20. Mescaline.
21. Methcathinone.
22. 5-Methoxy-3,4-methylenedioxyamphetamine.

23. PMA (4-Methoxyamphetamine).
24. PMMA (4-Methoxymethamphetamine).
25. DOM (4-Methyl-2,5-dimethoxyamphetamine).
26. MDEA (3,4-Methylenedioxy-N-ethylamphetamine).
27. MDA (3,4-Methylenedioxyamphetamine).
28. JB-336 (N-Methyl-3-piperidyl benzilate).
29. N,N-Dimethylamphetamine.
30. Parahexyl.
31. Peyote.
32. PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine) (Pyrrolidine analog of phencyclidine).
33. Psilocybin.
34. Psilocyn.
35. *Salvia divinorum*, except for any drug product approved by the United States Food and Drug Administration which contains *Salvia divinorum* or its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, if the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.
36. Salvinorin A, except for any drug product approved by the United States Food and Drug Administration which contains Salvinorin A or its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, if the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.
37. Xylazine.
38. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine) (Thiophene analog of phencyclidine).
39. 3,4,5-Trimethoxyamphetamine.
40. Methylone (3,4-Methylenedioxymethcathinone).
41. MDPV (3,4-Methylenedioxypyrovalerone).
42. Methylmethcathinone.
43. Methoxymethcathinone.
44. Fluoromethcathinone.
45. Methylethcathinone.
46. CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-2-yl)phenol) and its dimethyloctyl (C8) homologue.
47. HU-210 [(6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol].
48. JWH-018 (1-Pentyl-3-(1-naphthoyl)indole).
49. JWH-073 (1-Butyl-3-(1-naphthoyl)indole).
50. JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole).
51. BZP (Benzylpiperazine).
52. Fluorophenylpiperazine.
53. Methylphenylpiperazine.
54. Chlorophenylpiperazine.
55. Methoxyphenylpiperazine.
56. DBZP (1,4-Dibenzylpiperazine).
57. TFMPP (Trifluoromethylphenylpiperazine).
58. MBDB (Methylbenzodioxolylbutanamine) or (3,4-Methylenedioxy-N-methylbutanamine).
59. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).
60. 5-Hydroxy-N-methyltryptamine.
61. 5-MeO-MIPT (5-Methoxy-N-methyl-N-isopropyltryptamine).
62. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).
63. Methyltryptamine.
64. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).
65. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).
66. Tyramine (4-Hydroxyphenethylamine).

67. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).
68. DiPT (N,N-Diisopropyltryptamine).
69. DPT (N,N-Dipropyltryptamine).
70. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).
71. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).
72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
75. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine).
76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
77. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).
78. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).
79. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine).
80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
81. Butylone (3,4-Methylenedioxy-alpha-methylaminobutyrophenone).
82. Ethcathinone.
83. Ethylone (3,4-Methylenedioxy-N-ethylcathinone).
84. Naphyrone (Naphthylpyrovalerone).
85. Dimethylone (3,4-Methylenedioxy-N,N-dimethylcathinone).
86. 3,4-Methylenedioxy-N,N-diethylcathinone.
87. 3,4-Methylenedioxy-propiophenone.
88. 3,4-Methylenedioxy-alpha-bromopropiophenone.
89. 3,4-Methylenedioxy-propiophenone-2-oxime.
90. 3,4-Methylenedioxy-N-acetylcathinone.
91. 3,4-Methylenedioxy-N-acetylmethcathinone.
92. 3,4-Methylenedioxy-N-acetylethcathinone.
93. Bromomethcathinone.
94. Buphedrone (alpha-Methylamino-butyrophenone).
95. Eutylone (3,4-Methylenedioxy-alpha-ethylaminobutyrophenone).
96. Dimethylcathinone.
97. Dimethylmethcathinone.
98. Pentylone (3,4-Methylenedioxy-alpha-methylaminovalerophenone).
99. MDPPP (3,4-Methylenedioxy-alpha-pyrrolidinopropiophenone).
100. MDPBP (3,4-Methylenedioxy-alpha-pyrrolidinobutyrophenone).
101. MOPPP (Methoxy-alpha-pyrrolidinopropiophenone).
102. MPHP (Methyl-alpha-pyrrolidinohexanophenone).
103. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP (Benocyclidine).
104. F-MABP (Fluoromethylaminobutyrophenone).
105. MeO-PBP (Methoxypyrrolidinobutyrophenone).
106. Et-PBP (Ethylpyrrolidinobutyrophenone).
107. 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).
108. Me-EABP (Methylethylaminobutyrophenone).
109. Etizolam.
110. PPP (Pyrrolidinopropiophenone).
111. PBP (Pyrrolidinobutyrophenone).
112. PVP (Pyrrolidinovalerophenone) or (Pyrrolidinopentiophenone).
113. MPPP (Methyl-alpha-pyrrolidinopropiophenone).
114. JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl)indole).
115. JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl)indole).

116. JWH-019 (1-Hexyl-3-(1-naphthoyl)indole).
117. JWH-020 (1-Heptyl-3-(1-naphthoyl)indole).
118. JWH-072 (1-Propyl-3-(1-naphthoyl)indole).
119. JWH-081 (1-Pentyl-3-(4-methoxy-1-naphthoyl)indole).
120. JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
121. JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
122. JWH-175 (1-Pentyl-3-(1-naphthylmethyl)indole).
123. JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl)indole).
124. JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole).
125. JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl)indole).
126. JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole).
127. JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole).
128. JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl)indole).
129. JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole).
130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
131. HU-308 ([1R,2R,5R]-2-[2,6-Dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).
132. HU-331 (3-Hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione).
133. CB-13 (4-Pentyloxy-1-(1-naphthoyl)naphthalene).
134. CB-25 (N-Cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-undecanamide).
135. CB-52 (N-Cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-undecanamide).
136. CP 55,940 (2-[3-Hydroxy-6-propanol-cyclohexyl]-5-(2-methyloctan-2-yl)phenol).
137. AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole).
138. AM-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indole).
139. RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole).
140. RCS-8 (1-(2-Cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole).
141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone).
142. WIN55,212-3 [(3S)-2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone).
143. Pentedrone (alpha-Methylaminovalerophenone).
144. Fluoroamphetamine.
145. Fluoromethamphetamine.
146. Methoxetamine.
147. Methiopropamine.
148. Methylbuphedrone (Methyl-alpha-methylaminobutyrophenone).
149. APB ((2-Aminopropyl)benzofuran).
150. APDB ((2-Aminopropyl)-2,3-dihydrobenzofuran).
151. UR-144 (1-Pentyl-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).
152. XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).
153. Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).
154. AKB48 (N-Adamant-1-yl 1-pentylindazole-3-carboxamide).
155. AM-2233(1-[(N-Methyl-2-piperidiny)methyl]-3-(2-iodobenzoyl)indole).
156. STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-3-carboxamide).
157. URB-597 ((3'-(Aminocarbonyl)[1,1'-biphenyl]-3-yl)-cyclohexylcarbamate).
158. URB-602 ([1,1'-Biphenyl]-3-yl-carbamic acid, cyclohexyl ester).
159. URB-754 (6-Methyl-2-[(4-methylphenyl)amino]-1-benzoxazin-4-one).

160. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).
161. 2C-H (2,5-Dimethoxyphenethylamine).
162. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).
163. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).
164. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
165. MDMA (3,4-Methylenedioxymethamphetamine).
166. PB-22 (8-Quinoliny 1-pentylindole-3-carboxylate).
167. Fluoro PB-22 (8-Quinoliny 1-(fluoropentyl)indole-3-carboxylate).
168. BB-22 (8-Quinoliny 1-(cyclohexylmethyl)indole-3-carboxylate).
169. Fluoro AKB48 (N-Adamant-1-yl 1-(fluoropentyl)indazole-3-carboxamide).
170. AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide).
171. AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).
172. ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide).
173. Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(fluoropentyl)indole-3-carboxamide).
174. 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
175. 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
176. AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).
177. FUB-PB-22 (8-Quinoliny 1-(4-fluorobenzyl)indole-3-carboxylate).
178. Fluoro-NNEI (N-Naphthalen-1-yl 1-(fluoropentyl)indole-3-carboxamide).
179. Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).
180. THJ-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indazole).
181. AM-855 ((4aR,12bR)-8-Hexyl-2,5,5-trimethyl-1,4,4a,8,9,10,11,12b-octahydronaphtho[3,2-c]isochromen-12-ol).
182. AM-905 ((6aR,9R,10aR)-3-[(E)-Hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol).
183. AM-906 ((6aR,9R,10aR)-3-[(Z)-Hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol).
184. AM-2389 ((6aR,9R,10aR)-3-(1-Hexyl-cyclobut-1-yl)-6a,7,8,9,10,10a-hexahydro-6,6-dimethyl-6H-dibenzo[b,d]pyran-1,9 diol).
185. HU-243 ((6aR,8S,9S,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-8,9-ditritio-7,8,10,10a-tetrahydro-6aH-benzo[c]chromen-1-ol).
186. HU-336 ((6aR,10aR)-6,6,9-Trimethyl-3-pentyl-6a,7,10,10a-tetrahydro-1H-benzo[c]chromene-1,4(6H)-dione).
187. MAPB ((2-Methylaminopropyl)benzofuran).
188. 5-IT (2-(1H-Indol-5-yl)-1-methyl-ethylamine).
189. 6-IT (2-(1H-Indol-6-yl)-1-methyl-ethylamine).

190. Synthetic Cannabinoids.—Unless specifically excepted or unless listed in another schedule or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation that contains any quantity of a synthetic cannabinoid found to be in any of the following chemical class descriptions, or homologues, nitrogen-heterocyclic analogs, isomers (including optical, positional, or geometric), esters, ethers, salts, and salts of homologues, nitrogen-heterocyclic analogs, isomers, esters, or ethers, whenever the existence of such homologues, nitrogen-heterocyclic analogs, isomers, esters, ethers, salts, and salts of isomers, esters, or ethers is possible within the specific chemical class or designation. Since nomenclature of these synthetically produced cannabinoids is not internationally standardized and may continually evolve, these structures or the compounds of these structures shall be included under this paragraph, regardless of their specific numerical designation of atomic positions covered, if it can be determined through a recognized method of scientific testing or analysis that the substance contains properties that fit within one or more of the following categories:

a. Tetrahydrocannabinols.—Any tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis*, the synthetic equivalents of the substances contained in the plant or in the resinous extracts of the genus *Cannabis*, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity, including, but not limited to, Delta 9 tetrahydrocannabinols and their optical isomers, Delta 8 tetrahydrocannabinols and their optical isomers, Delta 6a,10a tetrahydrocannabinols and their optical isomers, or any compound containing a tetrahydrobenzo[c]chromene structure with substitution at either or both the 3-position or 9-position, with or without substitution at the 1-position with hydroxyl or alkoxy groups, including, but not limited to:

- (I) Tetrahydrocannabinol.
- (II) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
- (III) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
- (IV) JWH-051 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
- (V) JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
- (VI) JWH-057 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
- (VII) JWH-359 ((6aR,10aR)-1-Methoxy-6,6,9-trimethyl-3-(2,3-dimethylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
- (VIII) AM-087 ((6aR,10aR)-3-(2-Methyl-6-bromohex-2-yl)-6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
- (IX) AM-411 ((6aR,10aR)-3-(1-Adamantyl)-6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
- (X) Parahexyl.

b. Naphthoylindoles, Naphthoylindazoles, Naphthoylcarbazoles, Naphthylmethylindoles, Naphthylmethylindazoles, and Naphthylmethylcarbazoles.—Any compound containing a naphthoylindole, naphthoylindazole, naphthoylcarbazole, naphthylmethylindole, naphthylmethylindazole, or naphthylmethylcarbazole structure, with or without substitution on the indole, indazole, or carbazole ring to any extent, whether or not substituted on the naphthyl ring to any extent, including, but not limited to:

- (I) JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl)indole).
- (II) JWH-011 (1-(1-Methylhexyl)-2-methyl-3-(1-naphthoyl)indole).
- (III) JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl)indole).
- (IV) JWH-016 (1-Butyl-2-methyl-3-(1-naphthoyl)indole).
- (V) JWH-018 (1-Pentyl-3-(1-naphthoyl)indole).
- (VI) JWH-019 (1-Hexyl-3-(1-naphthoyl)indole).
- (VII) JWH-020 (1-Heptyl-3-(1-naphthoyl)indole).
- (VIII) JWH-022 (1-(4-Pentenyl)-3-(1-naphthoyl)indole).
- (IX) JWH-071 (1-Ethyl-3-(1-naphthoyl)indole).
- (X) JWH-072 (1-Propyl-3-(1-naphthoyl)indole).
- (XI) JWH-073 (1-Butyl-3-(1-naphthoyl)indole).
- (XII) JWH-080 (1-Butyl-3-(4-methoxy-1-naphthoyl)indole).
- (XIII) JWH-081 (1-Pentyl-3-(4-methoxy-1-naphthoyl)indole).
- (XIV) JWH-098 (1-Pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole).
- (XV) JWH-116 (1-Pentyl-2-ethyl-3-(1-naphthoyl)indole).
- (XVI) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
- (XVII) JWH-149 (1-Pentyl-2-methyl-3-(4-methyl-1-naphthoyl)indole).
- (XVIII) JWH-164 (1-Pentyl-3-(7-methoxy-1-naphthoyl)indole).
- (XIX) JWH-175 (1-Pentyl-3-(1-naphthylmethyl)indole).
- (XX) JWH-180 (1-Propyl-3-(4-propyl-1-naphthoyl)indole).
- (XXI) JWH-182 (1-Pentyl-3-(4-propyl-1-naphthoyl)indole).

- (XXII) JWH-184 (1-Pentyl-3-[(4-methyl-1-naphthyl)methyl]indole).
- (XXIII) JWH-193 (1-[2-(4-Morpholinyl)ethyl]-3-(4-methyl-1-naphthoyl)indole).
- (XXIV) JWH-198 (1-[2-(4-Morpholinyl)ethyl]-3-(4-methoxy-1-naphthoyl)indole).
- (XXV) JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole).
- (XXVI) JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl)indole).
- (XXVII) JWH-387 (1-Pentyl-3-(4-bromo-1-naphthoyl)indole).
- (XXVIII) JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole).
- (XXIX) JWH-412 (1-Pentyl-3-(4-fluoro-1-naphthoyl)indole).
- (XXX) JWH-424 (1-Pentyl-3-(8-bromo-1-naphthoyl)indole).
- (XXXI) AM-1220 (1-[(1-Methyl-2-piperidinyl)methyl]-3-(1-naphthoyl)indole).
- (XXXII) AM-1235 (1-(5-Fluoropentyl)-6-nitro-3-(1-naphthoyl)indole).
- (XXXIII) AM-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indole).
- (XXXIV) Chloro JWH-018 (1-(Chloropentyl)-3-(1-naphthoyl)indole).
- (XXXV) Bromo JWH-018 (1-(Bromopentyl)-3-(1-naphthoyl)indole).
- (XXXVI) AM-2232 (1-(4-Cyanobutyl)-3-(1-naphthoyl)indole).
- (XXXVII) THJ-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indazole).
- (XXXVIII) MAM-2201 (1-(5-Fluoropentyl)-3-(4-methyl-1-naphthoyl)indole).
- (XXXIX) EAM-2201 (1-(5-Fluoropentyl)-3-(4-ethyl-1-naphthoyl)indole).
- (XL) EG-018 (9-Pentyl-3-(1-naphthoyl)carbazole).
- (XLI) EG-2201 (9-(5-Fluoropentyl)-3-(1-naphthoyl)carbazole).

c. Naphthoylpyrroles.—Any compound containing a naphthoylpyrrole structure, with or without substitution on the pyrrole ring to any extent, whether or not substituted on the naphthyl ring to any extent, including, but not limited to:

- (I) JWH-030 (1-Pentyl-3-(1-naphthoyl)pyrrole).
- (II) JWH-031 (1-Hexyl-3-(1-naphthoyl)pyrrole).
- (III) JWH-145 (1-Pentyl-5-phenyl-3-(1-naphthoyl)pyrrole).
- (IV) JWH-146 (1-Heptyl-5-phenyl-3-(1-naphthoyl)pyrrole).
- (V) JWH-147 (1-Hexyl-5-phenyl-3-(1-naphthoyl)pyrrole).
- (VI) JWH-307 (1-Pentyl-5-(2-fluorophenyl)-3-(1-naphthoyl)pyrrole).
- (VII) JWH-309 (1-Pentyl-5-(1-naphthalenyl)-3-(1-naphthoyl)pyrrole).
- (VIII) JWH-368 (1-Pentyl-5-(3-fluorophenyl)-3-(1-naphthoyl)pyrrole).
- (IX) JWH-369 (1-Pentyl-5-(2-chlorophenyl)-3-(1-naphthoyl)pyrrole).
- (X) JWH-370 (1-Pentyl-5-(2-methylphenyl)-3-(1-naphthoyl)pyrrole).

d. Naphthylmethylenindenes.—Any compound containing a naphthylmethylenindene structure, with or without substitution at the 3-position of the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent, including, but not limited to, JWH-176 (3-Pentyl-1-(naphthylmethylenene)indene).

e. Phenylacetylindoles and Phenylacetylindazoles.—Any compound containing a phenylacetylindole or phenylacetylindazole structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the phenyl ring to any extent, including, but not limited to:

- (I) JWH-167 (1-Pentyl-3-(phenylacetyl)indole).
- (II) JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl)indole).
- (III) JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole).
- (IV) JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole).
- (V) JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole).
- (VI) JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl)indole).
- (VII) Cannabipiperidiethanone.
- (VIII) RCS-8 (1-(2-Cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole).

f. Cyclohexylphenols.—Any compound containing a cyclohexylphenol structure, with or without substitution at the 5-position of the phenolic ring to any extent, whether or not substituted on the cyclohexyl ring to any extent,

including, but not limited to:

- (I) CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-2-yl)phenol).
- (II) Cannabicyclohexanol (CP 47,497 dimethyloctyl (C8) homologue).
- (III) CP-55,940 (2-(3-Hydroxy-6-propanol-cyclohexyl)-5-(2-methyloctan-2-yl)phenol).

g. Benzoylindoles and Benzoylindazoles.—Any compound containing a benzoylindole or benzoylindazole structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the phenyl ring to any extent, including, but not limited to:

- (I) AM-679 (1-Pentyl-3-(2-iodobenzoyl)indole).
- (II) AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole).
- (III) AM-1241 (1-[(N-Methyl-2-piperidyl)methyl]-3-(2-iodo-5-nitrobenzoyl)indole).
- (IV) Pravadoline (1-[2-(4-Morpholinyl)ethyl]-2-methyl-3-(4-methoxybenzoyl)indole).
- (V) AM-2233 (1-[(N-Methyl-2-piperidyl)methyl]-3-(2-iodobenzoyl)indole).
- (VI) RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole).
- (VII) RCS-4 C4 homologue (1-Butyl-3-(4-methoxybenzoyl)indole).
- (VIII) AM-630 (1-[2-(4-Morpholinyl)ethyl]-2-methyl-6-iodo-3-(4-methoxybenzoyl)indole).

h. Tetramethylcyclopropanoylindoles and Tetramethylcyclopropanoylindazoles.—Any compound containing a tetramethylcyclopropanoylindole or tetramethylcyclopropanoylindazole structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the tetramethylcyclopropyl group to any extent, including, but not limited to:

- (I) UR-144 (1-Pentyl-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).
- (II) XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).
- (III) Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).
- (IV) A-796,260 (1-[2-(4-Morpholinyl)ethyl]-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).
- (V) A-834,735 (1-[4-(Tetrahydropyranyl)methyl]-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).
- (VI) M-144 (1-(5-Fluoropentyl)-2-methyl-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).
- (VII) FUB-144 (1-(4-Fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).
- (VIII) FAB-144 (1-(5-Fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indazole).
- (IX) XLR12 (1-(4,4,4-Trifluorobutyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).
- (X) AB-005 (1-[(1-Methyl-2-piperidyl)methyl]-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

i. Adamantoylindoles, Adamantoylindazoles, Adamantylindole carboxamides, and Adamantylindazole carboxamides.—Any compound containing an adamantoyl indole, adamantoyl indazole, adamantyl indole carboxamide, or adamantyl indazole carboxamide structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent, including, but not limited to:

- (I) AKB48 (N-Adamant-1-yl 1-pentylindazole-3-carboxamide).
- (II) Fluoro AKB48 (N-Adamant-1-yl 1-(fluoropentyl)indazole-3-carboxamide).
- (III) STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-3-carboxamide).
- (IV) AM-1248 (1-(1-Methylpiperidine)methyl-3-(1-adamantoyl)indole).
- (V) AB-001 (1-Pentyl-3-(1-adamantoyl)indole).
- (VI) APICA (N-Adamant-1-yl 1-pentylindole-3-carboxamide).
- (VII) Fluoro AB-001 (1-(Fluoropentyl)-3-(1-adamantoyl)indole).

j. Quinolinyndolecarboxylates, Quinolinyndazolecarboxylates, Quinolinyndolecarboxamides, and Quinolinyndazolecarboxamides.—Any compound containing a quinolinyndole carboxylate, quinolinyndazole carboxylate, isoquinolinyndole carboxylate, isoquinolinyndazole carboxylate, quinolinyndole carboxamide, quinolinyndazole carboxamide, isoquinolinyndole carboxamide, or isoquinolinyndazole carboxamide structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the quinoline or isoquinoline ring to any extent, including, but not limited to:

- (I) PB-22 (8-Quinolinyndole-1-pentylindole-3-carboxylate).
- (II) Fluoro PB-22 (8-Quinolinyndole-1-(fluoropentyl)indole-3-carboxylate).
- (III) BB-22 (8-Quinolinyndole-1-(cyclohexylmethyl)indole-3-carboxylate).

- (IV) FUB-PB-22 (8-Quinoliny 1-(4-fluorobenzyl)indole-3-carboxylate).
- (V) NPB-22 (8-Quinoliny 1-pentylindazole-3-carboxylate).
- (VI) Fluoro NPB-22 (8-Quinoliny 1-(fluoropentyl)indazole-3-carboxylate).
- (VII) FUB-NPB-22 (8-Quinoliny 1-(4-fluorobenzyl)indazole-3-carboxylate).
- (VIII) THJ (8-Quinoliny 1-pentylindazole-3-carboxamide).
- (IX) Fluoro THJ (8-Quinoliny 1-(fluoropentyl)indazole-3-carboxamide).

k. Naphthylindolecarboxylates and Naphthylindazolecarboxylates.—Any compound containing a naphthylindole carboxylate or naphthylindazole carboxylate structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the naphthyl ring to any extent, including, but not limited to:

- (I) NM-2201 (1-Naphthalenyl 1-(5-fluoropentyl)indole-3-carboxylate).
- (II) SDB-005 (1-Naphthalenyl 1-pentylindazole-3-carboxylate).
- (III) Fluoro SDB-005 (1-Naphthalenyl 1-(fluoropentyl)indazole-3-carboxylate).
- (IV) FDU-PB-22 (1-Naphthalenyl 1-(4-fluorobenzyl)indole-3-carboxylate).
- (V) 3-CAF (2-Naphthalenyl 1-(2-fluorophenyl)indazole-3-carboxylate).

l. Naphthylindole carboxamides and Naphthylindazole carboxamides.—Any compound containing a naphthylindole carboxamide or naphthylindazole carboxamide structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the naphthyl ring to any extent, including, but not limited to:

- (I) NNEI (N-Naphthalen-1-yl 1-pentylindole-3-carboxamide).
- (II) Fluoro-NNEI (N-Naphthalen-1-yl 1-(fluoropentyl)indole-3-carboxamide).
- (III) Chloro-NNEI (N-Naphthalen-1-yl 1-(chloropentyl)indole-3-carboxamide).
- (IV) MN-18 (N-Naphthalen-1-yl 1-pentylindazole-3-carboxamide).
- (V) Fluoro MN-18 (N-Naphthalen-1-yl 1-(fluoropentyl)indazole-3-carboxamide).

m. Alkylcarbonyl indole carboxamides, Alkylcarbonyl indazole carboxamides, Alkylcarbonyl indole carboxylates, and Alkylcarbonyl indazole carboxylates.—Any compound containing an alkylcarbonyl group, including 1-amino-3-methyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-amino-1-oxo-3-phenylpropan-2-yl, 1-methoxy-1-oxo-3-phenylpropan-2-yl, with an indole carboxamide, indazole carboxamide, indole carboxylate, or indazole carboxylate, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the alkylcarbonyl group to any extent, including, but not limited to:

- (I) ADBICA, (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindole-3-carboxamide).
- (II) Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(fluoropentyl)indole-3-carboxamide).
- (III) Fluoro ABICA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(fluoropentyl)indole-3-carboxamide).
- (IV) AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide).
- (V) Fluoro AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).
- (VI) ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide).
- (VII) Fluoro ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).
- (VIII) AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).
- (IX) ADB-FUBINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).
- (X) AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).
- (XI) MA-CHMINACA (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).
- (XII) MAB-CHMINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).
- (XIII) AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide).
- (XIV) Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).
- (XV) FUB-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).
- (XVI) MDMB-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).
- (XVII) MDMB-FUBINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).
- (XVIII) MDMB-CHMICA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide).

- (XIX) PX-1 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-fluoropentyl)indole-3-carboxamide).
(XX) PX-2 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide).
(XXI) PX-3 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).
(XXII) PX-4 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).
(XXIII) MO-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxylate).

n. Cumylindolecarboxamides and Cumylindazolecarboxamides.—Any compound containing a N-(2-phenylpropan-2-yl) indole carboxamide or N-(2-phenylpropan-2-yl) indazole carboxamide structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the phenyl ring of the cumyl group to any extent, including, but not limited to:

- (I) CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-pentylindole-3-carboxamide).
(II) Fluoro CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-(fluoropentyl)indole-3-carboxamide).

o. Other Synthetic Cannabinoids.—Any material, compound, mixture, or preparation that contains any quantity of a Synthetic Cannabinoid, as described in sub-subparagraphs a.-n.:

(I) With or without modification or replacement of a carbonyl, carboxamide, alkylene, alkyl, or carboxylate linkage between either two core rings, or linkage between a core ring and group structure, with or without the addition of a carbon or replacement of a carbon;

(II) With or without replacement of a core ring or group structure, whether or not substituted on the ring or group structures to any extent; and

(III) Is a cannabinoid receptor agonist, unless specifically excepted or unless listed in another schedule or contained within a pharmaceutical product approved by the United States Food and Drug Administration.

191. Substituted Cathinones.—Unless specifically excepted, listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, whenever the existence of such salts is possible within any of the following specific chemical designations:

- a. Any compound containing a 2-amino-1-phenyl-1-propanone structure;
b. Any compound containing a 2-amino-1-naphthyl-1-propanone structure; or
c. Any compound containing a 2-amino-1-thiophenyl-1-propanone structure,

whether or not the compound is further modified:

(I) With or without substitution on the ring system to any extent with alkyl, alkylthio, thio, fused alkylenedioxy, alkoxy, haloalkyl, hydroxyl, nitro, fused furan, fused benzofuran, fused dihydrofuran, fused tetrahydropyran, fused alkyl ring, or halide substituents;

(II) With or without substitution at the 3-propanone position with an alkyl substituent or removal of the methyl group at the 3-propanone position;

(III) With or without substitution at the 2-amino nitrogen atom with alkyl, dialkyl, acetyl, or benzyl groups, whether or not further substituted in the ring system; or

(IV) With or without inclusion of the 2-amino nitrogen atom in a cyclic structure, including, but not limited to:

- (A) Methcathinone.
(B) Ethcathinone.
(C) Methylone (3,4-Methylenedioxymethcathinone).
(D) 2,3-Methylenedioxymethcathinone.
(E) MDPV (3,4-Methylenedioxypyrovalerone).
(F) Methylmethcathinone.
(G) Methoxymethcathinone.
(H) Fluoromethcathinone.
(I) Methylethcathinone.
(J) Butylone (3,4-Methylenedioxy- α -methylaminobutyrophenone).
(K) Ethylone (3,4-Methylenedioxy-N-ethylcathinone).

- (L) BMDP (3,4-Methylenedioxy-N-benzylcathinone).
- (M) Naphyrone (Naphthylpyrovalerone).
- (N) Bromomethcathinone.
- (O) Buphedrone (alpha-Methylaminobutyrophenone).
- (P) Eutylone (3,4-Methylenedioxy-alpha-ethylaminobutyrophenone).
- (Q) Dimethylcathinone.
- (R) Dimethylmethcathinone.
- (S) Pentylone (3,4-Methylenedioxy-alpha-methylaminovalerophenone).
- (T) Pentedrone (alpha-Methylaminovalerophenone).
- (U) MDPPP (3,4-Methylenedioxy-alpha-pyrrolidinopropiophenone).
- (V) MDPBP (3,4-Methylenedioxy-alpha-pyrrolidinobutyrophenone).
- (W) MPPP (Methyl-alpha-pyrrolidinopropiophenone).
- (X) PPP (Pyrrolidinopropiophenone).
- (Y) PVP (Pyrrolidinovalerophenone) or (Pyrrolidinopentiophenone).
- (Z) MOPPP (Methoxy-alpha-pyrrolidinopropiophenone).
- (AA) MPHP (Methyl-alpha-pyrrolidinohexanophenone).
- (BB) F-MABP (Fluoromethylaminobutyrophenone).
- (CC) Me-EABP (Methylethylaminobutyrophenone).
- (DD) PBP (Pyrrolidinobutyrophenone).
- (EE) MeO-PBP (Methoxypyrrolidinobutyrophenone).
- (FF) Et-PBP (Ethylpyrrolidinobutyrophenone).
- (GG) 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).
- (HH) Dimethylone (3,4-Methylenedioxy-N,N-dimethylcathinone).
- (II) 3,4-Methylenedioxy-N,N-diethylcathinone.
- (JJ) 3,4-Methylenedioxy-N-acetylcathinone.
- (KK) 3,4-Methylenedioxy-N-acetylmethcathinone.
- (LL) 3,4-Methylenedioxy-N-acetylethcathinone.
- (MM) Methylbuphedrone (Methyl-alpha-methylaminobutyrophenone).
- (NN) Methyl-alpha-methylaminohexanophenone.
- (OO) N-Ethyl-N-methylcathinone.
- (PP) PHP (Pyrrolidinohexanophenone).
- (QQ) PV8 (Pyrrolidinoheptanophenone).
- (RR) Chloromethcathinone.
- (SS) 4-Bromo-2,5-dimethoxy-alpha-aminoacetophenone.

192. Substituted Phenethylamines.—Unless specifically excepted or unless listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, whenever the existence of such salts is possible within any of the following specific chemical designations, any compound containing a phenethylamine structure, without a beta-keto group, and without a benzyl group attached to the amine group, whether or not the compound is further modified with or without substitution on the phenyl ring to any extent with alkyl, alkylthio, nitro, alkoxy, thio, halide, fused alkylenedioxy, fused furan, fused benzofuran, fused dihydrofuran, or fused tetrahydropyran substituents, whether or not further substituted on a ring to any extent, with or without substitution at the alpha or beta position by any alkyl substituent, with or without substitution at the nitrogen atom, and with or without inclusion of the 2-amino nitrogen atom in a cyclic structure, including, but not limited to:

- a. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).
- b. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- c. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine).
- d. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).

- e. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).
- f. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).
- g. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine).
- h. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- i. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).
- j. 2C-H (2,5-Dimethoxyphenethylamine).
- k. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).
- l. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).
- m. MDMA (3,4-Methylenedioxyamphetamine).
- n. MBDB (Methylbenzodioxolylbutanamine) or (3,4-Methylenedioxy-N-methylbutanamine).
- o. MDA (3,4-Methylenedioxyamphetamine).
- p. 2,5-Dimethoxyamphetamine.
- q. Fluoroamphetamine.
- r. Fluoromethamphetamine.
- s. MDEA (3,4-Methylenedioxy-N-ethylamphetamine).
- t. DOB (4-Bromo-2,5-dimethoxyamphetamine).
- u. DOC (4-Chloro-2,5-dimethoxyamphetamine).
- v. DOET (4-Ethyl-2,5-dimethoxyamphetamine).
- w. DOI (4-Iodo-2,5-dimethoxyamphetamine).
- x. DOM (4-Methyl-2,5-dimethoxyamphetamine).
- y. PMA (4-Methoxyamphetamine).
- z. N-Ethylamphetamine.
- aa. 3,4-Methylenedioxy-N-hydroxyamphetamine.
- bb. 5-Methoxy-3,4-methylenedioxyamphetamine.
- cc. PMMA (4-Methoxymethamphetamine).
- dd. N,N-Dimethylamphetamine.
- ee. 3,4,5-Trimethoxyamphetamine.
- ff. 4-APB (4-(2-Aminopropyl)benzofuran).
- gg. 5-APB (5-(2-Aminopropyl)benzofuran).
- hh. 6-APB (6-(2-Aminopropyl)benzofuran).
- ii. 7-APB (7-(2-Aminopropyl)benzofuran).
- jj. 4-APDB (4-(2-Aminopropyl)-2,3-dihydrobenzofuran).
- kk. 5-APDB (5-(2-Aminopropyl)-2,3-dihydrobenzofuran).
- ll. 6-APDB (6-(2-Aminopropyl)-2,3-dihydrobenzofuran).
- mm. 7-APDB (7-(2-Aminopropyl)-2,3-dihydrobenzofuran).
- nn. 4-MAPB (4-(2-Methylaminopropyl)benzofuran).
- oo. 5-MAPB (5-(2-Methylaminopropyl)benzofuran).
- pp. 6-MAPB (6-(2-Methylaminopropyl)benzofuran).
- qq. 7-MAPB (7-(2-Methylaminopropyl)benzofuran).
- rr. 5-EAPB (5-(2-Ethylaminopropyl)benzofuran).
- ss. 5-MAPDB (5-(2-Methylaminopropyl)-2,3-dihydrobenzofuran),

which does not include phenethylamine, mescaline as described in subparagraph 20., substituted cathinones as described in subparagraph 191., N-Benzyl phenethylamine compounds as described in subparagraph 193., or methamphetamine as described in subparagraph (2)(c)5.

193. N-Benzyl Phenethylamine Compounds.—Unless specifically excepted or unless listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, whenever the existence of such salts is possible within any of the following specific chemical

designations, any compound containing a phenethylamine structure without a beta-keto group, with substitution on the nitrogen atom of the amino group with a benzyl substituent, with or without substitution on the phenyl or benzyl ring to any extent with alkyl, alkoxy, thio, alkylthio, halide, fused alkylenedioxy, fused furan, fused benzofuran, or fused tetrahydropyran substituents, whether or not further substituted on a ring to any extent, with without substitution at the alpha position by any alkyl substituent, including, but not limited to:

- a. 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
- b. 25B-NBOH (4-Bromo-2,5-dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine).
- c. 25B-NBF (4-Bromo-2,5-dimethoxy-[N-(2-fluorobenzyl)]phenethylamine).
- d. 25B-NBMD (4-Bromo-2,5-dimethoxy-[N-(2,3-methylenedioxybenzyl)]phenethylamine).
- e. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
- f. 25I-NBOH (4-Iodo-2,5-dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine).
- g. 25I-NBF (4-Iodo-2,5-dimethoxy-[N-(2-fluorobenzyl)]phenethylamine).
- h. 25I-NBMD (4-Iodo-2,5-dimethoxy-[N-(2,3-methylenedioxybenzyl)]phenethylamine).
- i. 25T2-NBOMe (4-Methylthio-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
- j. 25T4-NBOMe (4-Isopropylthio-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
- k. 25T7-NBOMe (4-(n)-Propylthio-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
- l. 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
- m. 25C-NBOH (4-Chloro-2,5-dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine).
- n. 25C-NBF (4-Chloro-2,5-dimethoxy-[N-(2-fluorobenzyl)]phenethylamine).
- o. 25C-NBMD (4-Chloro-2,5-dimethoxy-[N-(2,3-methylenedioxybenzyl)]phenethylamine).
- p. 25H-NBOMe (2,5-Dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
- q. 25H-NBOH (2,5-Dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine).
- r. 25H-NBF (2,5-Dimethoxy-[N-(2-fluorobenzyl)]phenethylamine).
- s. 25D-NBOMe (4-Methyl-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine),

which does not include substituted cathinones as described in subparagraph 191.

194. Substituted Tryptamines.—Unless specifically excepted or unless listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation containing a 2-(1H-indol-3-yl)ethanamine, for example tryptamine, structure with or without mono- or di-substitution of the amine nitrogen with alkyl or alkenyl groups, or by inclusion of the amino nitrogen atom in a cyclic structure, whether or not substituted at the alpha position with an alkyl group, whether or not substituted on the indole ring to any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy groups, including, but not limited to:

- a. Alpha-Ethyltryptamine.
- b. Bufotenine.
- c. DET (Diethyltryptamine).
- d. DMT (Dimethyltryptamine).
- e. MET (N-Methyl-N-ethyltryptamine).
- f. DALT (N,N-Diallyltryptamine).
- g. EiPT (N-Ethyl-N-isopropyltryptamine).
- h. MiPT (N-Methyl-N-isopropyltryptamine).
- i. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).
- j. 5-Hydroxy-N-methyltryptamine.
- k. 5-MeO-MiPT (5-Methoxy-N-methyl-N-isopropyltryptamine).
- l. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).
- m. Methyltryptamine.
- n. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).
- o. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).
- p. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).

- q. DiPT (N,N-Diisopropyltryptamine).
- r. DPT (N,N-Dipropyltryptamine).
- s. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).
- t. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).
- u. 4-AcO-DMT (4-Acetoxy-N,N-dimethyltryptamine).
- v. 4-AcO-DiPT (4-Acetoxy-N,N-diisopropyltryptamine).
- w. 4-Hydroxy-DET (4-Hydroxy-N,N-diethyltryptamine).
- x. 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-ethyltryptamine).
- y. 4-Hydroxy-MiPT (4-Hydroxy-N-methyl-N-isopropyltryptamine).
- z. Methyl-alpha-ethyltryptamine.
- aa. Bromo-DALT (Bromo-N,N-diallyltryptamine),

which does not include tryptamine, psilocyn as described in subparagraph 34., or psilocybin as described in subparagraph 33.

195. Substituted Phenylcyclohexylamines.—Unless specifically excepted or unless listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation containing a phenylcyclohexylamine structure, with or without any substitution on the phenyl ring, any substitution on the cyclohexyl ring, any replacement of the phenyl ring with a thiophenyl or benzothiophenyl ring, with or without substitution on the amine with alkyl, dialkyl, or alkoxy substituents, inclusion of the nitrogen in a cyclic structure, or any combination of the above, including, but not limited to:

- a. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP (Benocyclidine).
- b. PCE (N-Ethyl-1-phenylcyclohexylamine)(Ethylamine analog of phencyclidine).
- c. PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine)(Pyrrolidine analog of phencyclidine).
- d. PCPr (Phenylcyclohexylpropylamine).
- e. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine)(Thiophene analog of phencyclidine).
- f. PCEEA (Phenylcyclohexyl(ethoxyethylamine)).
- g. PCMPA (Phenylcyclohexyl(methoxypropylamine)).
- h. Methoxetamine.
- i. 3-Methoxy-PCE ((3-Methoxyphenyl)cyclohexylethylamine).
- j. Bromo-PCP ((Bromophenyl)cyclohexylpiperidine).
- k. Chloro-PCP ((Chlorophenyl)cyclohexylpiperidine).
- l. Fluoro-PCP ((Fluorophenyl)cyclohexylpiperidine).
- m. Hydroxy-PCP ((Hydroxyphenyl)cyclohexylpiperidine).
- n. Methoxy-PCP ((Methoxyphenyl)cyclohexylpiperidine).
- o. Methyl-PCP ((Methylphenyl)cyclohexylpiperidine).
- p. Nitro-PCP ((Nitrophenyl)cyclohexylpiperidine).
- q. Oxo-PCP ((Oxophenyl)cyclohexylpiperidine).
- r. Amino-PCP ((Aminophenyl)cyclohexylpiperidine).

196. W-15, 4-chloro-N-[1-(2-phenylethyl)-2-piperidinylidene]-benzenesulfonamide.

197. W-18, 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]-benzenesulfonamide.

198. AH-7921, 3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]-benzamide.

199. U47700, trans-3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide.

200. MT-45, 1-cyclohexyl-4-(1,2-diphenylethyl)-piperazine, dihydrochloride.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including any of its salts, isomers, optical isomers, salts of their isomers, and salts of these optical isomers whenever the existence of such isomers and salts is possible within the specific chemical designation:

- 1. 1,4-Butanediol.

2. Gamma-butyrolactone (GBL).
3. Gamma-hydroxybutyric acid (GHB).
4. Methaqualone.
5. Mecloqualone.

(2) SCHEDULE II.—A substance in Schedule II has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States, and abuse of the substance may lead to severe psychological or physical dependence. The following substances are controlled in Schedule II:

(a) Unless specifically excepted or unless listed in another schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis:

1. Opium and any salt, compound, derivative, or preparation of opium, except nalmeferine or isoquinoline alkaloids of opium, including, but not limited to the following:

- a. Raw opium.
- b. Opium extracts.
- c. Opium fluid extracts.
- d. Powdered opium.
- e. Granulated opium.
- f. Tincture of opium.
- g. Codeine.
- h. Dihydroetorphine.
- i. Ethylmorphine.
- j. Etorphine hydrochloride.
- k. Hydrocodone and hydrocodone combination products.
- l. Hydromorphone.
- m. Levo-alpha-acetylmethadol (also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM).
- n. Metopon (methyldihydromorphinone).
- o. Morphine.
- p. Oripavine.
- q. Oxycodone.
- r. Oxymorphone.
- s. Thebaine.

2. Any salt, compound, derivative, or preparation of a substance which is chemically equivalent to or identical with any of the substances referred to in subparagraph 1., except that these substances shall not include the isoquinoline alkaloids of opium.

3. Any part of the plant of the species *Papaver somniferum*, L.

4. Cocaine or ecgonine, including any of their stereoisomers, and any salt, compound, derivative, or preparation of cocaine or ecgonine, except that these substances shall not include ioflupane I 123.

(b) Unless specifically excepted or unless listed in another schedule, any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

1. Alfentanil.
2. Alphaprodine.
3. Anileridine.
4. Bezitramide.
5. Bulk propoxyphene (nondosage forms).
6. Carfentanil.
7. Dihydrocodeine.
8. Diphenoxylate.
9. Fentanyl.

10. Isomethadone.
11. Levomethorphan.
12. Levorphanol.
13. Metazocine.
14. Methadone.
15. Methadone-Intermediate,4-cyano-2-dimethylamino-4,4-diphenylbutane.
16. Moramide-Intermediate,2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid.
17. Nabilone.
18. Pethidine (meperidine).
19. Pethidine-Intermediate-A,4-cyano-1-methyl-4-phenylpiperidine.
20. Pethidine-Intermediate-B,ethyl-4-phenylpiperidine-4-carboxylate.
21. Pethidine-Intermediate-C,1-methyl-4-phenylpiperidine-4-carboxylic acid.
22. Phenazocine.
23. Phencyclidine.
24. 1-Phenylcyclohexylamine.
25. Piminodine.
26. 1-Piperidinocyclohexanecarbonitrile.
27. Racemethorphan.
28. Racemorphan.
29. Remifentanil.
30. Sufentanil.
31. Tapentadol.
32. Thiafentanil.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts, isomers, optical isomers, salts of their isomers, and salts of their optical isomers:

1. Amobarbital.
2. Amphetamine.
3. Glutethimide.
4. Lisdexamfetamine.
5. Methamphetamine.
6. Methylphenidate.
7. Pentobarbital.
8. Phenmetrazine.
9. Phenylacetone.
10. Secobarbital.

(d) Dronabinol (synthetic THC) in oral solution in a drug product approved by the United States Food and Drug Administration.

(3) SCHEDULE III.—A substance in Schedule III has a potential for abuse less than the substances contained in Schedules I and II and has a currently accepted medical use in treatment in the United States, and abuse of the substance may lead to moderate or low physical dependence or high psychological dependence or, in the case of anabolic steroids, may lead to physical damage. The following substances are controlled in Schedule III:

(a) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant or stimulant effect on the nervous system:

1. Any substance which contains any quantity of a derivative of barbituric acid, including thiobarbituric acid, or any salt of a derivative of barbituric acid or thiobarbituric acid, including, but not limited to, butabarbital and butalbital.

2. Benzphetamine.
3. Buprenorphine.
4. Chlorhexadol.
5. Chlorphentermine.
6. Clortermine.
7. Embutramide.
8. Lysergic acid.
9. Lysergic acid amide.
10. Methyprylon.
11. Perampanel.
12. Phendimetrazine.
13. Sulfondiethylmethane.
14. Sulfonethylmethane.
15. Sulfonmethane.
16. Tiletamine and zolazepam or any salt thereof.

(b) Nalorphine.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following controlled substances or any salts thereof:

1. Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.
2. Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with recognized therapeutic amounts of one or more active ingredients which are not controlled substances.
3. Not more than 300 milligrams of hydrocodone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.
4. Not more than 300 milligrams of hydrocodone per 100 milliliters or not more than 15 milligrams per dosage unit, with recognized therapeutic amounts of one or more active ingredients that are not controlled substances.
5. Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with recognized therapeutic amounts of one or more active ingredients which are not controlled substances.
6. Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
7. Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with recognized therapeutic amounts of one or more active ingredients which are not controlled substances.

For purposes of charging a person with a violation of s. 893.135 involving any controlled substance described in subparagraph 3. or subparagraph 4., the controlled substance is a Schedule III controlled substance pursuant to this paragraph but the weight of the controlled substance per milliliters or per dosage unit is not relevant to the charging of a violation of s. 893.135. The weight of the controlled substance shall be determined pursuant to s. 893.135(6).

(d) Anabolic steroids.

1. The term "anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, and corticosteroids, that promotes muscle growth and includes:

- a. Androsterone.
- b. Androsterone acetate.
- c. Boldenone.
- d. Boldenone acetate.

- e. Boldenone benzoate.
- f. Boldenone undecylenate.
- g. Chlorotestosterone (Clostebol).
- h. Dehydrochlormethyltestosterone.
- i. Dihydrotestosterone (Stanolone).
- j. Drostanolone.
- k. Ethylestrenol.
- l. Fluoxymesterone.
- m. Formebolone (Formebolone).
- n. Mesterolone.
- o. Methandrostenolone (Methandienone).
- p. Methandranone.
- q. Methandriol.
- r. Methenolone.
- s. Methyltestosterone.
- t. Mibolerone.
- u. Nortestosterone (Nandrolone).
- v. Norethandrolone.
- w. Nortestosterone decanoate.
- x. Nortestosterone phenylpropionate.
- y. Nortestosterone propionate.
- z. Oxandrolone.
- aa. Oxymesterone.
- bb. Oxymetholone.
- cc. Stanozolol.
- dd. Testolactone.
- ee. Testosterone.
- ff. Testosterone acetate.
- gg. Testosterone benzoate.
- hh. Testosterone cypionate.
- ii. Testosterone decanoate.
- jj. Testosterone enanthate.
- kk. Testosterone isocaproate.
- ll. Testosterone oleate.
- mm. Testosterone phenylpropionate.
- nn. Testosterone propionate.
- oo. Testosterone undecanoate.
- pp. Trenbolone.
- qq. Trenbolone acetate.
- rr. Any salt, ester, or isomer of a drug or substance described or listed in this subparagraph if that salt, ester, or isomer promotes muscle growth.

2. The term does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman species and that has been approved by the United States Secretary of Health and Human Services for such administration. However, any person who prescribes, dispenses, or distributes such a steroid for human use is considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph.

(e) Ketamine, including any isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.

(f) Dronabinol (synthetic THC) in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the United States Food and Drug Administration.

(g) Any drug product containing gamma-hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under s. 505 of the Federal Food, Drug, and Cosmetic Act.

(4) SCHEDULE IV.—

(a) A substance in Schedule IV has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States, and abuse of the substance may lead to limited physical or psychological dependence relative to the substances in Schedule III.

(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, are controlled in Schedule IV:

1. Alfaxalone.
2. Alprazolam.
3. Barbitol.
4. Bromazepam.
5. Butorphanol tartrate.
6. Camazepam.
7. Carisoprodol.
8. Cathine.
9. Chloral betaine.
10. Chloral hydrate.
11. Chlordiazepoxide.
12. Clobazam.
13. Clonazepam.
14. Clorazepate.
15. Clotiazepam.
16. Cloxazolam.
17. Dexfenfluramine.
18. Delorazepam.
19. Dichloralphenazone.
20. Diazepam.
21. Diethylpropion.
22. Eluxadoline.
23. Estazolam.
24. Eszopiclone.
25. Ethchlorvynol.
26. Ethinamate.
27. Ethyl loflazepate.
28. Fencamfamin.
29. Fenfluramine.
30. Fenproporex.
31. Fludiazepam.
32. Flurazepam.
33. Fospropofol.
34. Halazepam.
35. Haloxazolam.
36. Ketazolam.
37. Loprazolam.

38. Lorazepam.
 39. Lorcaserin.
 40. Lormetazepam.
 41. Mazindol.
 42. Mebutamate.
 43. Medazepam.
 44. Mefenorex.
 45. Meprobamate.
 46. Methohexital.
 47. Methylphenobarbital.
 48. Midazolam.
 49. Modafinil.
 50. Nimetazepam.
 51. Nitrazepam.
 52. Nordiazepam.
 53. Oxazepam.
 54. Oxazolam.
 55. Paraldehyde.
 56. Pemoline.
 57. Pentazocine.
 58. Petrichloral.
 59. Phenobarbital.
 60. Phentermine.
 61. Pinazepam.
 62. Pipradrol.
 63. Prazepam.
 64. Propoxyphene (dosage forms).
 65. Propylhexedrine, excluding any patent or proprietary preparation containing propylhexedrine, unless otherwise provided by federal law.
 66. Quazepam.
 67. Sibutramine.
 68. SPA[(-)-1 dimethylamino-1, 2 diphenylethane].
 69. Suvorexant.
 70. Temazepam.
 71. Tetrazepam.
 72. Tramadol.
 73. Triazolam.
 74. Zaleplon.
 75. Zolpidem.
 76. Zopiclone.
 77. Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.
- (5) SCHEDULE V.—A substance, compound, mixture, or preparation of a substance in Schedule V has a low potential for abuse relative to the substances in Schedule IV and has a currently accepted medical use in treatment in the United States, and abuse of such compound, mixture, or preparation may lead to limited physical or psychological dependence relative to the substances in Schedule IV.
- (a) Substances controlled in Schedule V include any compound, mixture, or preparation containing any of the following limited quantities of controlled substances, which must include one or more active medicinal ingredients

that are not controlled substances in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the controlled substance alone:

1. Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.
2. Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.
3. Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.
4. Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.
5. Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.
6. Not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(b) Unless a specific exception exists or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is controlled in Schedule V:

1. Brivaracetam.
2. Ezogabine.
3. Lacosamide.
4. Pregabalin.

(c) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers: Pyrovalerone.

History.—s. 3, ch. 73-331; s. 247, ch. 77-104; s. 1, ch. 77-174; ss. 1, 2, ch. 78-195; s. 2, ch. 79-325; s. 1, ch. 80-353; s. 1, ch. 82-16; s. 1, ch. 84-89; s. 2, ch. 85-242; s. 1, ch. 86-147; s. 2, ch. 87-243; s. 1, ch. 87-299; s. 1, ch. 88-59; s. 3, ch. 89-281; s. 54, ch. 92-69; s. 1, ch. 93-92; s. 4, ch. 95-415; s. 1, ch. 96-360; ss. 1, 5, ch. 97-1; s. 96, ch. 97-264; s. 1, ch. 99-186; s. 2, ch. 2000-320; s. 1, ch. 2001-55; s. 5, ch. 2001-57; s. 1, ch. 2002-78; s. 2, ch. 2003-10; s. 1, ch. 2008-88; s. 2, ch. 2011-73; s. 1, ch. 2011-90; s. 1, ch. 2012-23; s. 1, ch. 2013-29; s. 1, ch. 2014-159; s. 1, ch. 2015-34; s. 2, ch. 2016-105; s. 4, ch. 2017-107; s. 1, ch. 2017-110; s. 8, ch. 2018-13; s. 2, ch. 2019-166; s. 1, ch. 2021-154; s. 1, ch. 2023-221; s. 1, ch. 2024-20.

¹**Note.**—Section 5, ch. 97-1, repealed paragraph (4)(w) effective upon the removal of fenfluramine from the schedules of controlled substances in 21 C.F.R. s. 1308. Paragraph (4)(w) was redesignated as subparagraph (4)(b)29. by s. 8, ch. 2018-3. The Drug Enforcement Administration, United States Department of Justice, in FR Doc. 2022-27400, filed December 22, 2022, issued a final rule removing fenfluramine from the schedules of the Controlled Substances Act, effective December 23, 2022.

893.0301 Death resulting from apparent drug overdose; reporting requirements.—If a person dies of an apparent drug overdose:

(1) A law enforcement agency shall prepare a report identifying each prescribed controlled substance listed in Schedule II, Schedule III, or Schedule IV of s. 893.03 which is found on or near the deceased or among the deceased's possessions. The report must identify the person who prescribed the controlled substance, if known or ascertainable. Thereafter, the law enforcement agency shall submit a copy of the report to the medical examiner.

(2) A medical examiner who is preparing a report pursuant to s. 406.11 shall include in the report information identifying each prescribed controlled substance listed in Schedule II, Schedule III, or Schedule IV of s. 893.03 that was found in, on, or near the deceased or among the deceased's possessions.

History.—s. 6, ch. 2007-156; s. 28, ch. 2016-105.

893.031 Industrial exceptions to controlled substance scheduling.—

(1) For the purpose of this section, the following meanings of terms shall apply:

- (a) "Manufacture" means any process or operation necessary for manufacturing a product.
- (b) "Distribution" means any process or operation necessary for distributing a product, including, but not limited to, wholesaling, delivery or transport, and storage.

(c) "Manufacturer of 1,4-Butanediol" means a person who is involved in the manufacture of 1,4-Butanediol for use in the manufacture of an industrial product and who provides that manufactured 1,4-Butanediol to a distributor of 1,4-Butanediol or a manufacturer of an industrial product.

(d) "Distributor of 1,4-Butanediol" means a person who is involved in the distribution of 1,4-Butanediol.

(e) "Manufacturer of gamma-butyrolactone (GBL)" means a person who:

1. Is involved in the manufacture of gamma-butyrolactone (GBL) for use in the manufacture of an industrial product and who provides that manufactured gamma-butyrolactone (GBL) to a distributor of gamma-butyrolactone (GBL) or a manufacturer of an industrial product; and

2. Is in compliance with any requirements to register with the United States Drug Enforcement Administration as a List I Chemical registrant.

(f) "Distributor of gamma-butyrolactone (GBL)" means a person who:

1. Is involved in the distribution of gamma-butyrolactone (GBL); and

2. Is in compliance with any requirements to register with the United States Drug Enforcement Administration as a List I Chemical registrant.

(g) "Manufacturer of an industrial product" means a person who is involved in the manufacture of an industrial product in which that person acquires:

1. 1,4-Butanediol from a manufacturer of 1,4-Butanediol or a distributor of 1,4-Butanediol and who possesses that substance for use in the manufacture of an industrial product; or

2. Gamma-butyrolactone (GBL) from a manufacturer of gamma-butyrolactone (GBL) or a distributor of gamma-butyrolactone (GBL) and who possesses that substance for use in the manufacture of an industrial product.

(h) "Distributor of an industrial product" means a person who is involved in the distribution of an industrial product.

(i) "Industrial product" means a nondrug, noncontrolled finished product that is not for human consumption.

(j) "Finished product" means a product:

1. That does not contain either 1,4-Butanediol or gamma-butyrolactone (GBL); or

2. From which neither 1,4-Butanediol nor gamma-butyrolactone (GBL) can be readily extracted or readily synthesized and which is not sold for human consumption.

(2) 1,4-Butanediol is excepted from scheduling pursuant to s. 893.03(1)(d)1. when that substance is in the possession of:

(a) A manufacturer of 1,4-Butanediol or a distributor of 1,4-Butanediol;

(b) A manufacturer of an industrial product or a distributor of an industrial product; or

(c) A person possessing a finished product.

(3) Gamma-butyrolactone (GBL) is excepted from scheduling pursuant to s. 893.03(1)(d)2. when that substance is in the possession of:

(a) A manufacturer of gamma-butyrolactone (GBL) or a distributor of gamma-butyrolactone (GBL);

(b) A manufacturer of an industrial product or a distributor of an industrial product; or

(c) A person possessing a finished product.

(4) This section does not apply to:

(a) A manufacturer of 1,4-Butanediol or a distributor of 1,4-Butanediol who sells, delivers, or otherwise distributes that substance to a person who is not a distributor of 1,4-Butanediol or a manufacturer of an industrial product;

(b) A manufacturer of gamma-butyrolactone (GBL) or a distributor of gamma-butyrolactone (GBL) who sells, delivers, or otherwise distributes that substance to a person who is not a distributor of gamma-butyrolactone (GBL) or a manufacturer of an industrial product;

(c) A person who possesses 1,4-Butanediol but who is not a manufacturer of 1,4-Butanediol, a distributor of 1,4-Butanediol, a manufacturer of an industrial product, a distributor of an industrial product, or a person possessing a finished product as described in paragraph (2)(c) or paragraph (3)(c);

(d) A person who possesses gamma-butyrolactone (GBL) but who is not a manufacturer of gamma-butyrolactone (GBL), a distributor of gamma-butyrolactone (GBL), a manufacturer of an industrial product, a distributor of an industrial product, or a person possessing a finished product as described in paragraph (2)(c) or paragraph (3)(c);

(e) A person who extracts or synthesizes either 1,4-Butanediol or gamma-butyrolactone (GBL) from a finished product as described in subparagraph(1)(j)2. or a person who extracts or synthesizes 1,4-Butanediol or gamma-butyrolactone (GBL) from any product or material, unless such extraction or synthesis is authorized by law; or

(f) A person whose possession of either 1,4-Butanediol or gamma-butyrolactone (GBL) is not in compliance with the requirements of this section or whose possession of either of those substances is not specifically authorized by law.

History.—s. 1, ch. 2003-10.

893.033 Listed chemicals.—The chemicals listed in this section are included by whatever official, common, usual, chemical, or trade name designated.

(1) **PRECURSOR CHEMICALS.**—The term “listed precursor chemical” means a chemical that may be used in manufacturing a controlled substance in violation of this chapter and is critical to the creation of the controlled substance, and such term includes any salt, optical isomer, or salt of an optical isomer, whenever the existence of such salt, optical isomer, or salt of optical isomer is possible within the specific chemical designation. The following are “listed precursor chemicals”:

- (a) Anthranilic acid.
- (b) Benzaldehyde.
- (c) Benzyl cyanide.
- (d) Chloroephedrine.
- (e) Chloropseudoephedrine.
- (f) Ephedrine.
- (g) Ergonovine.
- (h) Ergotamine.
- (i) Ergocristine.
- (j) Ethylamine.
- (k) Iodine tincture above 2.2 percent.
- (l) Isosafrole.
- (m) Methylamine.
- (n) 3, 4-Methylenedioxyphenyl-2-propanone.
- (o) N-Acetylanthranilic acid.
- (p) N-Ethylephedrine.
- (q) N-Ethylpseudoephedrine.
- (r) N-Methylephedrine.
- (s) N-Methylpseudoephedrine.
- (t) ANPP (4-Anilino-N-phenethyl-4-piperidine).
- (u) NPP (N-Phenethyl-4-piperidone).
- (v) Nitroethane.
- (w) Norpseudoephedrine.
- (x) Phenylacetic acid.
- (y) Phenylpropanolamine.
- (z) Piperidine.
- (aa) Piperonal.
- (bb) Propionic anhydride.
- (cc) Pseudoephedrine.
- (dd) Safrole.

(2) **ESSENTIAL CHEMICALS.**—The term “listed essential chemical” means a chemical that may be used as a solvent, reagent, or catalyst in manufacturing a controlled substance in violation of this chapter. The following are “listed essential chemicals”:

- (a) Acetic anhydride.
- (b) Acetone.
- (c) Ammonium salts, including, but not limited to, nitrate, sulfate, phosphate, or chloride.
- (d) Anhydrous ammonia.

- (e) Benzoquinone.
- (f) Benzyl chloride.
- (g) 2-Butanone.
- (h) Ethyl ether.
- (i) Formic acid.
- (j) Hydrochloric acid.
- (k) Hydriodic acid.
- (l) Iodine.
- (m) Lithium.
- (n) Organic solvents, including, but not limited to, Coleman Fuel, camping fuel, ether, toluene, or lighter fluid.
- (o) Organic cosolvents, including, but not limited to, glycerol, propylene glycol, or polyethylene glycol.
- (p) Potassium dichromate.
- (q) Potassium permanganate.
- (r) Sodium.
- (s) Sodium dichromate.
- (t) Sodium borohydride.
- (u) Sodium cyanoborohydride.
- (v) Sodium hydroxide.
- (w) Sulfuric acid.

History.—s. 2, ch. 91-279; s. 6, ch. 2001-57; s. 2, ch. 2003-15; s. 1, ch. 2005-128; s. 3, ch. 2016-105.

893.035 Control of new substances; findings of fact; delegation of authority to Attorney General to control substances by rule.—

(1)(a) New substances are being created which are not controlled under the provisions of this chapter but which have a potential for abuse similar to or greater than that for substances controlled under this chapter. These new substances are sometimes called “designer drugs” because they can be designed to produce a desired pharmacological effect and to evade the controlling statutory provisions. Designer drugs are being manufactured, distributed, possessed, and used as substitutes for controlled substances.

(b) The hazards attributable to the traffic in and use of these designer drugs are increased because their unregulated manufacture produces variations in purity and concentration.

(c) Many such new substances are untested, and it cannot be immediately determined whether they have useful medical or chemical purposes.

(d) The uncontrolled importation, manufacture, distribution, possession, or use of these designer drugs has a substantial and detrimental impact on the health and safety of the people of Florida.

(e) These designer drugs can be created more rapidly than they can be identified and controlled by action of the Legislature. There is a need for a speedy and expert administrative determination of their proper classification under this chapter. It is therefore necessary to delegate to an administrative agency restricted authority to identify and classify new substances that have a potential for abuse, so that they can be controlled in the same manner as other substances currently controlled under this chapter.

(2) The Attorney General shall apply the provisions of this section to any substance not currently controlled under the provisions of s. 893.03. The Attorney General may by rule:

(a) Add a substance to a schedule established by s. 893.03, or transfer a substance between schedules, if he or she finds that it has a potential for abuse and he or she makes with respect to it the other findings appropriate for classification in the particular schedule under s. 893.03 in which it is to be placed.

(b) Remove a substance previously added to a schedule if he or she finds the substance does not meet the requirements for inclusion in that schedule.

Rules adopted under this section shall be made pursuant to the rulemaking procedures prescribed by chapter 120.

(3)(a) The term "potential for abuse" in this section means that a substance has properties as a central nervous system stimulant or depressant or a hallucinogen that create a substantial likelihood of its being:

1. Used in amounts that create a hazard to the user's health or the safety of the community;
2. Diverted from legal channels and distributed through illegal channels; or
3. Taken on the user's own initiative rather than on the basis of professional medical advice.

Proof of potential for abuse can be based upon a showing that these activities are already taking place, or upon a showing that the nature and properties of the substance make it reasonable to assume that there is a substantial likelihood that such activities will take place, in other than isolated or occasional instances.

(b) The terms "immediate precursor" and "narcotic drug" shall be given the same meanings as provided by s. 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. s. 802, as amended and in effect on April 1, 1985.

(4) In making any findings under this section, the Attorney General shall consider the following factors with respect to each substance proposed to be controlled or removed from control:

- (a) Its actual or relative potential for abuse.
- (b) Scientific evidence of its pharmacological effect, if known.
- (c) The state of current scientific knowledge regarding the drug or other substance.
- (d) Its history and current pattern of abuse.
- (e) The scope, duration, and significance of abuse.
- (f) What, if any, risk there is to the public health.
- (g) Its psychic or physiological dependence liability.
- (h) Whether the substance is an immediate precursor of a substance already controlled under this chapter.

The findings and conclusions of the United States Attorney General or his or her delegee, as set forth in the Federal Register, with respect to any substance pursuant to s. 201 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. s. 811, as amended and in effect on April 1, 1985, shall be admissible as evidence in any rulemaking proceeding under this section, including an emergency rulemaking proceeding under subsection (7).

(5) Before initiating proceedings under subsection (2), the Attorney General shall request from the Department of Health and the Department of Law Enforcement a medical and scientific evaluation of the substance under consideration and a recommendation as to the appropriate classification, if any, of such substance as a controlled substance. In responding to this request, the Department of Health and the Department of Law Enforcement shall consider the factors listed in subsection (4). The Department of Health and the Department of Law Enforcement shall respond to this request promptly and in writing; however, their response is not subject to chapter 120. If both the Department of Health and the Department of Law Enforcement recommend that a substance not be controlled, the Attorney General shall not control that substance. If the Attorney General determines, based on the evaluations and recommendations of the Department of Health and the Department of Law Enforcement and all other available evidence, that there is substantial evidence of potential for abuse, he or she shall initiate proceedings under paragraph (2)(a) with respect to that substance.

(6)(a) The Attorney General shall by rule exempt any nonnarcotic substance controlled by rule under this section from the application of this section if such substance may, under the Federal Food, Drug, and Cosmetic Act, be lawfully sold over the counter without a prescription.

(b) The Attorney General may by rule exempt any compound, mixture, or preparation containing a substance controlled by rule under this section from the application of this section if he or she finds that such compound, mixture, or preparation meets the requirements of either of the following subcategories:

1. A mixture or preparation containing a nonnarcotic substance controlled by rule, which mixture or preparation is approved for prescription use and which contains one or more other active ingredients which are not listed in any schedule and which are included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse.

2. A compound, mixture, or preparation which contains any substance controlled by rule, which is not for administration to a human being or animal, and which is packaged in such form or concentration, or with adulterants or denaturants, so that as packaged it does not present any significant potential for abuse.

(7)(a) If the Attorney General finds that the scheduling of a substance in Schedule I of s. 893.03 on a temporary basis is necessary to avoid an imminent hazard to the public safety, he or she may by rule and without regard to the requirements of subsection (5) relating to the Department of Health and the Department of Law Enforcement schedule such substance in Schedule I if the substance is not listed in any other schedule of s. 893.03. The Attorney General shall be required to consider, with respect to his or her finding of imminent hazard to the public safety, only those factors set forth in paragraphs (3)(a) and (4)(d), (e), and (f), including actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution.

(b) The Attorney General may use emergency rulemaking provisions under s. 120.54(4) in scheduling substances under this subsection. Notwithstanding the provisions of s. 120.54(4)(c), any rule adopted under this subsection shall not expire except as provided in subsection (9).

(8)(a) Upon the effective date of a rule adopted pursuant to this section adding or transferring a substance to a schedule under s. 893.03, such substance shall be deemed included in that schedule, and all provisions of this chapter applicable to substances in that schedule shall be deemed applicable to such substance.

(b) A rule adopted pursuant to this section shall continue in effect until it is repealed; until it is declared invalid in proceedings under s. 120.56 or in proceedings before a court of competent jurisdiction; or until it expires under the provisions of subsection (9).

(9) The Attorney General shall report to the Legislature by March 1 of each year concerning the rules adopted under this section during the previous year. Each rule so reported shall expire on the following June 30 unless the Legislature adopts the provisions thereof as an amendment to this chapter.

(10) The repeal, expiration, or determination of invalidity of any rule shall not operate to create any claim or cause of action against any law enforcement officer or other enforcing authority for actions taken in good faith in reliance on the validity of the rule.

(11) In construing this section, due consideration and great weight should be given to interpretations of the United States Attorney General and the federal courts relating to s. 201 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. s. 811, as amended and in effect on April 1, 1985. All substantive rules adopted under this part shall not be inconsistent with the rules of the United States Attorney General and the decisions of the federal courts interpreting the provisions of s. 201 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. s. 811, as amended and in effect on April 1, 1985.

(12) The adoption of a rule transferring a substance from one schedule to another or removing a substance from a schedule pursuant to this section shall not affect prosecution or punishment for any crime previously committed with respect to that substance.

History.—s. 3, ch. 85-242; s. 72, ch. 87-226; s. 255, ch. 94-218; s. 318, ch. 96-410; s. 1826, ch. 97-102; s. 16, ch. 99-186; s. 29, ch. 2016-105.

893.0355 Control of scheduled substances; delegation of authority to Attorney General to reschedule substance, or delete substance, by rule.—

(1) The Legislature has determined that, from time to time, additional testings, approvals, or scientific evidence may indicate that controlled substances listed in Schedules I, II, III, IV, and V hereof have a greater potential for beneficial medical use in treatment in the United States than was evident when such substances were initially scheduled. It is the intent of the Legislature to quickly provide a method for an immediate change to the scheduling and control of such substances to allow for the beneficial medical use thereof so that more flexibility will be available than is possible through rescheduling legislatively.

(2) The Attorney General is hereby delegated the authority to adopt rules rescheduling specified substances to a less controlled schedule, or deleting specified substances from a schedule, upon a finding that reduced control of such substances is in the public interest. In determining whether reduced control of a substance is in the public interest, the Attorney General shall consider the following:

(a) Whether the substance has been rescheduled or deleted from any schedule by rule adopted by the United States Attorney General pursuant to s. 201 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. s. 811.

- (b) The substance's actual or relative potential for abuse.
- (c) Scientific evidence of the substance's pharmacological effect, if known.
- (d) The state of current scientific knowledge regarding the substance.
- (e) The substance's history and current pattern of abuse.
- (f) The scope, duration, and significance of abuse.
- (g) What, if any, risk there is to the public health.
- (h) The substance's psychic or physiological dependence liability.

(3) In making the public interest determination, the Attorney General shall give great weight to the scheduling rules adopted by the United States Attorney General subsequent to such substances being listed in Schedules I, II, III, IV, and V hereof, to achieve the original legislative purpose of the Florida Comprehensive Drug Abuse Prevention and Control Act of maintaining uniformity between the laws of Florida and the laws of the United States with respect to controlled substances.

(4) Rulemaking under this section shall be in accordance with the procedural requirements of chapter 120, including the emergency rule provisions found in s. 120.54, except that s. 120.54(7) does not apply.

(5) Upon the effective date of a rule adopted pursuant to this section, the rule's rescheduling or deletion of a substance shall be effective for all purposes under this chapter.

(6) Rules adopted pursuant to this section shall be reviewed each year by the Legislature. Each rule shall remain in effect until the effective date of legislation that provides for a different scheduling of a substance than that set forth in such rule.

(7) The adoption of a rule rescheduling a substance or deleting a substance from control pursuant to this section shall not affect prosecution or punishment for any crime previously committed with respect to that substance.

(8) The provisions of this section apply only to substances controlled expressly by statute and not to substances controlled by rules adopted under the authority granted in the provisions of s. 893.035.

History.—s. 4, ch. 85-242; s. 1435, ch. 97-102; s. 2, ch. 2013-29.

893.0356 Control of new substances; findings of fact; "controlled substance analog" defined.—

(1)(a) New substances are being created which are not controlled under the provisions of this chapter but which have a potential for abuse similar to or greater than that for substances controlled under this chapter. These new substances are called "controlled substance analogs," and can be designed to produce a desired pharmacological effect and to evade the controlling statutory provisions. Controlled substance analogs are being manufactured, distributed, possessed, and used as substitutes for controlled substances.

(b) The hazards attributable to the traffic in and use of controlled substance analogs are increased because their unregulated manufacture produces variations in purity and concentration.

(c) Many such new substances are untested, and it cannot be immediately determined whether they have useful medical or chemical purposes.

(d) The uncontrolled importation, manufacture, distribution, possession, or use of controlled substance analogs has a substantial and detrimental impact on the health and safety of the people of Florida.

(e) Controlled substance analogs can be created more rapidly than they can be identified and controlled by action of the Legislature. There is a need for a speedy determination of their proper classification under this chapter. It is therefore necessary to identify and classify new substances that have a potential for abuse, so that they can be controlled in the same manner as other substances currently controlled under this chapter.

(2)(a) As used in this section, "controlled substance analog" means a substance which, due to its chemical structure and potential for abuse, meets the following criteria:

1. Is substantially similar to that of a controlled substance listed in Schedule I or Schedule II of s. 893.03; and

2. Has a stimulant, depressant, or hallucinogenic effect on the central nervous system or is represented or intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than that of a controlled substance listed in Schedule I or Schedule II of s. 893.03.

(b) "Controlled substance analog" does not include:

1. A controlled substance;
2. Any substance for which there is an approved new drug application;
3. Any compound, mixture, or preparation which contains any controlled substance which is not for administration to a human being or animal, and which is packaged in such form or concentration, or with adulterants or denaturants, so that as packaged it does not present any significant potential for abuse; or
4. Any substance to which an investigational exemption applies under s. 505 of the Food, Drug, and Cosmetic Act, 21 U.S.C. 355, but only to the extent that conduct with respect to the substance is pursuant to such exemption.

(3) As used in this section, the term "substantially similar," as the term applies to the chemical structure of a substance, means that the chemical structure of the substance compared to the structure of a controlled substance has a single difference in the structural formula that substitutes one atom or functional group for another, including, but not limited to, one halogen for another halogen, one hydrogen for a halogen or vice versa, an alkyl group added or deleted as a side chain to or from a molecule, or an alkyl group added or deleted from a side chain of a molecule.

(4) The following factors shall be relevant to a finding that a substance is a controlled substance analog within the purview of this section:

- (a) Its actual or relative potential for abuse.
- (b) Scientific evidence of its pharmacological effect, if known.
- (c) The state of current scientific knowledge regarding the substance.
- (d) Its history and current pattern of abuse.
- (e) The scope, duration, and significance of abuse.
- (f) What, if any, risk there is to the public health.
- (g) Its psychic or physiological dependence liability.
- (h) Its diversion from legitimate channels, and clandestine importation, manufacture, or distribution.
- (i) Whether the substance is an immediate precursor of a substance already controlled under this chapter.
- (j) Comparisons to the accepted methods of marketing, distribution, and sales of the substance and that which the substance is purported to be, including, but not limited to:

1. The difference in price at which the substance is sold and the price at which the substance it is purported to be or advertised as is normally sold;
2. The difference in how the substance is imported, manufactured, or distributed compared to how the substance it is purported to be or advertised as is normally imported, manufactured, or distributed;
3. The difference in the appearance of the substance in overall finished dosage form compared to the substance it is purported to be or advertised as normally appears in overall finished dosage form; and
4. The difference in how the substance is labeled for sale, packaged for sale, or the method of sale, including, but not limited to, the placement of the substance in an area commonly viewable to the public for purchase consideration compared to how the substance it is purported to be or advertised as is normally labeled for sale, packaged for sale, or sold to the public.

(5) A controlled substance analog shall, for purposes of drug abuse prevention and control, be treated as the highest scheduled controlled substance of which it is a controlled substance analog in s. 893.03.

(6) In construing this section, due consideration and great weight should be given to interpretations of the United States Attorney General and the federal courts relating to s. 201 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. s. 811, as amended and in effect on April 1, 1985. New substances controlled under this section shall not be treated in a manner inconsistent with the rules of the United States Attorney General and the decisions of the federal courts interpreting the provisions of s. 201 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. s. 811, as amended and in effect on April 1, 1985.

(7) The treatment of a new substance as a controlled substance pursuant to this section shall not affect prosecution or punishment for any crime previously committed with respect to that substance.

History.—s. 3, ch. 87-243; s. 11, ch. 99-186; s. 20, ch. 2000-320; s. 10, ch. 2015-34; s. 4, ch. 2016-105; s. 48, ch. 2017-3.

893.04 Pharmacist and practitioner.—

(1) A pharmacist, in good faith and in the course of professional practice only, may dispense controlled substances upon a written, oral, or electronic prescription of a practitioner, under the following conditions:

(a) Oral prescriptions must be promptly reduced to writing by the pharmacist or recorded electronically if permitted by federal law.

(b) The written prescription must be dated and signed by the prescribing practitioner on the day when issued.

(c) There shall appear on the face of the prescription or written record thereof for the controlled substance the following information:

1. The full name and address of the person for whom, or the owner of the animal for which, the controlled substance is dispensed.

2. The full name and address of the prescribing practitioner and the practitioner's federal controlled substance registry number shall be printed thereon.

3. If the prescription is for an animal, the species of animal for which the controlled substance is prescribed.

4. The name of the controlled substance prescribed and the strength, quantity, and directions for use thereof.

5. The number of the prescription, as recorded in the prescription files of the pharmacy in which it is filled.

6. The initials of the pharmacist filling the prescription and the date filled.

(d) The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of 2 years.

(e) Affixed to the original container in which a controlled substance is delivered upon a prescription or authorized refill thereof, as hereinafter provided, there shall be a label bearing the following information:

1. The name and address of the pharmacy from which such controlled substance was dispensed.

2. The date on which the prescription for such controlled substance was filled.

3. The number of such prescription, as recorded in the prescription files of the pharmacy in which it is filled.

4. The name of the prescribing practitioner.

5. The name of the patient for whom, or of the owner and species of the animal for which, the controlled substance is prescribed.

6. The directions for the use of the controlled substance prescribed in the prescription.

7. A clear, concise warning that it is a crime to transfer the controlled substance to any person other than the patient for whom prescribed.

(f) A prescription for a controlled substance listed in Schedule II may be dispensed only upon a written or electronic prescription of a practitioner, except that in an emergency situation, as defined by regulation of the Department of Health, such controlled substance may be dispensed upon oral prescription but is limited to a 72-hour supply. A prescription for a controlled substance listed in Schedule II may not be refilled.

(g) A prescription for a controlled substance listed in Schedule III, Schedule IV, or Schedule V may not be filled or refilled more than five times within a period of 6 months after the date on which the prescription was written unless the prescription is renewed by a practitioner.

(2)(a) A pharmacist may not dispense a controlled substance listed in Schedule II, Schedule III, or Schedule IV to any patient or patient's agent without first determining, in the exercise of her or his professional judgment, that the prescription is valid. The pharmacist may dispense the controlled substance, in the exercise of her or his professional judgment, when the pharmacist or pharmacist's agent has obtained satisfactory patient information from the patient or the patient's agent.

(b) Any pharmacist who dispenses by mail a controlled substance listed in Schedule II, Schedule III, or Schedule IV is exempt from the requirement to obtain suitable identification for the prescription dispensed by mail if the pharmacist has obtained the patient's identification through the patient's prescription benefit plan.

(c) Any controlled substance listed in Schedule III or Schedule IV may be dispensed by a pharmacist upon an oral prescription if, before filling the prescription, the pharmacist reduces it to writing or records the prescription electronically if permitted by federal law. Such prescriptions must contain the date of the oral authorization.

(d) Each prescription written by a practitioner in this state for a controlled substance listed in Schedule II, Schedule III, or Schedule IV must include a written and a numerical notation of the quantity of the controlled substance prescribed and a notation of the date in numerical, month/day/year format, or with the abbreviated month written out, or the month written out in whole. A pharmacist may, upon verification by the prescriber, document any information required by this paragraph. If the prescriber is not available to verify a prescription, the pharmacist may dispense the controlled substance, but may insist that the person to whom the controlled substance is dispensed provide valid photographic identification. If a prescription includes a numerical notation of the quantity of the controlled substance or date, but does not include the quantity or date written out in textual format, the pharmacist may dispense the controlled substance without verification by the prescriber of the quantity or date if the pharmacy previously dispensed another prescription for the person to whom the prescription was written.

(e) A pharmacist may not dispense more than a 30-day supply of a controlled substance listed in Schedule III upon an oral prescription issued in this state.

(f) A pharmacist may not knowingly dispense a prescription that has been forged for a controlled substance listed in Schedule II, Schedule III, or Schedule IV.

(3) Notwithstanding subsection (1), a pharmacist may dispense a one-time emergency refill of up to a 72-hour supply of the prescribed medication for any medicinal drug other than a medicinal drug listed in Schedule II, or emergency refill of insulin and insulin-related supplies or equipment to treat diabetes mellitus, not to exceed 3 nonconsecutive times per calendar year, in compliance with s. 465.0275.

(4) The legal owner of any stock of controlled substances in a pharmacy, upon discontinuance of dealing in controlled substances, may sell said stock to a manufacturer, wholesaler, or pharmacy. Such controlled substances may be sold only upon an order form, when such an order form is required for sale by the drug abuse laws of the United States or this state, or regulations pursuant thereto.

History.—s. 4, ch. 73-331; s. 2, ch. 75-18; s. 12, ch. 79-12; s. 2, ch. 90-2; s. 1436, ch. 97-102; s. 301, ch. 99-8; s. 2, ch. 2007-156; s. 5, ch. 2009-202; s. 5, ch. 2014-113; s. 6, ch. 2016-145; s. 35, ch. 2016-230; s. 9, ch. 2018-13; s. 2, ch. 2024-79.

893.05 Practitioners and persons administering controlled substances in their absence.—

(1)(a) A practitioner, in good faith and in the course of his or her professional practice only, may prescribe, administer, dispense, mix, or otherwise prepare a controlled substance, or the practitioner may cause the controlled substance to be administered, under his or her direction and supervision only, by a certified paramedic in the course of providing emergency services, a licensed nurse, or an intern practitioner.

(b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s. 464.012(3), as applicable, a practitioner who supervises a licensed physician assistant or advanced practice registered nurse may authorize the licensed physician assistant or advanced practice registered nurse to order controlled substances for administration to a patient in a facility licensed under chapter 395 or part II of chapter 400.

(c) A veterinarian may prescribe, administer, dispense, mix, or prepare a controlled substance for use on animals only, and may cause the controlled substance to be administered by an assistant or orderly under the veterinarian's direction and supervision only.

(d) A certified optometrist licensed under chapter 463 may not administer or prescribe a controlled substance listed in Schedule I or Schedule II of s. 893.03.

(2) When any controlled substance is dispensed by a practitioner, there shall be affixed to the original container in which the controlled substance is delivered a label on which appears:

- (a) The date of delivery.
- (b) The directions for use of such controlled substance.
- (c) The name and address of such practitioner.

(d) The name of the patient and, if such controlled substance is prescribed for an animal, a statement describing the species of the animal.

(e) A clear, concise warning that it is a crime to transfer the controlled substance to any person other than the patient for whom prescribed.

(3) Any person who obtains from a practitioner or the practitioner's agent, or pursuant to prescription, any controlled substance for administration to a patient during the absence of such practitioner shall return to such practitioner any unused portion of such controlled substance when it is no longer required by the patient.

History.—s. 5, ch. 73-331; s. 1437, ch. 97-102; s. 13, ch. 2013-26; s. 11, ch. 2015-34; s. 30, ch. 2016-105; s. 7, ch. 2016-145; s. 84, ch. 2018-106; s. 1, ch. 2025-93.

893.055 Prescription drug monitoring program.—

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

(a) "Active investigation" means an investigation that is being conducted with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings, or that is ongoing and continuing and for which there is a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future.

(b) "Administration" means the obtaining and giving of a single dose of a controlled substance by a legally authorized person to a patient for her or his consumption.

(c) "Controlled substance" means a controlled substance listed in Schedule II, Schedule III, Schedule IV, or Schedule V of s. 893.03 or 21 U.S.C. s. 812.

(d) "Dispense" means the transfer of possession of one or more doses of a controlled substance by a dispenser to the ultimate consumer or to his or her agent.

(e) "Dispenser" means a dispensing health care practitioner, pharmacy, or pharmacist licensed to dispense controlled substances in or into this state.

(f) "Electronic health recordkeeping system" means an electronic or computer-based information system used by health care practitioners or providers to create, collect, store, manipulate, exchange, or make available personal health information for the delivery of patient care.

(g) "Health care practitioner" or "practitioner" means any practitioner licensed under chapter 458, chapter 459, chapter 461, chapter 463, chapter 464, chapter 465, or chapter 466.

(h) "Health care regulatory board" has the same meaning as in s. 456.001(1).

(i) "Law enforcement agency" means the Department of Law Enforcement, a sheriff's office in this state, a police department in this state, or a law enforcement agency of the Federal Government which enforces the laws of this state or the United States relating to controlled substances and whose agents and officers are empowered by law to conduct criminal investigations and make arrests.

(j) "Pharmacy" includes a community pharmacy, an institutional pharmacy, a nuclear pharmacy, a special pharmacy, or an Internet pharmacy that is licensed by the department under chapter 465 and that dispenses or delivers controlled substances to an individual or address in this state.

(k) "Prescriber" means a prescribing physician, prescribing practitioner, or other prescribing health care practitioner authorized by the laws of this state to order controlled substances.

(l) "Program manager" means an employee of or a person contracted by the department who is designated to ensure the integrity of the prescription drug monitoring program in accordance with the requirements established in this section.

(2)(a) The department shall maintain an electronic system to collect and store controlled substance dispensing information and shall release the information as authorized in this section and s. 893.0551. The electronic system must:

1. Not infringe upon the legitimate prescribing or dispensing of a controlled substance by a prescriber or dispenser acting in good faith and in the course of professional practice.
2. Be consistent with standards of the American Society for Automation in Pharmacy.

3. Comply with the Health Insurance Portability and Accountability Act as it pertains to protected health information, electronic protected health information, and all other relevant state and federal privacy and security laws and regulations.

4. Purge or cause to be purged information in the database that is more than 4 years old.

(b) The department may collaborate with professional health care regulatory boards, appropriate organizations, and other state agencies to identify indicators of controlled substance abuse.

(3)(a) For each controlled substance dispensed to a patient in this state, the following information must be reported by the dispenser to the system as soon thereafter as possible but no later than the close of the next business day after the day the controlled substance is dispensed unless an extension or exemption is approved by the department:

1. The name of the prescribing practitioner, the practitioner's federal Drug Enforcement Administration registration number, the practitioner's National Provider Identification or other appropriate identifier, and the date of the prescription.

2. The date the prescription was filled and the method of payment, such as cash by an individual, insurance coverage through a third party, or Medicaid payment. This paragraph does not authorize the department to include individual credit card numbers or other account numbers in the system.

3. The full name, address, telephone number, and date of birth of the person for whom the prescription was written.

4. The name, national drug code, quantity, and strength of the controlled substance dispensed.

5. The full name, federal Drug Enforcement Administration registration number, State of Florida Department of Health issued pharmacy permit number, and address of the pharmacy or other location from which the controlled substance was dispensed. If the controlled substance was dispensed by a practitioner other than a pharmacist, the practitioner's full name, address, federal Drug Enforcement Administration registration number, State of Florida Department of Health issued license number, and National Provider Identification.

6. Whether the drug was dispensed as an initial prescription or a refill, and the number of refills ordered.

7. The name of the individual picking up the controlled substance prescription and type and issuer of the identification provided.

8. Other appropriate identifying information as determined by department rule.

(b) The following acts of administration or dispensing are exempt from the reporting requirements of this subsection:

1. All acts of administration of a controlled substance.

2. The dispensing of a controlled substance in the health care system of the Department of Corrections.

3. The dispensing of a controlled substance to a person under the age of 16.

(4) The following persons must be provided direct access to information in the system:

(a) A prescriber or dispenser or his or her designee.

(b) An employee of the United States Department of Veterans Affairs, the United States Department of Defense, or the Indian Health Service who provides health care services pursuant to such employment and who has the authority to prescribe or dispense controlled substances shall have access to the information in the program's system upon verification of employment.

(c) The program manager or designated program and support staff to administer the system.

1. In order to calculate performance measures pursuant to subsection (14), the program manager or program and support staff members who have been directed by the program manager to calculate performance measures may have direct access to information that contains no identifying information of any patient, physician, health care practitioner, prescriber, or dispenser.

2. The program manager or designated program and support staff must provide the department, upon request, data that does not contain patient, physician, health care practitioner, prescriber, or dispenser identifying information for public health care and safety initiatives purposes.

3. The program manager, upon determining a pattern consistent with the department's rules established under subsection (16), may provide relevant information to the prescriber and dispenser.

4. The program manager, upon determining a pattern consistent with the rules established under subsection (16) and having cause to believe a violation of s. 893.13(7)(a)8., (8)(a), or (8)(b) has occurred, may provide relevant information to the applicable law enforcement agency.

The program manager and designated program and support staff must complete a level II background screening.

(5) The following entities may not directly access information in the system, but may request information from the program manager or designated program and support staff:

(a) The department and its health care regulatory boards, as appropriate, for investigations involving licensees authorized to prescribe or dispense controlled substances.

(b) The Attorney General for Medicaid fraud cases involving prescribed controlled substances.

(c) A law enforcement agency during active investigations of potential criminal activity, fraud, or theft regarding prescribed controlled substances.

(d) A medical examiner when conducting an authorized investigation under s. 406.11, to determine the cause of death of an individual.

(e) An impaired practitioner consultant who is retained by the department under s. 456.076 to review the system information of an impaired practitioner program participant or a referral who has agreed to be evaluated or monitored through the program and who has separately agreed in writing to the consultant's access to and review of such information.

(f) A patient or the legal guardian or designated health care surrogate of an incapacitated patient who submits a written and notarized request that includes the patient's full name, address, phone number, date of birth, and a copy of a government-issued photo identification.

(6) The department may enter into one or more reciprocal agreements or contracts to share prescription drug monitoring information with other states, districts, territories, the United States Department of Veterans Affairs, the United States Department of Defense, or the Indian Health Service if the prescription drug monitoring programs of such other states, districts, territories, the United States Department of Veterans Affairs, the United States Department of Defense, or the Indian Health Service are compatible with the Florida program.

(a) In determining compatibility, the department shall consider:

1. The safeguards for privacy of patient records and the success of the program in protecting patient privacy.

2. The persons authorized to view the data collected by the program. Comparable entities and licensed health care practitioners in other states, districts, or territories of the United States; law enforcement agencies; the Attorney General's Medicaid Fraud Control Unit; medical regulatory boards; the United States Department of Veterans Affairs; the United States Department of Defense; the Indian Health Service; and, as needed, management staff who have similar duties as management staff who work with the prescription drug monitoring program as authorized in s. 893.0551 are authorized access upon approval by the department.

3. The schedules of the controlled substances that are monitored by the program.

4. The data reported to or included in the program's system.

5. Any implementing criteria deemed essential for a thorough comparison.

6. The costs and benefits to the state of sharing prescription information.

(b) The department shall assess the prescription drug monitoring program's continued compatibility every 4 years with programs from other states, districts, territories, the United States Department of Veterans Affairs, the United States Department of Defense, or the Indian Health Service.

(c) Any agreements or contracts for sharing of prescription drug monitoring information between the department and other states, districts, territories, the United States Department of Veterans Affairs, the United States Department of Defense, or the Indian Health Service shall contain the same restrictions and requirements as this section or s. 893.0551, and the information must be provided according to the department's determination of compatibility.

(7) The department may enter into agreements or contracts to establish secure connections between the system and a prescribing or dispensing health care practitioner's electronic health recordkeeping system. The

electronic health recordkeeping system owner or license holder will be responsible for ensuring that only authorized individuals have access to prescription drug monitoring program information.

(8) A prescriber or dispenser or a designee of a prescriber or dispenser must consult the system to review a patient's controlled substance dispensing history before prescribing or dispensing a controlled substance for a patient age 16 or older. This requirement does not apply when prescribing or dispensing a nonopioid controlled substance listed in Schedule V of s. 893.03 or 21 U.S.C. 812 or prescribing or dispensing a controlled substance to a patient who has been admitted to hospice pursuant to s. 400.6095. For purposes of this subsection, a "nonopioid controlled substance" is a controlled substance that does not contain any amount of a substance listed as an opioid in s. 893.03 or 21 U.S.C. 812.

(a) The duty to consult the system does not apply when the system:

1. Is determined by the department to be nonoperational; or
2. Cannot be accessed by the prescriber or dispenser or a designee of the prescriber or dispenser because of a temporary technological or electrical failure.

(b) A prescriber or dispenser or designee of a prescriber or dispenser who does not consult the system under this subsection shall document the reason he or she did not consult the system in the patient's medical record or prescription record and shall not prescribe or dispense greater than a 3-day supply of a controlled substance to the patient.

(c) The department shall issue a nondisciplinary citation to any prescriber or dispenser who fails to consult the system as required by this subsection for an initial offense. Each subsequent offense is subject to disciplinary action pursuant to s. 456.073.

(9) A person who willfully and knowingly fails to report the dispensing of a controlled substance as required by this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(10) Information in the prescription drug monitoring program's system may be released only as provided in this section and s. 893.0551. The content of the system is intended to be informational only. Information in the system is not subject to discovery or introduction into evidence in any civil or administrative action against a prescriber, dispenser, pharmacy, or patient arising out of matters that are the subject of information in the system. The program manager and authorized persons who participate in preparing, reviewing, issuing, or any other activity related to management of the system may not be permitted or required to testify in any such civil or administrative action as to any findings, recommendations, evaluations, opinions, or other actions taken in connection with management of the system.

(11) A prescriber or dispenser, or his or her designee, may have access to the information under this section which relates to a patient of that prescriber or dispenser as needed for the purpose of reviewing the patient's controlled drug prescription history. A prescriber or dispenser acting in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for receiving or using information from the prescription drug monitoring program. This subsection does not create a private cause of action, and a person may not recover damages against a prescriber or dispenser authorized to access information under this subsection for accessing or failing to access such information.

(12)(a) All costs incurred by the department in administering the prescription drug monitoring program shall be funded through federal grants, private funding applied for or received by the state, or state funds appropriated in the General Appropriations Act. The department may not:

1. Commit funds for the monitoring program without ensuring funding is available; or
2. Use funds provided, directly or indirectly, by prescription drug manufacturers to implement the program.

(b) The department shall cooperate with the direct-support organization established under subsection (15) in seeking federal grant funds, other nonstate grant funds, gifts, donations, or other private moneys for the department if the costs of doing so are immaterial. Immaterial costs include, but are not limited to, the costs of mailing and personnel assigned to research or apply for a grant. The department may competitively procure and contract pursuant to s. 287.057 for any goods and services required by this section.

(13) The department shall conduct or participate in studies to examine the feasibility of enhancing the prescription drug monitoring program for the purposes of public health initiatives and statistical reporting. Such

studies shall respect the privacy of the patient, the prescriber, and the dispenser. Such studies may be conducted by the department or a contracted vendor in order to:

- (a) Improve the quality of health care services and safety by improving prescribing and dispensing practices for controlled substances;
- (b) Take advantage of advances in technology;
- (c) Reduce duplicative prescriptions and the overprescribing of controlled substances; and
- (d) Reduce drug abuse.

(14) The department shall annually report on performance measures to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1. Performance measures may include, but are not limited to, the following outcomes:

- (a) Reduction of the rate of inappropriate use of controlled substances through department education and safety efforts.
- (b) Reduction of the quantity of controlled substances obtained by individuals attempting to engage in fraud and deceit.
- (c) Increased coordination among partners participating in the prescription drug monitoring program.
- (d) Involvement of stakeholders in achieving improved patient health care and safety and reduction of controlled substance abuse and controlled substance diversion.

(15) The department may establish a direct-support organization to provide assistance, funding, and promotional support for the activities authorized for the prescription drug monitoring program.

(a) As used in this subsection, the term "direct-support organization" means an organization that is:

1. A Florida corporation not for profit incorporated under chapter 617, exempted from filing fees, and approved by the Department of State.
2. Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, and invest, in its own name, securities, funds, objects of value, or other property, either real or personal; and make expenditures or provide funding to or for the direct or indirect benefit of the department in the furtherance of the prescription drug monitoring program.

(b) The State Surgeon General shall appoint a board of directors for the direct-support organization.

1. The board of directors shall consist of no fewer than five members who shall serve at the pleasure of the State Surgeon General.
2. The State Surgeon General shall provide guidance to members of the board to ensure that moneys received by the direct-support organization are not received from inappropriate sources. Inappropriate sources include, but are not limited to, donors, grantors, persons, prescription drug manufacturers, or organizations that may monetarily or substantively benefit from the purchase of goods or services by the department in furtherance of the prescription drug monitoring program.

(c) The direct-support organization shall operate under written contract with the department. The contract must, at a minimum, provide for:

1. Approval of the articles of incorporation and bylaws of the direct-support organization by the department.
2. Submission of an annual budget for the approval of the department.
3. The reversion, without penalty, to the department's grants and donations trust fund for the administration of the prescription drug monitoring program of all moneys and property held in trust by the direct-support organization for the benefit of the prescription drug monitoring program if the direct-support organization ceases to exist or if the contract is terminated.
4. The fiscal year of the direct-support organization, which must begin July 1 of each year and end June 30 of the following year.
5. The disclosure of the material provisions of the contract to donors of gifts, contributions, or bequests, including such disclosure on all promotional and fundraising publications, and an explanation to such donors of the distinction between the department and the direct-support organization.
6. The direct-support organization's collecting, expending, and providing of funds to the department for the development, implementation, and operation of the prescription drug monitoring program as described in this

section. The direct-support organization may collect and expend funds to be used for the functions of the direct-support organization's board of directors, as necessary and approved by the department. In addition, the direct-support organization may collect and provide funding to the department in furtherance of the prescription drug monitoring program by:

- a. Establishing and administering the prescription drug monitoring program's electronic system, including hardware and software.
- b. Conducting studies on the efficiency and effectiveness of the program to include feasibility studies as described in subsection (13).
- c. Providing funds for future enhancements of the program within the intent of this section.
- d. Providing user training of the prescription drug monitoring program, including distribution of materials to promote public awareness and education and conducting workshops or other meetings for health care practitioners, pharmacists, and others as appropriate.
- e. Providing funds for travel expenses.
- f. Providing funds for administrative costs, including personnel, audits, facilities, and equipment.
- g. Fulfilling all other requirements necessary to implement and operate the program as outlined in this section.

7. Certification by the department that the direct-support organization is complying with the terms of the contract in a manner consistent with and in furtherance of the goals and purposes of the prescription drug monitoring program and in the best interests of the state. Such certification must be made annually and reported in the official minutes of a meeting of the direct-support organization.

(d) The activities of the direct-support organization must be consistent with the goals and mission of the department, as determined by the department, and in the best interests of the state. The direct-support organization must obtain written approval from the department for any activities in support of the prescription drug monitoring program before undertaking those activities.

(e) The direct-support organization shall provide for an independent annual financial audit in accordance with 215.981. Copies of the audit shall be provided to the department and the Office of Policy and Budget in the Executive Office of the Governor.

(f) The direct-support organization may not exercise any power under s. 617.0302(12) or (16).

(g) The direct-support organization is not considered a lobbying firm within the meaning of s. 11.045.

(h) The department may permit, without charge, appropriate use of administrative services, property, and facilities of the department by the direct-support organization, subject to this section. The use must be directly in keeping with the approved purposes of the direct-support organization and may not be made at times or places that would unreasonably interfere with opportunities for the public to use such facilities for established purposes. Any moneys received from rentals of facilities and properties managed by the department may be held in a separate depository account in the name of the direct-support organization and subject to the provisions of the letter of agreement with the department. The letter of agreement must provide that any funds held in the separate depository account in the name of the direct-support organization must revert to the department if the direct-support organization is no longer approved by the department to operate in the best interests of the state.

(i) The department may adopt rules under s. 120.54 to govern the use of administrative services, property, or facilities of the department or office by the direct-support organization.

(j) The department may not permit the use of any administrative services, property, or facilities of the state by a direct-support organization if that organization does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, gender, age, or national origin.

(k) This subsection is repealed October 1, 2027, unless reviewed and saved from repeal by the Legislature.

(16) The department shall adopt rules necessary to implement this section.

History.—s. 1, ch. 2009-198; s. 41, ch. 2010-151; s. 12, ch. 2010-211; s. 50, ch. 2011-4; s. 23, ch. 2011-141; s. 86, ch. 2012-5; s. 11, ch. 2013-16; s. 14, ch. 2013-26; s. 21, ch. 2013-154; s. 167, ch. 2014-17; s. 26, ch. 2014-96; s. 32, ch. 2015-222; s. 55, ch. 2016-62; s. 31, ch. 2016-105; s. 1, ch. 2016-177; s. 14, ch. 2017-71; s. 1, ch. 2017-169; s. 1, ch. 2017-191; s. 1, ch. 2017-192; s. 21, ch. 2018-10; s. 10, ch. 2018-13; s. 25, ch. 2018-111; s. 105, ch. 2019-3; s. 1, ch. 2019-70; s. 32, ch. 2019-116; ss. 1, 3, ch. 2019-127; s. 22, ch. 2020-114; s. 25, ch. 2021-131; s. 32, ch. 2022-5; s. 66, ch. 2024-2.

(1) For purposes of this section, the terms used in this section have the same meanings as provided in s. 893.055.

(2) The following information of a patient or patient's agent, a health care practitioner, a dispenser, an employee of the practitioner who is acting on behalf of and at the direction of the practitioner, a pharmacist, or a pharmacy that is contained in records held by the department under s. 893.055 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

- (a) Name.
- (b) Address.
- (c) Telephone number.
- (d) Insurance plan number.
- (e) Government-issued identification number.
- (f) Provider number.
- (g) Drug Enforcement Administration number.
- (h) Any other unique identifying information or number.

(3) The department shall disclose such information to the following persons or entities upon request and after using a verification process to ensure the legitimacy of the request as provided in s. 893.055:

(a) A health care practitioner, or his or her designee, who certifies that the information is necessary to provide medical treatment to a current patient in accordance with ss. 893.04, 893.05, and 893.055.

(b) An employee of the United States Department of Veterans Affairs, the United States Department of Defense, or the Indian Health Service who provides health care services pursuant to such employment and who has the authority to prescribe or dispense controlled substances shall have access to the information in the program's system upon verification of such employment.

(c) The program manager and designated support staff for administration of the program, and to provide relevant information to the prescriber, dispenser, and appropriate law enforcement agencies, in accordance with s. 893.055.

(d) The department and its relevant health care regulatory boards for investigations involving licensees authorized to prescribe or dispense controlled substances. The department or health care regulatory board may request information from the program but may not have direct access to its system. The department may provide to a law enforcement agency pursuant to ss. 456.066 and 456.073 only information that is relevant to the specific controlled substances investigation that prompted the request for the information.

(e) The Attorney General or his or her designee when working on Medicaid fraud cases involving prescribed controlled substances or when the Attorney General has initiated a review of specific identifiers of Medicaid fraud or specific identifiers that warrant a Medicaid investigation regarding prescribed controlled substances. The Attorney General's Medicaid fraud investigators may not have direct access to the department's system. The Attorney General or his or her designee may disclose to a criminal justice agency, as defined in s. 119.011, only the information received from the department that is relevant to an identified active investigation that prompted the request for the information.

(f) A law enforcement agency that has initiated an active investigation involving a specific violation of law regarding prescription drug abuse or diversion of prescribed controlled substances and that has entered into a user agreement with the department. A law enforcement agency may request information from the department but may not have direct access to its system. The law enforcement agency may disclose to a criminal justice agency, as defined in s. 119.011, only information received from the department that is relevant to an identified active investigation that prompted the request for such information.

(g) A district medical examiner or associate medical examiner, as described in s. 406.06, pursuant to his or her official duties, as required by s. 406.11, to determine the cause of death of an individual. Such medical examiners may request information from the department but may not have direct access to the system.

(h) An impaired practitioner consultant who has been authorized in writing by a participant in, or by a referral to, the impaired practitioner program to access and review information as provided in s. 893.055(5)(e).

(1) A patient or the legal guardian or designated health care surrogate for an incapacitated patient, if applicable, making a request as provided in s. 893.055(5)(f).

(4) If the department determines consistent with its rules that a pattern of controlled substance abuse exists, the department may disclose such confidential and exempt information to the applicable law enforcement agency in accordance with s. 893.055. The law enforcement agency may disclose to a criminal justice agency, as defined in s. 119.011, only information received from the department that is relevant to an identified active investigation that is specific to a violation of s. 893.13(7)(a)8., (8)(a), or (8)(b).

(5) Before disclosing information to a criminal justice agency or a law enforcement agency pursuant to this section, the disclosing person or entity must take steps to ensure the continued confidentiality of all information. At a minimum, these steps must include redacting any nonrelevant information.

(6) An agency or person who obtains any information pursuant to this section must maintain the confidential and exempt status of that information and may not disclose such information unless authorized by law. Information shared with a state attorney pursuant to paragraph (3)(e) or paragraph (3)(f) may be released only in response to a discovery demand if such information is directly related to the criminal case for which the information was requested. Unrelated information may be released only upon an order of a court of competent jurisdiction.

(7) A person who willfully and knowingly violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 1, ch. 2009-197; s. 13, ch. 2010-211; s. 51, ch. 2011-4; s. 1, ch. 2014-156; s. 36, ch. 2016-145; s. 2, ch. 2016-177; s. 11, ch. 2018-13; s. 106, ch. 2019-3; ss. 2, 3, ch. 2019-127; s. 25, ch. 2021-131.

893.06 Distribution of controlled substances; order forms; labeling and packaging requirements.—

(1) Controlled substances in Schedules I and II shall be distributed by a duly licensed manufacturer, distributor, or wholesaler to a duly licensed manufacturer, wholesaler, distributor, practitioner, pharmacy, as defined in chapter 465, hospital, or laboratory only pursuant to an order form. It shall be deemed a compliance with this subsection if the parties to the transaction have complied with federal law respecting the use of order forms.

(2) Possession or control of controlled substances obtained as authorized by this section shall be lawful if in the regular course of business, occupation, profession, employment, or duty.

(3) A person in charge of a hospital or laboratory or in the employ of this state or of any other state, or of any political subdivision thereof, and a master or other proper officer of a ship or aircraft, who obtains controlled substances under the provisions of this section or otherwise, shall not administer, dispense, or otherwise use such controlled substances within this state, except within the scope of her or his employment or official duty, and then only for scientific or medicinal purposes and subject to the provisions of this chapter.

(4) It shall be unlawful to distribute a controlled substance in a commercial container unless such container bears a label showing the name and address of the manufacturer, the quantity, kind, and form of controlled substance contained therein, and the identifying symbol for such substance, as required by federal law. No person except a pharmacist, for the purpose of dispensing a prescription, or a practitioner, for the purpose of dispensing a controlled substance to a patient, shall alter, deface, or remove any labels so affixed.

History.—s. 6, ch. 73-331; s. 1438, ch. 97-102.

893.065 Counterfeit-resistant prescription blanks for controlled substances listed in Schedule II, Schedule III, Schedule IV, or Schedule V.—The Department of Health shall develop and adopt by rule the form and content for a counterfeit-resistant prescription blank which must be used by practitioners for the purpose of prescribing a controlled substance listed in Schedule II, Schedule III, Schedule IV, or Schedule V pursuant to s. 456.42. The Department of Health may require the prescription blanks to be printed on distinctive, watermarked paper and to bear the preprinted name, address, and category of professional licensure of the practitioner and that practitioner's federal registry number for controlled substances. The prescription blanks may not be transferred.

History.—s. 4, ch. 2007-156; s. 24, ch. 2011-141.

(1) Every person who engages in the manufacture, compounding, mixing, cultivating, growing, or by any other process producing or preparing, or in the dispensing, importation, or, as a wholesaler, distribution, of controlled substances shall:

(a) On January 1, 1974, or as soon thereafter as any person first engages in such activity, and every second year thereafter, make a complete and accurate record of all stocks of controlled substances on hand. The inventory may be prepared on the regular physical inventory date which is nearest to, and does not vary by more than 6 months from, the biennial date that would otherwise apply. As additional substances are designated for control under this chapter, they shall be inventoried as provided for in this subsection.

(b) On and after January 1, 1974, maintain, on a current basis, a complete and accurate record of each substance manufactured, received, sold, delivered, or otherwise disposed of by him or her, except that this subsection shall not require the maintenance of a perpetual inventory.

Compliance with the provisions of federal law pertaining to the keeping of records of controlled substances shall be deemed a compliance with the requirements of this subsection.

(2) The record of controlled substances received shall in every case show:

(a) The date of receipt.

(b) The name and address of the person from whom received.

(c) The kind and quantity of controlled substances received.

(3) The record of all controlled substances sold, administered, dispensed, or otherwise disposed of shall show:

(a) The date of selling, administering, or dispensing.

(b) The correct name and address of the person to whom or for whose use, or the owner and species of animal for which, sold, administered, or dispensed.

(c) The kind and quantity of controlled substances sold, administered, or dispensed.

(4) Every inventory or record required by this chapter, including prescription records, shall be maintained:

(a) Separately from all other records of the registrant, or

(b) Alternatively, in the case of Schedule III, IV, or V controlled substances, in such form that information required by this chapter is readily retrievable from the ordinary business records of the registrant.

In either case, the records described in this subsection shall be kept and made available for a period of at least 2 years for inspection and copying by law enforcement officers whose duty it is to enforce the laws of this state relating to controlled substances. Law enforcement officers are not required to obtain a subpoena, court order, or search warrant in order to obtain access to or copies of such records.

(5) Each person described in subsection (1) shall:

(a) Maintain a record which shall contain a detailed list of controlled substances lost, destroyed, or stolen, if any; the kind and quantity of such controlled substances; and the date of the discovering of such loss, destruction, or theft.

(b) In the event of the discovery of the theft or significant loss of controlled substances, report such theft or significant loss to the sheriff of that county within 24 hours after discovery. A person who fails to report a theft or significant loss of a substance listed in s. 893.03(3), (4), or (5) within 24 hours after discovery as required in this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who fails to report a theft or significant loss of a substance listed in s. 893.03(2) within 24 hours after discovery as required in this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 7, ch. 73-331; s. 1439, ch. 97-102; s. 25, ch. 2011-141; s. 32, ch. 2016-105; s. 5, ch. 2019-166.

893.08 Exceptions.—

(1) The following may be distributed at retail without a prescription, but only by a registered pharmacist:

(a) Any compound, mixture, or preparation described in Schedule V.

(b) Any compound, mixture, or preparation containing any depressant or stimulant substance described in s. 893.03(2)(a) or (c) except any amphetamine drug or sympathomimetic amine drug or compound designated as a Schedule II controlled substance pursuant to this chapter; in s. 893.03(3)(a); or in Schedule IV, if:

1. The compound, mixture, or preparation contains one or more active medicinal ingredients not having depressant or stimulant effect on the central nervous system, and
2. Such ingredients are included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the controlled substances which do have a depressant or stimulant effect on the central nervous system.

(2) No compound, mixture, or preparation may be dispensed under subsection (1) unless such substance may, under the Federal Food, Drug, and Cosmetic Act, be lawfully sold at retail without a prescription.

(3) The exemptions authorized by this section shall be subject to the following conditions:

(a) The compounds, mixtures, and preparations referred to in subsection (1) may be dispensed to persons under age 18 only on prescription. A bound volume must be maintained as a record of sale at retail of excepted compounds, mixtures, and preparations, and the pharmacist must require suitable identification from every unknown purchaser.

(b) Such compounds, mixtures, and preparations shall be sold by the pharmacist in good faith as a medicine and not for the purpose of evading the provisions of this chapter. The pharmacist may, in his or her discretion, withhold sale to any person whom the pharmacist reasonably believes is attempting to purchase excepted compounds, mixtures, or preparations for the purpose of abuse.

(c) The total quantity of controlled substance listed in Schedule V which may be sold to any one purchaser within a given 48-hour period shall not exceed 120 milligrams of codeine, 60 milligrams dihydrocodeine, 30 milligrams of ethyl morphine, or 240 milligrams of opium.

(d) Nothing in this section shall be construed to limit the kind and quantity of any controlled substance that may be prescribed, administered, or dispensed to any person, or for the use of any person or animal, when it is prescribed, administered, or dispensed in compliance with the general provisions of this chapter.

(4) The dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan) shall not be deemed to be included in any schedule by reason of enactment of this chapter.

History.—s. 8, ch. 73-331; s. 1, ch. 77-174; s. 6, ch. 80-354; s. 4, ch. 89-281; s. 2, ch. 93-92; s. 1440, ch. 97-102; s. 105, ch. 97-264; s. 12, ch. 99-186.

893.09 Enforcement.—

(1) The Department of Law Enforcement, all state agencies which regulate professions or institutions affected by the provisions of this chapter, and all peace officers of the state shall enforce all provisions of this chapter except those specifically delegated, and shall cooperate with all agencies charged with the enforcement of the laws of the United States, this state, and all other states relating to controlled substances.

(2) Any agency authorized to enforce this chapter shall have the right to institute an action in its own name to enjoin the violation of any of the provisions of this chapter. Said action for an injunction shall be in addition to any other action, proceeding, or remedy authorized by law.

(3) All law enforcement officers whose duty it is to enforce this chapter shall have authority to administer oaths in connection with their official duties, and any person making a material false statement under oath before such law enforcement officers shall be deemed guilty of perjury and subject to the same punishment as prescribed for perjury.

(4) It shall be unlawful and punishable as provided in chapter 843 for any person to interfere with any such law enforcement officer in the performance of the officer's official duties. It shall also be unlawful for any person falsely to represent himself or herself to be authorized to enforce the drug abuse laws of this state, the United States, or any other state.

(5) No civil or criminal liability shall be imposed by virtue of this chapter upon any person whose duty it is to enforce the provisions of this chapter, by reason of his or her being lawfully engaged in the enforcement of any law or municipal ordinance relating to controlled substances.

History.—s. 7, ch. 73-331; s. 1, ch. 77-174; s. 30, ch. 79-8; s. 1441, ch. 97-102.

893.10 Burden of proof; photograph or video recording of evidence.—

(1) It is not necessary for the state to negative any exemption or exception set forth in this chapter in any indictment, information, or other pleading or in any trial, hearing, or other proceeding under this chapter, and the burden of going forward with the evidence with respect to any exemption or exception is upon the person claiming its benefit.

(2) In the prosecution of an offense involving the manufacture of a controlled substance, a photograph or video recording of the manufacturing equipment used in committing the offense, including, but not limited to, grow lights, growing trays, and chemical fertilizers, may be introduced as competent evidence of the existence and use of the equipment and is admissible in the prosecution of the offense to the same extent as if the property were introduced as evidence.

(3) After a law enforcement agency documents the manufacturing equipment by photography or video recording, the manufacturing equipment may be destroyed on site and left in disrepair. The law enforcement agency destroying the equipment is immune from civil liability for the destruction of the equipment. The destruction of the equipment must be recorded by the supervising law enforcement officer in the manner described in s. 893.12(1)(a), and records must be maintained for 24 months.

History.—s. 10, ch. 73-331; s. 1442, ch. 97-102; s. 3, ch. 2008-184; s. 19, ch. 2010-117.

893.101 Legislative findings and intent.—

(1) The Legislature finds that the cases of *Scott v. State*, Slip Opinion No. SC94701 (Fla. 2002) and *Chicone v. State*, 684 So. 2d 736 (Fla. 1996), holding that the state must prove that the defendant knew of the illicit nature of a controlled substance found in his or her actual or constructive possession, were contrary to legislative intent.

(2) The Legislature finds that knowledge of the illicit nature of a controlled substance is not an element of any offense under this chapter. Lack of knowledge of the illicit nature of a controlled substance is an affirmative defense to the offenses of this chapter.

(3) In those instances in which a defendant asserts the affirmative defense described in this section, the possession of a controlled substance, whether actual or constructive, shall give rise to a permissive presumption that the possessor knew of the illicit nature of the substance. It is the intent of the Legislature that, in those cases where such an affirmative defense is raised, the jury shall be instructed on the permissive presumption provided in this subsection.

History.—s. 1, ch. 2002-258.

893.105 Testing and destruction of seized substances.—

(1) Any controlled substance or listed chemical seized as evidence may be sample tested and weighed by the seizing agency after the seizure. Any such sample and the analysis thereof shall be admissible into evidence in any civil or criminal action for the purpose of proving the nature, composition, and weight of the substance seized. In addition, the seizing agency may photograph or videotape, for use at trial, the controlled substance or listed chemical seized.

(2) Controlled substances or listed chemicals that are not retained for sample testing as provided in subsection (1) may be destroyed pursuant to a court order issued in accordance with s. 893.12.

History.—s. 1, ch. 82-88; s. 3, ch. 91-279.

893.11 Suspension, revocation, and reinstatement of business and professional licenses.—For the purposes of s. 120.60(6), any conviction in any court reported to the Comprehensive Case Information System of the Florida Association of Court Clerks and Comptrollers, Inc., for the sale of, or trafficking in, a controlled substance or for conspiracy to sell, or traffic in, a controlled substance constitutes an immediate serious danger to the public health, safety, or welfare, and is grounds for disciplinary action by the licensing state agency. A state agency shall initiate an immediate emergency suspension of an individual professional license issued by the agency, in compliance with the procedures for summary suspensions in s. 120.60(6), upon the agency's findings of the licensee's conviction in any court reported to the Comprehensive Case Information System of the Florida

Association of Court Clerks and Comptrollers, Inc., for the sale or, or trafficking in, a controlled substance, or for conspiracy to sell, or traffic in, a controlled substance. Before renewing any professional license, a state agency that issues a professional license must use the Comprehensive Case Information System of the Florida Association of Court Clerks and Comptrollers, Inc., to obtain information relating to any conviction for the sale of, or trafficking in, a controlled substance or for conspiracy to sell, or traffic in, a controlled substance. The clerk of court shall provide electronic access to each state agency at no cost and also provide certified copies of the judgment upon request to the agency. Upon a showing by any such convicted defendant whose professional license has been suspended or revoked pursuant to this section that his or her civil rights have been restored or upon a showing that the convicted defendant meets the following criteria, the agency head may reinstate or reactivate such license when:

(1) The person has complied with the conditions of paragraphs (a) and (b) which shall be monitored by the Department of Corrections while the person is under any supervisory sanction. If the person fails to comply with provisions of these paragraphs by either failing to maintain treatment or by testing positive for drug use, the department shall notify the licensing agency, which shall revoke the license. The person under supervision may:

(a) Seek evaluation and enrollment in, and once enrolled maintain enrollment in until completion, a drug treatment and rehabilitation program which is approved or regulated by the Department of Children and Families. The treatment and rehabilitation program shall be specified by:

1. The court, in the case of court-ordered supervisory sanctions;
2. The Florida Commission on Offender Review, in the case of parole, control release, or conditional release; or
3. The Department of Corrections, in the case of imprisonment or any other supervision required by law.

(b) Submit to periodic urine drug testing pursuant to procedures prescribed by the Department of Corrections. If the person is indigent, the costs shall be paid by the Department of Corrections; or

(2) The person has successfully completed an appropriate program under the Correctional Education Program.

(3) As used in this section, the term "professional license" includes any license, permit, or certificate that authorizes a person to practice his or her profession. However, the term does not include any of the taxes, fees, or permits regulated, controlled, or administered by the Department of Revenue in accordance with s. 213.05.

History.—s. 11, ch. 73-331; s. 1, ch. 77-117; s. 19, ch. 78-95; s. 3, ch. 90-266; s. 126, ch. 91-112; s. 14, ch. 95-325; s. 1443, ch. 97-102; s. 302, ch. 99-8; s. 18, ch. 2012-100; s. 305, ch. 2014-19; s. 21, ch. 2014-191.

893.12 Contraband; seizure, forfeiture, sale.—

(1) All substances controlled by this chapter and all listed chemicals, which substances or chemicals are handled, delivered, possessed, or distributed contrary to any provisions of this chapter, and all such controlled substances or listed chemicals the lawful possession of which is not established or the title to which cannot be ascertained, are declared to be contraband, are subject to seizure and confiscation by any person whose duty it is to enforce the provisions of the chapter, and shall be disposed of as follows:

(a) Except as in this section otherwise provided, the court having jurisdiction shall order such controlled substances or listed chemicals forfeited and destroyed. A record of the place where said controlled substances or listed chemicals were seized, of the kinds and quantities of controlled substances or listed chemicals destroyed, and of the time, place, and manner of destruction shall be kept, and a return under oath reporting said destruction shall be made to the court by the officer who destroys them.

(b) Upon written application by the Department of Health, the court by whom the forfeiture of such controlled substances or listed chemicals has been decreed may order the delivery of any of them to said department for distribution or destruction as hereinafter provided.

(c) Upon application by any hospital or laboratory within the state not operated for private gain, the department may, in its discretion, deliver any controlled substances or listed chemicals that have come into its custody by authority of this section to the applicant for medical use. The department may from time to time deliver excess stocks of such controlled substances or listed chemicals to the United States Drug Enforcement Administration or destroy same.

(d) The department shall keep a full and complete record of all controlled substances or listed chemicals received and of all controlled substances or listed chemicals disposed of, showing:

1. The exact kinds, quantities, and forms of such controlled substances or listed chemicals;
2. The persons from whom received and to whom delivered;
3. By whose authority received, delivered, and destroyed; and
4. The dates of the receipt, disposal, or destruction,

which record shall be open to inspection by all persons charged with the enforcement of federal and state drug abuse laws.

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

(b) All real property, including any right, title, leasehold interest, and other interest in the whole of any lot or tract of land and any appurtenances or improvements, which real property is used, or intended to be used, in any manner or part, to commit or to facilitate the commission of, or which real property is acquired with proceeds obtained as a result of, a violation of any provision of this chapter related to a controlled substance described in s. 893.03(1) or (2) may be seized and forfeited as provided by the Florida Contraband Forfeiture Act except that no property shall be forfeited under this paragraph to the extent of an interest of an owner or lienholder by reason of any act or omission established by that owner or lienholder to have been committed or omitted without the knowledge or consent of that owner or lienholder.

(c) All moneys, negotiable instruments, securities, and other things of value furnished or intended to be furnished by any person in exchange for a controlled substance described in s. 893.03(1) or (2) or a listed chemical in violation of any provision of this chapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of any provision of this chapter or which are acquired with proceeds obtained in violation of any provision of this chapter may be seized and forfeited provided by the Florida Contraband Forfeiture Act, except that no property shall be forfeited under this paragraph to the extent of an interest of an owner or lienholder by reason of any act or omission established by that owner or lienholder to have been committed or omitted without the knowledge or consent of that owner or lienholder.

(d) All books, records, and research, including formulas, microfilm, tapes, and data which are used, or intended for use, or which are acquired with proceeds obtained, in violation of any provision of this chapter related to a controlled substance described in s. 893.03(1) or (2) or a listed chemical may be seized and forfeited as provided by the Florida Contraband Forfeiture Act.

(e) If any of the property described in this subsection:

1. Cannot be located;
2. Has been transferred to, sold to, or deposited with, a third party;
3. Has been placed beyond the jurisdiction of the court;
4. Has been substantially diminished in value by any act or omission of the defendant; or
5. Has been commingled with any property which cannot be divided without difficulty,

the court shall order the forfeiture of any other property of the defendant up to the value of any property subject to forfeiture under this subsection.

(3) Any law enforcement agency is empowered to authorize or designate officers, agents, or other persons to carry out the seizure provisions of this section. It shall be the duty of any officer, agent, or other person so authorized or designated, or authorized by law, whenever she or he shall discover any vessel, vehicle, aircraft, real property or interest in real property, money, negotiable instrument, security, book, record, or research which has been or is being used or intended to be used, or which is acquired with proceeds obtained, in violation of any of the provisions of this chapter, or in, upon, or by means of which any violation of this chapter has taken or is taking place, to seize such vessel, vehicle, aircraft, real property or interest in real property, money, negotiable

instrument, security, book, record, or research and place it in the custody of such person as may be authorized or designated for that purpose by the respective law enforcement agency pursuant to these provisions.

(4) The rights of any bona fide holder of a duly recorded mortgage or duly recorded vendor's privilege on the property seized under this chapter shall not be affected by the seizure.

History.—s. 12, ch. 73-331; ss. 10, 11, ch. 74-385; s. 471, ch. 77-147; s. 185, ch. 79-164; s. 4, ch. 80-30; s. 9, ch. 80-68; s. 5, ch. 89-148; s. 4, ch. 91-279; s. 1444, ch. 97-102; s. 1, ch. 98-395; s. 303, ch. 99-8; s. 13, ch. 99-186; s. 21, ch. 2000-320; s. 17, ch. 2004-11; s. 12, ch. 2015-34; ss. 33, 48, ch. 2016-105.

893.13 Prohibited acts; penalties.—

(1)(a) Except as authorized by this chapter and chapter 499, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance. A person who violates this provision with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. A controlled substance named or described in s. 893.03(5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Except as provided in this chapter, a person may not sell or deliver in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (b), or any combination thereof, or any mixture containing any such substance. A person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Except as authorized by this chapter, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a child care facility as defined in s. 402.302 or a public or private elementary, middle, or secondary school between the hours of 6 a.m. and 12 midnight, or at any time in, on, or within 1,000 feet of real property comprising a state, county, or municipal park, a community center, or a publicly owned recreational facility. As used in this paragraph, the term "community center" means a facility operated by a nonprofit community-based organization for the provision of recreational, social, or educational services to the public. A person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The defendant must be sentenced to a minimum term of imprisonment of 3 calendar years unless the offense was committed within 1,000 feet of the real property comprising a child care facility as defined in s. 402.302.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a \$500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

This paragraph does not apply to a child care facility unless the owner or operator of the facility posts a sign that is not less than 2 square feet in size with a word legend identifying the facility as a licensed child care facility and that is posted on the property of the child care facility in a conspicuous place where the sign is reasonably visible to the public.

(d) Except as authorized by this chapter, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a public or private college, university, or other postsecondary educational institution. A person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a \$500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(e) Except as authorized by this chapter, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance not authorized by law in, on, or within 1,000 feet of a physical place for worship at which a church or religious organization regularly conducts religious services or within 1,000 feet of a convenience business as defined in s. 812.171. A person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a \$500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(f) Except as authorized by this chapter, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a public housing facility at any time. As used in this section, the term "real property comprising a public housing facility" means real property, as defined in s. 421.03(12), of a public corporation created as a housing authority pursuant to part I of chapter 421. A person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a \$500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(g) Except as authorized by this chapter, a person may not manufacture methamphetamine or phencyclidine, or possess any listed chemical as defined in s. 893.033 in violation of s. 893.149 and with intent to manufacture methamphetamine or phencyclidine. If a person violates this paragraph and:

1. The commission or attempted commission of the crime occurs in a structure or conveyance where any child younger than 16 years of age is present, the person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the defendant must be sentenced to a minimum term of imprisonment of 5 calendar years.

2. The commission of the crime causes any child younger than 16 years of age to suffer great bodily harm, the person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the defendant must be sentenced to a minimum term of imprisonment of 10 calendar years.

(h) Except as authorized by this chapter, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a mental health facility, as that term is used in chapter 394; a health care facility licensed under chapter 395 which provides substance abuse treatment; a licensed service provider as defined in s. 397.311; a facility providing services that include clinical treatment, intervention, or prevention as described in s. 397.311(27); a recovery residence as defined in s. 397.311; an assisted living facility as defined in chapter 429; or a pain management clinic as defined in s. 458.3265(1)(a)1.c. or s. 459.0137(1)(a)1.c. A person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a \$500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(i) Except as authorized by this chapter, a person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and must be sentenced to a mandatory minimum term of imprisonment of 3 years, if:

1. The person sells, manufactures, or delivers, or possesses with intent to sell, manufacture, or deliver, any of the following:

- a. Alfentanil, as described in s. 893.03(2)(b)1.;
- b. Carfentanil, as described in s. 893.03(2)(b)6.;
- c. Fentanyl, as described in s. 893.03(2)(b)9.;
- d. Sufentanil, as described in s. 893.03(2)(b)30.;
- e. A fentanyl derivative, as described in s. 893.03(1)(a)63.;
- f. A controlled substance analog, as described in s. 893.0356, of any substance described in sub-subparagraphs a.-e.; or

g. A mixture containing any substance described in sub-subparagraphs a.-f.; and

2. The substance or mixture listed in subparagraph 1. is in a form that resembles, or is mixed, granulated, absorbed, spray-dried, or aerosolized as or onto, coated on, in whole or in part, or solubilized with or into, a product, when such product or its packaging further has at least one of the following attributes:

- a. Resembles the trade dress of a branded food product, consumer food product, or logo food product;
- b. Incorporates an actual or fake registered copyright, service mark, or trademark;
- c. Resembles candy, cereal, a gummy, a vitamin, or a chewable product, such as a gum or gelatin-based product; or
- d. Contains a cartoon character imprint.

(2)(a) Except as authorized by this chapter and chapter 499, a person may not purchase, or possess with intent to purchase, a controlled substance. A person who violates this provision with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. A controlled substance named or described in s. 893.03(5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Except as provided in this chapter, a person may not purchase more than 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any mixture containing any such substance. A person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(4) Except as authorized by this chapter, a person 18 years of age or older may not deliver any controlled substance to a person younger than 18 years of age, use or hire a person younger than 18 years of age as an agent or employee in the sale or delivery of such a substance, or use such person to assist in avoiding detection or apprehension for a violation of this chapter. A person who violates this subsection with respect to:

(a) A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any other controlled substance, except as lawfully sold, manufactured, or delivered, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Imposition of sentence may not be suspended or deferred, and the person so convicted may not be placed on probation.

(5) A person may not bring into this state any controlled substance unless the possession of such controlled substance is authorized by this chapter or unless such person is licensed to do so by the appropriate federal agency. A person who violates this provision with respect to:

(a) A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A controlled substance named or described in s. 893.03(5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6)(a) A person may not be in actual or constructive possession of a controlled substance unless such controlled substance was lawfully obtained from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of his or her professional practice or to be in actual or constructive possession of a controlled substance except as otherwise authorized by this chapter. A person who violates this provision commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the offense is the possession of 20 grams or less of cannabis, as defined in this chapter, the person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. As used in this subsection, the term "cannabis" does not include the resin extracted from the plants of the genus *Cannabis*, or any compound manufacture, salt, derivative, mixture, or preparation of such resin.

(c) Except as provided in this chapter, a person may not possess more than 10 grams of any substance named or described in s. 893.03(1)(a), (1)(b), or (2)(b), or any combination thereof, or any mixture containing any such substance. A person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) If the offense is possession of a controlled substance named or described in s. 893.03(5), the person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(e) Notwithstanding any provision to the contrary of the laws of this state relating to arrest, a law enforcement officer may arrest without warrant any person who the officer has probable cause to believe is violating the provisions of this chapter relating to possession of cannabis.

(7)(a) A person may not:

1. Distribute or dispense a controlled substance in violation of this chapter.
2. Refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under this chapter.
3. Refuse entry into any premises for any inspection or refuse to allow any inspection authorized by this chapter.
4. Distribute a controlled substance named or described in s. 893.03(1) or (2) except pursuant to an order form as required by s. 893.06.
5. Keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place which is resorted to by persons using controlled substances in violation of this chapter for the purpose of using these substances, or which is used for keeping or selling them in violation of this chapter.
6. Use to his or her own personal advantage, or reveal, any information obtained in enforcement of this chapter except in a prosecution or administrative hearing for a violation of this chapter.

7. Possess a prescription form unless it has been signed by the practitioner whose name appears printed thereon and completed. This subparagraph does not apply if the person in possession of the form is the practitioner whose name appears printed thereon, an agent or employee of that practitioner, a pharmacist, or a supplier of prescription forms who is authorized by that practitioner to possess those forms.

8. Withhold information from a practitioner from whom the person seeks to obtain a controlled substance or a prescription for a controlled substance that the person making the request has received a controlled substance or a prescription for a controlled substance of like therapeutic use from another practitioner within the previous 30 days.

9. Acquire or obtain, or attempt to acquire or obtain, possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.

10. Affix any false or forged label to a package or receptacle containing a controlled substance.

11. Furnish false or fraudulent material information in, or omit any material information from, any report or other document required to be kept or filed under this chapter or any record required to be kept by this chapter.

12. Store anhydrous ammonia in a container that is not approved by the United States Department of Transportation to hold anhydrous ammonia or is not constructed in accordance with sound engineering, agricultural, or commercial practices.

13. With the intent to obtain a controlled substance or combination of controlled substances that are not medically necessary for the person or an amount of a controlled substance or substances that is not medically necessary for the person, obtain or attempt to obtain from a practitioner a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact. For purposes of this subparagraph, a material fact includes whether the person has an existing prescription for a controlled substance issued for the same period of time by another practitioner or as described in subparagraph 8.

(b) A health care practitioner, with the intent to provide a controlled substance or combination of controlled substances that are not medically necessary to his or her patient or an amount of controlled substances that is not medically necessary for his or her patient, may not provide a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact. For purposes of this paragraph, a material fact includes whether the patient has an existing prescription for a controlled substance issued for the same period of time by another practitioner or as described in subparagraph (a)8.

(c) A person who violates subparagraphs (a)1.-6. commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, except that, upon a second or subsequent violation, the person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) A person who violates subparagraphs (a)7.-12. commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) A person or health care practitioner who violates the provisions of subparagraph (a)13. or paragraph (b) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if any controlled substance that is the subject of the offense is listed in Schedule II, Schedule III, or Schedule IV.

(8)(a) Notwithstanding subsection (9), a prescribing practitioner may not:

1. Knowingly assist a patient, other person, or the owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practice of the prescribing practitioner's professional practice;

2. Employ a trick or scheme in the practice of the prescribing practitioner's professional practice to assist a patient, other person, or the owner of an animal in obtaining a controlled substance;

3. Knowingly write a prescription for a controlled substance for a fictitious person; or

4. Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing such prescription is to provide a monetary benefit to, or obtain a monetary benefit for, the prescribing practitioner.

(c) If the prescribing practitioner wrote a prescription or multiple prescriptions for a controlled substance for the patient, other person, or animal for which there was no medical necessity, or which was in excess of what was medically necessary to treat the patient, other person, or animal, that fact does not give rise to any presumption that the prescribing practitioner violated subparagraph (a)1., but may be considered with other competent evidence in determining whether the prescribing practitioner knowingly assisted a patient, other person, or the owner of an animal to obtain a controlled substance in violation of subparagraph (a)1.

(c) A person who violates paragraph (a) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Notwithstanding paragraph (c), if a prescribing practitioner has violated paragraph (a) and received \$1,000 or more in payment for writing one or more prescriptions or, in the case of a prescription written for a controlled substance described in s. 893.135, has written one or more prescriptions for a quantity of a controlled substance which, individually or in the aggregate, meets the threshold for the offense of trafficking in a controlled substance under s. 893.135, the violation is reclassified as a felony of the second degree and ranked in level 4 of the Criminal Punishment Code.

(9) The provisions of subsections (1)-(8) are not applicable to the delivery to, or actual or constructive possession for medical or scientific use or purpose only of controlled substances by, persons included in any of the following classes, or the agents or employees of such persons, for use in the usual course of their business or profession or in the performance of their official duties:

(a) Pharmacists.

(b) Practitioners.

(c) Persons who procure controlled substances in good faith and in the course of professional practice only, by or under the supervision of pharmacists or practitioners employed by them, or for the purpose of lawful research, teaching, or testing, and not for resale.

(d) Hospitals that procure controlled substances for lawful administration by practitioners, but only for use by or in the particular hospital.

(e) Officers or employees of state, federal, or local governments acting in their official capacity only, or informers acting under their jurisdiction.

(f) Common carriers.

(g) Manufacturers, wholesalers, and distributors.

(h) Law enforcement officers for bona fide law enforcement purposes in the course of an active criminal investigation.

(10) If a person violates any provision of this chapter and the violation results in a serious injury to a state or local law enforcement officer as defined in s. 943.10, firefighter as defined in s. 633.102, emergency medical technician as defined in s. 401.23, paramedic as defined in s. 401.23, employee of a public utility or an electric utility as defined in s. 366.02, animal control officer as defined in s. 828.27, volunteer firefighter engaged by state or local government, law enforcement officer employed by the Federal Government, or any other local, state, or Federal Government employee injured during the course and scope of his or her employment, the person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the injury sustained results in death or great bodily harm, the person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 13, ch. 73-331; s. 1, ch. 76-200; s. 1, ch. 77-174; s. 2, ch. 79-1; s. 3, ch. 79-325; s. 5, ch. 80-30; s. 2, ch. 80-70; s. 490, ch. 81-259; s. 2, ch. 82-16; s. 52, ch. 83-215; s. 1, ch. 84-77; s. 5, ch. 85-242; s. 4, ch. 87-243; s. 2, ch. 88-381; s. 4, ch. 89-281; s. 1, ch. 89-524; ss. 1, 6, ch. 90-111; s. 1, ch. 93-59; s. 2, ch. 93-92; s. 1, ch. 93-194; ss. 22, 23, ch. 93-406; s. 2, ch. 96-360; s. 2, ch. 97-1; s. 1, ch. 97-43; s. 1827, ch. 97-102; s. 22, ch. 97-194; s. 106, ch. 97-264; s. 1, ch. 97-269; s. 47, ch. 97-271; s. 1, ch. 98-22; s. 1, ch. 99-154; s. 14, ch. 99-186; s. 3, ch. 2000-320; s. 11, ch. 2002-78; s. 2, ch. 2002-81; s. 3, ch. 2003-10; s. 1, ch. 2003-95; s. 2, ch. 2005-128; s. 108, ch. 2006-197; s. 2, ch. 2006-306; s. 2, ch. 2008-88; s. 6, ch. 2010-113; ss. 3, 4, ch. 2011-73; s. 2, ch. 2011-90; s. 26, ch. 2011-141; s. 2, ch. 2012-23; s. 3, ch. 2013-29; s. 153, ch. 2013-183; s. 2, ch. 2014-159; s. 1, ch. 2014-204; s. 13, ch. 2015-34; s. 5, ch. 2016-105; s. 49, ch. 2017-3; s. 5, ch. 2017-107; s. 12, ch. 2018-13; s. 107, ch. 2019-3; s. 6, ch. 2019-166; s. 124, ch. 2019-167; s. 2, ch. 2022-129; s. 1, ch. 2023-26; s. 2, ch. 2024-20; s. 13, ch. 2024-176.

893.131 Distribution of controlled substances resulting in overdose or serious bodily injury.—

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

- (a) “Distribute” has the same meaning as in s. 893.02, and includes the direct or indirect delivery of a controlled substance to a user.
- (b) “Emergency opioid antagonist” has the same meaning as in s. 381.887(1).
- (c) “Medical care” means the administration of treatment for the purposes of preserving or sustaining life or the administration of an emergency opioid antagonist.
- (d) “Overdose or serious bodily injury” means drug toxicity or a physical condition that creates a substantial risk of death or substantial loss or impairment of the function of any bodily member or organ.
- (e) “Substantial factor” means that the use of a substance or mixture alone is sufficient to cause an overdose or serious bodily injury, regardless of whether any other substance or mixture used is also sufficient to cause an overdose or serious bodily injury.

(2)(a) Except as provided in paragraph (b), a person 18 years of age or older who unlawfully distributes:

- 1. Heroin, as described in s. 893.03(1)(b)11.;
- 2. Alfentanil, as described in s. 893.03(2)(b)1.;
- 3. Carfentanil, as described in s. 893.03(2)(b)6.;
- 4. Fentanyl, as described in s. 893.03(2)(b)9.;
- 5. Sufentanil, as described in s. 893.03(2)(b)30.;
- 6. Fentanyl derivatives, as described in s. 893.03(1)(a)63.;
- 7. A controlled substance analog, as described in s. 893.0356, of any substance specified in subparagraphs 1.-6.; or
- 8. A mixture containing any substance specified in subparagraphs 1.-7.,

and an overdose or serious bodily injury of the user results, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, when such substance or mixture is proven to have caused or been a substantial factor in causing the overdose or serious bodily injury of the user.

(b) A person 18 years of age or older who commits a violation of paragraph (a) and who has previously been convicted of a violation of paragraph (a) commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) The administration of medical care by an emergency responder, including, but not limited to, a law enforcement officer, a paramedic, or an emergency medical technician is prima facie evidence that the person receiving medical care experienced an overdose or serious bodily injury.

(4) A person who experiences, or has a good faith belief that he or she is experiencing, an alcohol-related or a drug-related overdose and receives medical assistance, or a person acting in good faith who seeks medical assistance for an individual experiencing, or believed to be experiencing, an alcohol-related or a drug-related overdose, is afforded the protections provided under s. 893.21.

History.—s. 2, ch. 2023-196; s. 3, ch. 2024-20.

893.132 Dangerous fentanyl exposure of first responder resulting in overdose or serious bodily injury.—

(1) For purposes of this section, the term:

- (a) “Dangerous fentanyl or fentanyl analogs” means any controlled substance described in s. 893.135(1)(c)4.a.(I)-(VII).
- (b) “Expose” or “exposure” means to cause any of the following, including, but not limited to, ingestion, inhalation, needlestick injury, or absorption through skin or mucous membranes.
- (c) “First responder” means a law enforcement officer as defined in s. 943.10(1), a correctional officer as defined in s. 943.10(2), a correctional probation officer as defined in s. 943.10(3), a firefighter as defined in s. 943.102, an emergency medical technician as defined in s. 401.23, or a paramedic as defined in s. 401.23, who is acting in his or her official capacity.

(d) Overdose or serious bodily injury means drug toxicity or a physical condition that creates a substantial risk of death or substantial loss or impairment of the function of any bodily member or organ.

(e) "Recklessly" means a willful or wanton disregard for the safety of other persons.

(2) A person 18 years of age or older who, in the course of unlawfully possessing dangerous fentanyl or fentanyl analogs, recklessly exposes a first responder to dangerous fentanyl or fentanyl analogs and an overdose or serious bodily injury of the first responder results, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 1, ch. 2024-68.

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

(1) Except as authorized in this chapter or in chapter 499 and notwithstanding the provisions of s. 893.13:

(a) Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, in excess of 25 pounds of cannabis, or 300 or more cannabis plants, commits a felony of the first degree, which felony shall be known as "trafficking in cannabis," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity of cannabis involved:

1. Is in excess of 25 pounds, but less than 2,000 pounds, or is 300 or more cannabis plants, but not more than 2,000 cannabis plants, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$25,000.

2. Is 2,000 pounds or more, but less than 10,000 pounds, or is 2,000 or more cannabis plants, but not more than 10,000 cannabis plants, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$50,000.

3. Is 10,000 pounds or more, or is 10,000 or more cannabis plants, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of \$200,000.

For the purpose of this paragraph, a plant, including, but not limited to, a seedling or cutting, is a "cannabis plant" if it has some readily observable evidence of root formation, such as root hairs. To determine if a piece or part of a cannabis plant severed from the cannabis plant is itself a cannabis plant, the severed piece or part must have some readily observable evidence of root formation, such as root hairs. Callous tissue is not readily observable evidence of root formation. The viability and sex of a plant and the fact that the plant may or may not be a dead harvested plant are not relevant in determining if the plant is a "cannabis plant" or in the charging of an offense under this paragraph. Upon conviction, the court shall impose the longest term of imprisonment provided for in this paragraph.

(b)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of cocaine, as described in s. 893.03(2)(a)4., or of any mixture containing cocaine, but less than 150 kilograms of cocaine or any such mixture, commits a felony of the first degree, which felony shall be known as "trafficking in cocaine," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 28 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.

b. Is 200 grams or more, but less than 400 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.

c. Is 400 grams or more, but less than 150 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of \$250,000.

2. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 150 kilograms or more of cocaine, as described in s. 893.03(2)

)4., commits the first degree felony of trafficking in cocaine. A person who has been convicted of the first degree felony of trafficking in cocaine under this subparagraph shall be punished by life imprisonment and is ineligible for

any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

a. The person intentionally killed an individual or counseled, commanded, induced, procured, or caused the intentional killing of an individual and such killing was the result; or

b. The person's conduct in committing that act led to a natural, though not inevitable, lethal result,

such person commits the capital felony of trafficking in cocaine, punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

3. Any person who knowingly brings into this state 300 kilograms or more of cocaine, as described in s. 893.03(2)(a)4., and who knows that the probable result of such importation would be the death of any person, commits capital importation of cocaine, a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(c)1. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of any morphine, opium, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more of any mixture containing any such substance, but less than 30 kilograms of such substance or mixture, commits a felony of the first degree, which felony shall be known as "trafficking in illegal drugs," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 4 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of \$50,000.

b. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of \$100,000.

c. Is 28 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of \$500,000.

2. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as described in s. 893.03(2)(a)1.g., or any salt thereof, or 28 grams or more of any mixture containing any such substance, commits a felony of the first degree, which felony shall be known as "trafficking in hydrocodone," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 28 grams or more, but less than 50 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of \$50,000.

b. Is 50 grams or more, but less than 100 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years and shall be ordered to pay a fine of \$100,000.

c. Is 100 grams or more, but less than 300 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of \$500,000.

d. Is 300 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of \$750,000.

3. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 7 grams or more of oxycodone, as described in s. 893.03(2)(a)1.q., or any salt thereof, or 7 grams or more of any mixture containing any such substance, commits a felony of the first degree, which felony shall be known as "trafficking in oxycodone," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 7 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of \$50,000.

b. Is 14 grams or more, but less than 25 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years and shall be ordered to pay a fine of \$100,000.

c. Is 25 grams or more but less than 100 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of \$500,000.

d. Is 100 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of \$750,000.

4.a. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of:

(I) Alfentanil, as described in s. 893.03(2)(b)1.;

(II) Carfentanil, as described in s. 893.03(2)(b)6.;

(III) Fentanyl, as described in s. 893.03(2)(b)9.;

(IV) Sufentanil, as described in s. 893.03(2)(b)30.;

(V) A fentanyl derivative, as described in s. 893.03(1)(a)63.;

(VI) A controlled substance analog, as described in s. 893.0356, of any substance described in sub-subparagraphs (I)-(V); or

(VII) A mixture containing any substance described in sub-subparagraphs (I)-(VI),

commits a felony of the first degree, which felony shall be known as "trafficking in dangerous fentanyl or fentanyl analogues," punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. If the quantity involved under sub-subparagraph a.:

(I) Is 4 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and shall be ordered to pay a fine of \$50,000.

(II) Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 20 years, and shall be ordered to pay a fine of \$100,000.

(III) Is 28 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years, and shall be ordered to pay a fine of \$500,000.

c. A person 18 years of age or older who violates sub-subparagraph a. by knowingly selling or delivering to a minor at least 4 grams of a substance or mixture listed in sub-subparagraph a. shall be sentenced to a mandatory minimum term of not less than 25 years and not exceeding life imprisonment, and shall be ordered to pay a fine of \$1 million if the substance or mixture listed in sub-subparagraph a. is in a form that resembles, or is mixed, granulated, absorbed, spray-dried, or aerosolized as or onto, coated on, in whole or in part, or solubilized with or into, a product, when such product or its packaging further has at least one of the following attributes:

(I) Resembles the trade dress of a branded food product, consumer food product, or logo food product;

(II) Incorporates an actual or fake registered copyright, service mark, or trademark;

(III) Resembles candy, cereal, a gummy, a vitamin, or a chewable product, such as a gum or gelatin-based product; or

(IV) Contains a cartoon character imprint.

5. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 30 kilograms or more of any morphine, opium, oxycodone, hydrocodone, codeine, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture containing any such substance, commits the first degree felony of trafficking in illegal drugs. A person who has been convicted of the first degree felony of trafficking in illegal drugs under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

a. The person intentionally killed an individual or counseled, commanded, induced, procured, or caused the intentional killing of an individual and such killing was the result; or

b. The person's conduct in committing that act led to a natural, though not inevitable, lethal result,

such person commits the capital felony of trafficking in illegal drugs, punishable as provided in ss. 775.082 and 921.142. A person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

6. A person who knowingly brings into this state 60 kilograms or more of any morphine, opium, oxycodone, hydrocodone, codeine, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or more of any mixture containing any such substance, and who knows that the probable result of such importation would be the death of a person, commits capital importation of illegal drugs, a capital felony punishable as provided in ss. 775.082 and 921.142. A person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(d)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of phencyclidine, as described in s. 893.03(2)(b)23., a substituted phenylcyclohexylamine, as described in s. 893.03(1)(c)195., or a substance described in s. 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture containing phencyclidine, as described in s. 893.03(2)(b)23., a substituted phenylcyclohexylamine, as described in s. 893.03(1)(c)195., or a substance described in s. 893.03(1)(c)13., 32., 38., 103., or 146., commits a felony of the first degree, which felony shall be known as "trafficking in phencyclidine," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 28 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.

b. Is 200 grams or more, but less than 400 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.

c. Is 400 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of \$250,000.

2. Any person who knowingly brings into this state 800 grams or more of phencyclidine, as described in s. 893.03(2)(b)23., a substituted phenylcyclohexylamine, as described in s. 893.03(1)(c)195., or a substance described in s. 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture containing phencyclidine, as described in s. 893.03(2)(b)23., a substituted phenylcyclohexylamine, as described in s. 893.03(1)(c)195., or a substance described in s. 893.03(1)(c)13., 32., 38., 103., or 146., and who knows that the probable result of such importation would be the death of any person commits capital importation of phencyclidine, a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(e)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 200 grams or more of methaqualone or of any mixture containing methaqualone, as described in s. 893.03(1)(d), commits a felony of the first degree, which felony shall be known as "trafficking in methaqualone," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 200 grams or more, but less than 5 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.

b. Is 5 kilograms or more, but less than 25 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.

c. Is 25 kilograms or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of \$250,000.

2. Any person who knowingly brings into this state 50 kilograms or more of methaqualone or of any mixture containing methaqualone, as described in s. 893.03(1)(d), and who knows that the probable result of such importation would be the death of any person commits capital importation of methaqualone, a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(f) Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 14 grams or more of amphetamine, as described in s. 893.03(2)(c)2., or methamphetamine, as described in s. 893.03(2)(c)5., or of any mixture containing amphetamine or methamphetamine, or phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine in conjunction with other chemicals and equipment utilized in the manufacture of amphetamine or methamphetamine, commits a felony of the first degree, which felony shall be known as "trafficking in amphetamine," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

- a. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.
- b. Is 28 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.
- c. Is 200 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of \$250,000.

2. Any person who knowingly manufactures or brings into this state 400 grams or more of amphetamine, as described in s. 893.03(2)(c)2., or methamphetamine, as described in s. 893.03(2)(c)5., or of any mixture containing amphetamine or methamphetamine, or phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine in conjunction with other chemicals and equipment used in the manufacture of amphetamine or methamphetamine, and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of amphetamine, a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(g)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of flunitrazepam or any mixture containing flunitrazepam as described in s. 893.03(1)(a) commits a felony of the first degree, which felony shall be known as "trafficking in flunitrazepam," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

- a. Is 4 grams or more but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.
- b. Is 14 grams or more but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.
- c. Is 28 grams or more but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years and pay a fine of \$500,000.

2. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state or who is knowingly in actual or constructive possession of 30 kilograms or more of flunitrazepam or any mixture containing flunitrazepam as described in s. 893.03(1)(a) commits the first degree felony of trafficking in flunitrazepam. A person who has been convicted of the first degree felony of trafficking in flunitrazepam under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

- a. The person intentionally killed an individual or counseled, commanded, induced, procured, or caused the intentional killing of an individual and such killing was the result; or
- b. The person's conduct in committing that act led to a natural, though not inevitable, lethal result,

such person commits the capital felony of trafficking in flunitrazepam, punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(h)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 1 kilogram or more of gamma-hydroxybutyric acid (GHB), as described in s. 893.03(1)(d), or any mixture containing gamma-hydroxybutyric acid (GHB), commits a felony of the

third degree, which felony shall be known as "trafficking in gamma-hydroxybutyric acid (GHB)," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

- a. Is 1 kilogram or more but less than 5 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.
- b. Is 5 kilograms or more but less than 10 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.
- c. Is 10 kilograms or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of \$250,000.

2. Any person who knowingly manufactures or brings into this state 150 kilograms or more of gamma-hydroxybutyric acid (GHB), as described in s. 893.03(1)(d), or any mixture containing gamma-hydroxybutyric acid (GHB), and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of gamma-hydroxybutyric acid (GHB), a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(i)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 1 kilogram or more of gamma-butyrolactone (GBL), as described in s. 893.03(1)(d), or any mixture containing gamma-butyrolactone (GBL), commits a felony of the first degree, which felony shall be known as "trafficking in gamma-butyrolactone (GBL)," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

- a. Is 1 kilogram or more but less than 5 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.
- b. Is 5 kilograms or more but less than 10 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.
- c. Is 10 kilograms or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of \$250,000.

2. Any person who knowingly manufactures or brings into the state 150 kilograms or more of gamma-butyrolactone (GBL), as described in s. 893.03(1)(d), or any mixture containing gamma-butyrolactone (GBL), and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of gamma-butyrolactone (GBL), a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(j)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 1 kilogram or more of 1,4-Butanediol as described in s. 893.03(1)(d), or of any mixture containing 1,4-Butanediol, commits a felony of the first degree, which felony shall be known as "trafficking in 1,4-Butanediol," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

- a. Is 1 kilogram or more, but less than 5 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.
- b. Is 5 kilograms or more, but less than 10 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.
- c. Is 10 kilograms or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of \$500,000.

2. Any person who knowingly manufactures or brings into this state 150 kilograms or more of 1,4-Butanediol as described in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol, and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of 1,4-Butanediol, a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(k)1. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 10 grams or more of a:

- a. Substance described in s. 893.03(1)(c)4., 5., 10., 11., 15., 17., 21.-27., 29., 39., 40.-45., 58., 72.-80., 81.-86., 90.-102., 104.-108., 110.-113., 143.-145., 148.-150., 160.-163., 165., or 187.-189., a substituted cathinone, as described in s. 893.03(1)(c)191., or substituted phenethylamine, as described in s. 893.03(1)(c)192.;
- b. Mixture containing any substance described in sub-subparagraph a.; or
- c. Salt, isomer, ester, or ether or salt of an isomer, ester, or ether of a substance described in sub-subparagraph a.,

commits a felony of the first degree, which felony shall be known as "trafficking in phenethylamines," punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. If the quantity involved under subparagraph 1.:

- a. Is 10 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of \$50,000.
- b. Is 200 grams or more, but less than 400 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years and shall be ordered to pay a fine of \$100,000.
- c. Is 400 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of \$250,000.

3. A person who knowingly manufactures or brings into this state 30 kilograms or more of a substance described in sub-subparagraph 1.a., a mixture described in sub-subparagraph 1.b., or a salt, isomer, ester, or ether or a salt of an isomer, ester, or ether described in sub-subparagraph 1.c., and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of phenethylamines, a capital felony punishable as provided in ss. 775.082 and 921.142. A person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine under subparagraph 2.

(l)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 1 gram or more of lysergic acid diethylamide (LSD) as described in s. 893.03(1)(c), or of any mixture containing lysergic acid diethylamide (LSD), commits a felony of the first degree, which felony shall be known as "trafficking in lysergic acid diethylamide (LSD)," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

- a. Is 1 gram or more, but less than 5 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.
- b. Is 5 grams or more, but less than 7 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.
- c. Is 7 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of \$500,000.

2. Any person who knowingly manufactures or brings into this state 7 grams or more of lysergic acid diethylamide (LSD) as described in s. 893.03(1)(c), or any mixture containing lysergic acid diethylamide (LSD), and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of lysergic acid diethylamide (LSD), a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(m)1. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 280 grams or more of a:

- a. Substance described in s. 893.03(1)(c)30., 46.-50., 114.-142., 151.-156., 166.-173., or 176.-186. or a synthetic cannabinoid, as described in s. 893.03(1)(c)190.; or
- b. Mixture containing any substance described in sub-subparagraph a.,

commits a felony of the first degree, which felony shall be known as "trafficking in synthetic cannabinoids," punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

the quantity involved under subparagraph 1.

a. Is 280 grams or more, but less than 500 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.

b. Is 500 grams or more, but less than 1,000 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.

c. Is 1,000 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years, and the defendant shall be ordered to pay a fine of \$200,000.

d. Is 30 kilograms or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years, and the defendant shall be ordered to pay a fine of \$750,000.

(n)1. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 14 grams or more of:

a. A substance described in s. 893.03(1)(c)164., 174., or 175., a n-benzyl phenethylamine compound, as described in s. 893.03(1)(c)193.; or

b. A mixture containing any substance described in sub-subparagraph a.,

commits a felony of the first degree, which felony shall be known as "trafficking in n-benzyl phenethylamines," punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. If the quantity involved under subparagraph 1.:

a. Is 14 grams or more, but less than 100 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.

b. Is 100 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.

c. Is 200 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years, and the defendant shall be ordered to pay a fine of \$500,000.

3. A person who knowingly manufactures or brings into this state 400 grams or more of a substance described in b-subparagraph 1.a. or a mixture described in sub-subparagraph 1.b., and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of a n-benzyl phenethylamine compound, a capital felony punishable as provided in ss. 775.082 and 921.142. A person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine under subparagraph 2.

(2) A person acts knowingly under subsection (1) if that person intends to sell, purchase, manufacture, deliver, or bring into this state, or to actually or constructively possess, any of the controlled substances listed in subsection (1), regardless of which controlled substance listed in subsection (1) is in fact sold, purchased, manufactured, delivered, or brought into this state, or actually or constructively possessed.

(3) Notwithstanding the provisions of s. 948.01, with respect to any person who is found to have violated this section, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall such person be eligible for parole prior to serving the mandatory minimum term of imprisonment prescribed by this section. A person sentenced to a mandatory minimum term of imprisonment under this section is not eligible for any form of discretionary early release, except pardon or executive clemency or conditional medical release under s. 947.149, prior to serving the mandatory minimum term of imprisonment.

(4) The state attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of this section and who provides substantial assistance in the identification, arrest, or conviction of any of that person's accomplices, accessories, coconspirators, or principals or of any other person engaged in trafficking in controlled substances. The arresting agency shall be given an opportunity to be heard in aggravation or mitigation in reference to any such motion. Upon good cause shown, the motion may be filed and heard in camera. The judge hearing the motion may reduce or suspend the sentence if the judge finds that the defendant rendered such substantial assistance.

(5) Any person who agrees, conspires, combines, or confederates with another person to commit any act prohibited by subsection (1) commits a felony of the first degree and is punishable as if he or she had actually

committed such prohibited act. Nothing in this subsection shall be construed to prohibit separate convictions and sentences for a violation of this subsection and any violation of subsection (1).

(6) A mixture, as defined in s. 893.02, containing any controlled substance described in this section includes, but is not limited to, a solution or a dosage unit, including but not limited to, a gelatin capsule, pill, or tablet, containing a controlled substance. For the purpose of clarifying legislative intent regarding the weighing of a mixture containing a controlled substance described in this section, the weight of the controlled substance is the total weight of the mixture, including the controlled substance and any other substance in the mixture. If there is more than one mixture containing the same controlled substance, the weight of the controlled substance is calculated by aggregating the total weight of each mixture.

(7) For the purpose of further clarifying legislative intent, the Legislature finds that the opinion in *Hayes v. State*, 750 So. 2d 1 (Fla. 1999) does not correctly construe legislative intent. The Legislature finds that the opinions in *State v. Hayes*, 720 So. 2d 1095 (Fla. 4th DCA 1998) and *State v. Baxley*, 684 So. 2d 831 (Fla. 5th DCA 1996) correctly construe legislative intent.

History.—s. 1, ch. 79-1; s. 1, ch. 80-70; s. 2, ch. 80-353; s. 491, ch. 81-259; s. 1, ch. 82-2; s. 3, ch. 82-16; s. 53, ch. 83-215; s. 5, ch. 87-243; ss. 1, 4, ch. 89-281; s. 1, ch. 90-112; s. 3, ch. 93-92; s. 24, ch. 93-406; s. 15, ch. 95-184; s. 5, ch. 95-415; s. 54, ch. 96-388; s. 3, ch. 97-1; s. 1828, ch. 97-102; s. 23, ch. 97-194; s. 9, ch. 99-188; s. 4, ch. 2000-320; s. 2, ch. 2001-55; s. 7, ch. 2001-57; ss. 1, 2, 3, ch. 2002-212; s. 4, ch. 2003-10; s. 3, ch. 2005-128; s. 7, ch. 2008-184; s. 5, ch. 2011-73; s. 3, ch. 2011-90; s. 4, ch. 2013-29; s. 3, ch. 2014-159; s. 1, ch. 2014-176; s. 14, ch. 2015-34; s. 6, ch. 2016-13; s. 6, ch. 2016-105; s. 6, ch. 2017-1; s. 6, ch. 2017-107; s. 18, ch. 2018-13; s. 45, ch. 2019-167; s. 3, ch. 2022-129; s. 2, ch. 2023-26; s. 4, ch. 2024-20.

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

(1) A person may not own, lease, or rent any place, structure, or part thereof, trailer, or other conveyance with the knowledge that the place, structure, trailer, or conveyance will be used for the purpose of trafficking in a controlled substance, as provided in s. 893.135; for the sale of a controlled substance, as provided in s. 893.13; or for the manufacture of a controlled substance intended for sale or distribution to another. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(3) A person who is in actual or constructive possession of a place, structure, trailer, or conveyance with the knowledge that the place, structure, trailer, or conveyance is being used to manufacture a controlled substance intended for sale or distribution to another and who knew or should have known that a minor is present or resides in the place, structure, trailer, or conveyance commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) For the purposes of this section, proof of the possession of 25 or more cannabis plants constitutes prima facie evidence that the cannabis is intended for sale or distribution.

History.—s. 1, ch. 91-118; s. 10, ch. 99-188; s. 22, ch. 2000-320; s. 1, ch. 2002-212; s. 14, ch. 2005-128; s. 2, ch. 2008-184; s. 43, ch. 2016-105; s. 125, ch. 2019-167.

893.138 Local administrative action to abate certain activities declared public nuisances.—

(1) It is the intent of this section to promote, protect, and improve the health, safety, and welfare of the citizens of the counties and municipalities of this state by authorizing the creation of administrative boards with authority to impose administrative fines and other noncriminal penalties in order to provide an equitable, expeditious, effective, and inexpensive method of enforcing ordinances in counties and municipalities under circumstances when a pending or repeated violation continues to exist.

(2) Any place or premises that has been used:

(b) On more than two occasions within a 6-month period, as the site of a violation of s. 874.03, manufacture, or cultivation of any controlled substance;

(c) On one occasion as the site of the unlawful possession of a controlled substance, where such possession constitutes a felony and that has been previously used on more than one occasion as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance;

(d) By a criminal gang for the purpose of conducting criminal gang activity as defined by s. 874.03;

(e) On more than two occasions within a 6-month period, as the site of a violation of s. 812.019, relating to dealing in stolen property;

(f) On two or more occasions within a 6-month period, as the site of a violation of chapter 499;

(g) On more than two occasions within a 6-month period, as the site of a violation of any combination of the following:

1. Section 782.04, relating to murder;

2. Section 782.051, relating to attempted felony murder;

3. Section 784.045(1)(a)2., relating to aggravated battery with a deadly weapon;

4. Section 784.021(1)(a), relating to aggravated assault with a deadly weapon without intent to kill; or

(h) On more than two occasions within a 12-month period, as the site of a violation of s. 562.12, relating to the unlicensed or unlawful sale of alcoholic beverages,

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

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

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

(b) Section 810.02, relating to burglary;

(c) Section 812.014, relating to theft;

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

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

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

(4) Any county or municipality may, by ordinance, create an administrative board to hear complaints regarding the nuisances described in subsection (2). Any employee, officer, or resident of the county or municipality may bring a complaint before the board after giving not less than 3 days' written notice of such complaint to the owner of the place or premises at his or her last known address. After a hearing in which the board may consider any evidence, including evidence of the general reputation of the place or premises, and at which the owner of the premises shall have an opportunity to present evidence in his or her defense, the board may declare the place or premises to be a public nuisance as described in subsection (2).

(5) If the board declares a place or premises to be a public nuisance, it may enter an order requiring the owner of such place or premises to adopt such procedure as may be appropriate under the circumstances to abate any such nuisance or it may enter an order immediately prohibiting:

(a) The maintaining of the nuisance;

(b) The operating or maintaining of the place or premises, including the closure of the place or premises or any part thereof; or

(c) The conduct, operation, or maintenance of any business or activity on the premises which is conducive to such nuisance.

(6) An order entered under subsection (5) shall expire after 1 year or at such earlier time as is stated in the order.

(7) An order entered under subsection (5) may be enforced pursuant to the procedures contained in s. 120.07. This subsection does not subject a municipality that creates a board under this section, or the board so created, to any other provision of chapter 120.

(8) The board may bring a complaint under s. 60.05 seeking temporary and permanent injunctive relief against any nuisance described in subsection (2).

(9) This section does not restrict the right of any person to proceed under s. 60.05 against any public nuisance.

(10) As used in this section, the term “controlled substance” includes any substance sold in lieu of a controlled substance in violation of s. 817.563 or any imitation controlled substance defined in s. 817.564.

(11) The provisions of this section may be supplemented by a county or municipal ordinance. The ordinance may include, but is not limited to, provisions that establish additional penalties for public nuisances, including fines not to exceed \$250 per day; provide for the payment of reasonable costs, including reasonable attorney fees associated with investigations of and hearings on public nuisances; provide for continuing jurisdiction for a period of 1 year over any place or premises that has been or is declared to be a public nuisance; establish penalties, including fines not to exceed \$500 per day for recurring public nuisances; provide for the recording of orders on public nuisances so that notice must be given to subsequent purchasers, successors in interest, or assigns of the real property that is the subject of the order; provide that recorded orders on public nuisances may become liens against the real property that is the subject of the order; and provide for the foreclosure of property subject to a lien and the recovery of all costs, including reasonable attorney fees, associated with the recording of orders and foreclosure. No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution. Where a local government seeks to bring an administrative action, based on a stolen property nuisance, against a property owner operating an establishment where multiple tenants, on one site, conduct their own retail business, the property owner shall not be subject to a lien against his or her property or the prohibition of operation provision if the property owner evicts the business declared to be a nuisance within 90 days after notification by registered mail to the property owner of a second stolen property conviction of the tenant. The total fines imposed pursuant to the authority of this section shall not exceed \$15,000. Nothing contained within this section prohibits a county or municipality from proceeding against a public nuisance by any other means.

(12) Notwithstanding any other law, a rental property that is declared a nuisance under this section may not be abated or subject to forfeiture under the Florida Contraband Forfeiture Act if the nuisance was committed by someone other than the property owner and the property owner commences rehabilitation of the property within 30 days after the property is declared a nuisance and completes the rehabilitation within a reasonable time thereafter.

History.—s. 7, ch. 87-243; s. 2, ch. 90-207; s. 1, ch. 91-143; s. 6, ch. 93-227; s. 1, ch. 94-242; s. 42, ch. 96-388; s. 1829, ch. 97-102; s. 1, ch. 97-200; s. 2, ch. 98-395; s. 1, ch. 2000-111; s. 5, ch. 2001-66; s. 24, ch. 2008-238; s. 27, ch. 2011-141; s. 87, ch. 2012-5; s. 88, ch. 2016-10; ss. 7, 44, ch. 2016-105; s. 107, ch. 2019-167; s. 3, ch. 2020-130; s. 2, ch. 2024-77.

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

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

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

plant which is a controlled substance.

(4) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of, controlled substances, excluding narcotic-drug-testing products that are used solely to determine whether a controlled substance contains fentanyl as described in s. 893.03(2)(b)9. or any other controlled substance specified in s. 893.135(1)(c)4.a. This exclusion does not apply to a narcotic-drug-testing product that can measure or determine the quantity, weight, or potency of a controlled substance.

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

(6) Diluents and adulterants, such as quinine hydrochloride, caffeine, dimethyl sulfone, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in diluting controlled substances; or substances such as damiana leaf, marshmallow leaf, and mullein leaf, used, intended for use, or designed for use as carrier mediums of controlled substances.

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

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

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

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

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

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

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

(b) Water pipes.

(c) Carburetion tubes and devices.

(d) Smoking and carburetion masks.

(e) Roach clips: meaning objects used to hold burning material, such as a cannabis cigarette, that has become too small or too short to be held in the hand.

(f) Miniature cocaine spoons, and cocaine vials.

(g) Chamber pipes.

(h) Carburetor pipes.

(i) Electric pipes.

(j) Air-driven pipes.

(k) Chillums.

(l) Bongs.

(m) Ice pipes or chillers.

(n) A cartridge or canister, which means a small metal device used to contain nitrous oxide.

(o) A charger, sometimes referred to as a "cracker," which means a small metal or plastic device that contains an interior pin that may be used to expel nitrous oxide from a cartridge or container.

(p) A charging bottle, which means a device that may be used to expel nitrous oxide from a cartridge or canister.

(q) A whip-it, which means a device that may be used to expel nitrous oxide.

(r) A tank.

(s) A balloon.

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

(v) Duct tape.

History.—s. 1, ch. 80-30; s. 6, ch. 2000-320; s. 15, ch. 2000-360; s. 8, ch. 2016-105; s. 1, ch. 2023-297.

893.146 Determination of paraphernalia.—In determining whether an object is drug paraphernalia, a court or other authority or jury shall consider, in addition to all other logically relevant factors, the following:

- (1) Statements by an owner or by anyone in control of the object concerning its use.
- (2) The proximity of the object, in time and space, to a direct violation of this act.
- (3) The proximity of the object to controlled substances.
- (4) The existence of any residue of controlled substances on the object.
- (5) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he or she knows, or should reasonably know, intend to use the object to facilitate a violation of this act. The innocence of an owner, or of anyone in control of the object, as to a direct violation of this act shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia.
- (6) Instructions, oral or written, provided with the object concerning its use.
- (7) Descriptive materials accompanying the object which explain or depict its use.
- (8) Any advertising concerning its use.
- (9) The manner in which the object is displayed for sale.
- (10) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor of or dealer in tobacco products.
- (11) Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise.
- (12) The existence and scope of legitimate uses for the object in the community.
- (13) Expert testimony concerning its use.

History.—s. 2, ch. 80-30; s. 1445, ch. 97-102.

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

(1) **USE OR POSSESSION OF DRUG PARAPHERNALIA.**—It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia:

- (a) To plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this chapter; or
- (b) To inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter.

Any person who violates this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) **MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.**—It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used:

- (a) To plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this act; or
- (b) To inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this act.

Any person who violates this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) **DELIVERY OF DRUG PARAPHERNALIA TO A MINOR.**—

under 18 years of age is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) It is unlawful for any person to sell or otherwise deliver hypodermic syringes, needles, or other objects which may be used, are intended for use, or are designed for use in parenterally injecting substances into the human body to any person under 18 years of age, except that hypodermic syringes, needles, or other such objects may be lawfully dispensed to a person under 18 years of age by a licensed practitioner, parent, or legal guardian or by a pharmacist pursuant to a valid prescription for same. Any person who violates the provisions of this paragraph is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) **TRANSPORTATION OF DRUG PARAPHERNALIA.**—It is unlawful to use, possess with the intent to use, or manufacture with the intent to use drug paraphernalia, knowing or under circumstances in which one reasonably should know that it will be used to transport:

- (a) A controlled substance in violation of this chapter; or
- (b) Contraband as defined in s. 932.701(2)(a)1.

Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) **ADVERTISEMENT OF DRUG PARAPHERNALIA.**—It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) **RETAIL SALE OF DRUG PARAPHERNALIA.**—

(a) It is unlawful for a person to knowingly and willfully sell or offer for sale at retail any drug paraphernalia described in s. 893.145(12)(a)-(c) or (g)-(m), other than a pipe that is primarily made of briar, meerschaum, clay, or horn cob.

(b) A person who violates paragraph (a) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and, upon a second or subsequent violation, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) **TABLETING MACHINES, ENCAPSULATING MACHINES, AND CONTROLLED SUBSTANCE COUNTERFEITING MATERIALS.**—

(a) Except as provided in paragraph (b), it is unlawful for any person to possess, purchase, deliver, sell, or possess with intent to sell or deliver a tableting machine, an encapsulating machine, or controlled substance counterfeiting materials knowing, intending, or having reasonable cause to believe that it will be used to manufacture a controlled substance or counterfeit controlled substance.

(b)1. A regulated person may possess, purchase, deliver, sell, or possess with intent to deliver or sell a tableting machine or encapsulating machine as part of a regulated transaction with a regular customer or regular importer if he or she is in compliance with 21 U.S.C. s. 830. For purposes of this paragraph, the terms “regulated person,” “regulated transaction,” “regular customer,” and “regular importer” have the same meanings as provided in 21 U.S.C. s. 802.

2. A person registered under 21 U.S.C. s. 822 may possess, purchase, deliver, sell, or possess with intent to deliver or sell a tableting machine or encapsulating machine to manufacture a controlled substance pursuant to such registration.

3. A person who holds an active, unencumbered license or a permit under s. 381.986 or chapter 465 may possess, purchase, deliver, sell, or possess with intent to sell or deliver a tableting machine or encapsulating machine to manufacture a controlled substance, if such person is performing functions in compliance with or under the authority of that license or permit.

(c) For purposes of this subsection, the term:

- 1. “Controlled substance” has the same meaning as provided in s. 893.02(4).

print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon a drug or container or labeling thereof so as to render such drug a counterfeit controlled substance.

3. "Counterfeit controlled substance" has the same meaning as provided in s. 831.31(2).

4. "Encapsulating machine" means manual, semiautomatic, or fully automatic equipment that can be used to fill shells or capsules with powdered or granular solids or semisolid material to produce coherent solid tablets.

5. "Tableting machine" means manual, semiautomatic, or fully automatic equipment that can be used to compact or mold powdered or granular solids or semisolid material to produce coherent solid tablets.

(d)1. Except as provided in subparagraph 2., a person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Any person who violates this subsection knowing, intending, or having reasonable cause to believe that such action will result in the unlawful manufacture of a controlled substance or counterfeit controlled substance that contains:

- a. A substance controlled under s. 893.03(1);
- b. Cocaine, as described in s. 893.03(2)(a)4.;
- c. Opium or any synthetic or natural salt, compound, derivative, or preparation of opium;
- d. Methadone;
- e. Alfentanil, as described in s. 893.03(2)(b)1.;
- f. Carfentanil, as described in s. 893.03(2)(b)6.;
- g. Fentanyl, as described in s. 893.03(2)(b)9.;
- h. Sufentanil, as described in s. 893.03(2)(b)30.;
- i. A controlled substance analog, as described in s. 893.0356, of any substance specified in sub-subparagraphs a.-h.,

ommits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 3, ch. 80-30; s. 1, ch. 81-149; s. 54, ch. 83-215; s. 1, ch. 85-8; s. 223, ch. 91-224; s. 16, ch. 2000-360; s. 1, ch. 2013-111; s. 49, ch. 2016-105; s. 13, ch. 2018-13.

893.149 Unlawful possession of listed chemical.—

(1) It is unlawful for any person to knowingly or intentionally:

- (a) Possess a listed chemical with the intent to unlawfully manufacture a controlled substance;
- (b) Possess or distribute a listed chemical knowing, or having reasonable cause to believe, that the listed chemical will be used to unlawfully manufacture a controlled substance.

(2) Any person who violates this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section does not apply to a public employee or private contractor authorized to clean up or dispose of hazardous waste or toxic substances resulting from the prohibited activities listed in s. 893.13(1)(g).

(4) Any damages arising out of the unlawful possession of, storage of, or tampering with a listed chemical, as defined in s. 893.033, shall be the sole responsibility of the person or persons unlawfully possessing, storing, or tampering with the listed chemical. In no case shall liability for damages arising out of the unlawful possession of, storage of, or tampering with a listed chemical extend to the lawful owner, installer, maintainer, designer, manufacturer, possessor, or seller of the listed chemical, unless such damages arise out of the acts or omissions of the owner, installer, maintainer, designer, manufacturer, possessor, or seller which constitute negligent misconduct or failure to abide by the laws regarding the possession or storage of a listed chemical.

History.—s. 5, ch. 91-279; s. 3, ch. 2003-15; s. 4, ch. 2005-128; s. 35, ch. 2016-105.

893.1495 Retail sale of ephedrine and related compounds.—

(1) For purposes of this section, the term "ephedrine or related compounds" means ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers.

nonprescription compound, mixture, or preparation containing ephedrine or related compounds in excess of the following amounts:

(a) In any single day, any number of packages that contain a total of 3.6 grams of ephedrine or related compounds;

(b) In any single retail, over-the-counter sale, three packages, regardless of weight, containing ephedrine or related compounds; or

(c) In any 30-day period, in any number of retail, over-the-counter sales, a total of 9 grams or more of ephedrine or related compounds.

(3) A person may not knowingly display and offer for retail sale any nonprescription compound, mixture, or preparation containing ephedrine or related compounds other than behind a checkout counter where the public is not permitted or other such location that is not otherwise accessible to the general public.

(4) A person who is the owner or primary operator of a retail outlet where any nonprescription compound, mixture, or preparation containing ephedrine or related compounds is available for sale may not knowingly allow an employee to engage in the retail sale of such compound, mixture, or preparation unless the employee has completed an employee training program that shall include, at a minimum, basic instruction on state and federal regulations relating to the sale and distribution of such compounds, mixtures, or preparations.

(5)(a) Any person purchasing, receiving, or otherwise acquiring any nonprescription compound, mixture, or preparation containing any detectable quantity of ephedrine or related compounds must:

1. Be at least 18 years of age.

2. Produce a government-issued photo identification showing his or her name, date of birth, address, and photo identification number or an alternative form of identification acceptable under 8 C.F.R. s. 274a.2(b)(1)(v)(A) and (B).

3. Sign his or her name on a record of the purchase, either on paper or on an electronic signature capture device.

(b) The Department of Law Enforcement shall approve an electronic recordkeeping system for the purpose of recording and monitoring the real-time purchase of products containing ephedrine or related compounds and for the purpose of monitoring this information in order to prevent or investigate illegal purchases of these products. The approved electronic recordkeeping system shall be provided to a pharmacy or retailer without any additional cost or expense. A pharmacy or retailer may request an exemption from electronic reporting from the Department of Law Enforcement if the pharmacy or retailer lacks the technology to access the electronic recordkeeping system and such pharmacy or retailer maintains a sales volume of less than 72 grams of ephedrine or related compounds in a 30-day period. The electronic recordkeeping system shall record the following:

1. The date and time of the transaction.

2. The name, date of birth, address, and photo identification number of the purchaser, as well as the type of identification and the government of issuance.

3. The number of packages purchased, the total grams per package, and the name of the compound, mixture, or preparation containing ephedrine or related compounds.

4. The signature of the purchaser, or a unique number relating the transaction to a paper signature maintained at the retail premises.

(c) The electronic recordkeeping system shall provide for:

1. Real-time tracking of nonprescription over-the-counter sales under this section.

2. The blocking of nonprescription over-the-counter sales in excess of those allowed by the laws of this state or federal law.

(6) A nonprescription compound, mixture, or preparation containing any quantity of ephedrine or related compounds may not be sold over the counter unless reported to an electronic recordkeeping system approved by the Department of Law Enforcement. This subsection does not apply if the pharmacy or retailer has received an exemption from the Department of Law Enforcement under paragraph (5)(b).

related compounds to consumers in this state shall submit all required data into an electronic recordkeeping system approved by the Department of Law Enforcement at the point of sale or through an interface with the electronic recordkeeping system, unless granted an exemption by the Department of Law Enforcement pursuant to paragraph (b).

(8) The data submitted to the electronic recordkeeping system must be retained within the system for no less than 2 years following the date of entry.

(9) The requirements of this section relating to the marketing, sale, or distribution of products containing ephedrine or related compounds supersede any local ordinance or regulation passed by a county, municipality, or other local governmental authority.

(10) This section does not apply to:

- (a) Licensed manufacturers manufacturing and lawfully distributing products in the channels of commerce.
- (b) Wholesalers lawfully distributing products in the channels of commerce.
- (c) Health care facilities licensed under chapter 395.
- (d) Licensed long-term care facilities.
- (e) Government-operated health departments.
- (f) Physicians' offices.
- (g) Publicly operated prisons, jails, or juvenile correctional facilities or private adult or juvenile correctional facilities under contract with the state.
- (h) Public or private educational institutions maintaining health care programs.
- (i) Government-operated or industry-operated medical facilities serving employees of the government or industry operating them.

(11) Any individual who violates subsection (2), subsection (3), or subsection (4) commits:

- (a) For a first offense, a misdemeanor of the second degree, punishable as provided in s. 775.083.
- (b) For a second offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
- (c) For a third or subsequent offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(12) Information contained within the electronic recordkeeping system shall be disclosed in a manner authorized by state or federal law. Any retailer or entity that collects information on behalf of a retailer as required by the Combat Methamphetamine Epidemic Act of 2005 and this section may not access or use that information, except for law enforcement purposes pursuant to state or federal law or to facilitate a product recall for public health and safety.

(13) A person who sells any product containing ephedrine or related compounds who in good faith releases information under this section to federal, state, or local law enforcement officers, or any person acting on behalf of such an officer, is immune from civil liability for the release unless the release constitutes gross negligence or intentional, wanton, or willful misconduct.

(14) The Department of Law Enforcement shall contract or enter into a memorandum of understanding, as applicable, with a private third-party administrator to implement the electronic recordkeeping system required by this section.

(15) The Department of Law Enforcement shall adopt rules necessary to implement this section.

History.—s. 5, ch. 2005-128; s. 1, ch. 2010-191; s. 168, ch. 2014-17.

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

893.165 County alcohol and other drug abuse treatment or education trust funds.—

(1) Counties in which there is established or in existence a comprehensive alcohol and other drug abuse treatment or education program which meets the standards for qualification of such programs by the Department of Children and Families are authorized to establish a County Alcohol and Other Drug Abuse Trust Fund for the purpose of receiving the assessments collected pursuant to s. 938.23 and disbursing assistance grants on an annual basis to such alcohol and other drug abuse treatment or education program.

(2) Assessments collected by the clerks of court pursuant to s. 938.23 shall be remitted to the board of county commissioners of the county in which the indictment was found or the prosecution commenced for payment into the County Alcohol and Other Drug Abuse Trust Fund. The county commissioners shall require a full report from all clerks of county courts and clerks of circuit courts once each month of the amount of assessments imposed by their courts.

(3)(a) No county shall receive assessments collected pursuant to s. 938.23 in an amount exceeding that county's jurisdictional share as described in subsection (2).

(b) Assessments collected by clerks of circuit courts having more than one county in the circuit, for any county in the circuit which does not have a County Alcohol and Other Drug Abuse Trust Fund, shall be remitted to the Department of Children and Families, in accordance with administrative rules adopted, for deposit into the department's Grants and Donations Trust Fund for distribution pursuant to the guidelines and priorities developed by the department.

(4) No assessments shall be remitted to a county until the board of county commissioners has submitted documentation to the court substantiating the establishment of its County Alcohol and Other Drug Abuse Trust Fund.

(5) If the board of county commissioners chooses to establish a County Alcohol and Other Drug Abuse Trust Fund, the board shall be responsible for the establishment of such fund and its implementation, administration, supervision, and evaluation.

(6) In order to receive assistance grants from the County Alcohol and Other Drug Abuse Trust Fund, county alcohol and other drug abuse prevention, treatment, or education programs shall be designated by the board of county commissioners as the chosen program recipients. Designations shall be made annually, based on success of the programs.

(7) An alcohol and other drug abuse treatment or education program recipient shall, in seeking assistance grants from the County Alcohol and Other Drug Abuse Trust Fund, provide the board of county commissioners with detailed financial information and requests for expenditures.

History.—s. 4, ch. 88-381; s. 3, ch. 93-194; s. 37, ch. 97-271; s. 305, ch. 99-8; s. 5, ch. 2009-47; s. 307, ch. 2014-19.

893.20 Continuing criminal enterprise.—

(1) Any person who commits three or more felonies under this chapter in concert with five or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management and who obtains substantial assets or resources from these acts is guilty of engaging in a continuing criminal enterprise.

(2) A person who commits the offense of engaging in a continuing criminal enterprise is guilty of a life felony, punishable pursuant to the Criminal Punishment Code and by a fine of \$500,000.

(3) Notwithstanding the provisions of s. 948.01, with respect to any person who is found to have violated this section, adjudication of guilt or imposition of sentence may not be suspended, deferred, or withheld.

(4) This section does not prohibit separate convictions and sentences for violation of this section and for felony violations of this chapter.

(5) This section must be interpreted in concert with its federal analog, 21 U.S.C. s. 848.

History.—s. 1, ch. 89-145; s. 25, ch. 93-406; s. 24, ch. 97-194.

prosecution, and penalization.—

(1) A person acting in good faith who seeks medical assistance for an individual experiencing, or believed to be experiencing, an alcohol-related or a drug-related overdose may not be arrested, charged, prosecuted, or penalized for a violation of s. 893.132; s. 893.147(1); or s. 893.13(6), excluding paragraph (c), if the evidence for such offense was obtained as a result of the person's seeking medical assistance.

(2) A person who experiences, or has a good faith belief that he or she is experiencing, an alcohol-related or a drug-related overdose and is in need of medical assistance may not be arrested, charged, prosecuted, or penalized for a violation of s. 893.132; s. 893.147(1); or s. 893.13(6), excluding paragraph (c), if the evidence for such offense was obtained as a result of the person's seeking medical assistance.

(3) A person who experiences, or has a good faith belief that he or she is experiencing, an alcohol-related or a drug-related overdose and receives medical assistance, or a person acting in good faith who seeks medical assistance for an individual experiencing, or believed to be experiencing, an alcohol-related or a drug-related overdose, may not be penalized for a violation of a condition of pretrial release, probation, or parole if the evidence for such violation was obtained as a result of the person's seeking medical assistance.

(4) Protection in this section from arrest, charge, prosecution, or penalization for an offense listed in this section may not be grounds for suppression of evidence in other criminal prosecutions.

History.—s. 2, ch. 2012-36; s. 2, ch. 2019-81; s. 2, ch. 2024-68.

893.30 Controlled substance safety education and awareness.—

(1) This section may be cited as the “Victoria Siegel Controlled Substance Safety Education and Awareness Act.”

(2) The department shall develop a written pamphlet relating to controlled substances which includes educational information about the following:

- (a) Precautions regarding the use of pain management prescriptions.
- (b) The potential for misuse and abuse of controlled substances by adults and children.
- (c) The risk of controlled substance dependency and addiction.
- (d) The proper storage and disposal of controlled substances.
- (e) Controlled substance addiction support and treatment resources.
- (f) Telephone helplines and website links that provide counseling and emergency assistance for individuals dealing with substance abuse.

(3) The department shall encourage health care providers, including, but not limited to, hospitals, county health departments, physicians, and nurses, to disseminate and display information about controlled substance safety, including, but not limited to, the pamphlet created pursuant to subsection (2).

(4) The department shall encourage consumers to discuss the risks of controlled substance use with their health care providers.

(5) The State Surgeon General shall make publicly available, by posting on the department's website, the pamphlet created pursuant to subsection (2) and additional resources as appropriate.

(6) The department shall fund the promotion of controlled substance safety education and awareness under this section through grants from private or federal sources.

(7) The department is encouraged to collaborate with other agencies, organizations, and institutions to create a systematic approach to increasing public awareness regarding controlled substance safety.

History.—s. 22, ch. 2016-212.


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Florida Administrative Code (Last Updated: March 7, 2026)

- 11. Department of Law Enforcement
 - 11B. Criminal Justice Standards and Training Commission
 - 11B-27. Certification And Employment Or Appointment

11B-27.0011. Moral Character

Effective on Tuesday, June 25, 2024

(1) For the purpose of certification, employment, or appointment, pursuant to procedures established by paragraph 11B-27.002(1)(g) and Rule 11B-27.00225, F.A.C., the employing agency is responsible for conducting a thorough background investigation to determine the moral character of an applicant, pursuant to Section 943.13(7), F.S.

(2) The unlawful use of any controlled substances pursuant to Rule 11B-27.00225, F.A.C., by an applicant for certification, employment, or appointment, at any time proximate to the submission of application for certification, employment, or appointment, conclusively establishes that the applicant is not of good moral character pursuant to Section 943.13(7), F.S. The unlawful use of any controlled substances specified in Rule 11B-27.00225, F.A.C., by an applicant may or may not conclusively establish that the applicant is not of good moral character pursuant to Section 943.13(7), F.S., depending upon the type of controlled substance used, the frequency of use, and the age of the applicant at the time of use. Nothing in this rule chapter is intended to restrict the requirements of Section 943.13(7), F.S., to controlled substance use only.

(3) Upon written request and submission of materials, the Commission shall evaluate the qualification of an applicant to determine compliance with "good moral character" pursuant to this rule section. Written materials submitted to the Commission upon request for reinstatement of certification shall include, if available, all prior Commission disciplinary

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Historical Versions(13)

Select effective date to view different version.

06/26/2022

Related Statutes:

112.0455, F.S.

112.313, F.S.

112.532, F.S.

112.533, F.S.

1604.11, F.S.

316.193, F.S.

316.1935, F.S.

316.1939, F.S.

327.35, F.S.

365.16, F.S.

414.39, F.S.

440.102, F.S.

499.03, F.S.



777, F.S., which had the crime been committed or completed would have been a felony offense; or	831.31, F.S. 832.05, F.S. 837.012, F.S.
3. The perpetration of an act in any jurisdiction other than the State of Florida, which if committed in the State of Florida would constitute any offense listed in this rule section.	837.05, F.S. 837.055, F.S. 837.06, F.S. 837.07, F.S. 839.13, F.S.
(c) The perpetration by an officer of acts or conduct that constitute the following offenses:	839.20, F.S. 843.02, F.S.
1. Excessive use of force, defined as a use of force on a person by any officer that is not justified under Section 776.05 or 776.07, F.S., or a use of force on an inmate or prisoner by any correctional officer that would not be authorized under Section 944.35(1)(a), F.S.	843.03, F.S. 843.06, F.S. 843.085, F.S. 847.011, F.S. 856.021, F.S.
2. Misuse of official position, defined by Section 112.313(6), F.S.	870.01, F.S. 874.03, F.S.
3. Having an unprofessional relationship with an inmate, detainee, probationer or parolee, or community controllee. An unprofessional relationship is defined as:	893.03, F.S. 893.13, F.S. 893.147, F.S.
a. Having written or oral communication with an inmate, detainee, probationer or parolee, or community controllee that is intended to facilitate conduct prohibited by this rule section; or	901.36, F.S. 914.22, F.S. 934.03, F.S. 943.03, F.S. 943.12, F.S. 943.13, F.S. 943.131, F.S.
b. Engaging in physical contact not required in the performance of official duties, and is defined as kissing, fondling of the genital area, buttocks, or breasts, massaging or similar touching, holding hands, any other physical contact normally associated with the demonstration of affection or	943.1395, F.S. 944.35, F.S. 944.37, F.S. 944.39, F.S. 944.474, F.S.



basis for employment decisions
affecting such individual; or

28214989. Sub-
paragraph 11B-
27.0011(4)(b)1.,
F.A.C.: Amends ...

c. Such conduct has the purpose or
effect of unreasonably interfering with
an individual's work performance or
creating an intimidating, hostile, or
offensive working environment.

.....

5. Engaging in oral, anal, or vaginal
penetration by, or union with, the sexual organ
of another person or engaging in anal or
vaginal penetration by any other object while
on duty, or at any time the officer is acting
under the color of authority as a Commission-
certified criminal justice officer, and not done
for a bona fide medical purpose or in the lawful
performance of the officer's duty.

6. False statements during the employment
application process.

7. Conduct that subverts or attempts to
subvert the State Officer Certification
Examination process pursuant to Rule 11B-
30.009, F.A.C.

8. Conduct that subverts or attempts to
subvert the Basic Abilities Test process
pursuant to subsection 11B-35.0011(1), F.A.C.

9. Conduct that subverts or attempts to
subvert the examination process for
Commission-approved training at a
Commission-certified training school or an
employing agency promotional examination
process which shall include the following:

a. Removing from the examination
room any of the examination materials.

b. Reproducing or reconstructing any
portion of the examination.



11. Any willful and offensive exposure or exhibition of his or her sexual organs in public or on the private premises of another or so near thereto as to likely be seen except in any place provided or set apart for that purpose.

12. Willful failure of the agency administrator to comply with Chapter 943, F.S., as it pertains to the Criminal Justice Standards and Training Commission or Commission rules.

13. Intentional abuse of a Temporary Employment Authorization, pursuant to Section 943.131(1), F.S.

14. Misuse of Electronic Database. Willfully and knowingly accessing an electronic database within the trust of an officer, by using said database to access restricted information for an illegitimate or personal purpose with bad intent. Bad intent may be evidenced by:

- a. A pattern of misuse that demonstrates improper accesses or violations.
- b. If the violation occurred after the officer received agency or Commission discipline for improperly accessing a computer database, or after the officer received formal training on the database(s) that includes provisions on the improper use of said database(s).
- c. The existence of a current or past non-amicable or otherwise contentious relationship between the officer and the subject of the query, or when the purpose of the query is to identify person(s) linked or associated to said relationship.



concern are determined by the content, form, and context of the given act or course of conduct, viewed by the totality of the record.

(d) A certified officer's unlawful injection, ingestion, inhalation, or other introduction of any controlled substance, as defined in Section 893.03, F.S., into his or her body as evidenced by a drug test in accordance with Section 112.0455, 440.102 or 944.474, F.S.

(5) A certified officer's failure to maintain good moral character as defined in subsection (4) of this rule section, by committing a violation involving perjury or false statement in a court proceeding, shall not include a statement which was recanted. If the violation involving perjury or false statement is alleged to have occurred in the performance of regularly required work duties or the course of an administrative or disciplinary investigation, a certified officer's failure to maintain good moral character as defined in subsection (4) of this rule section, shall not include a statement in which the officer making the statement conceded such statement to be false prior to the employing agency's conclusion of the internal affairs investigation in which the false statement related to a material fact or within 10 calendar days of making the false statement, whichever occurs first. For purposes of this subsection, the employing agency's internal affairs investigation shall be deemed to be at a conclusion upon the investigator's execution of the statement required by Section 112.533(1)(a)2., F.S.

(6) The employing agency shall forward to the Commission the agency's investigative report pursuant to procedures established in Rule 11B-27.003, F.A.C., when an allegation has been made that an officer has failed to maintain good moral character, as defined in subsection (4) of this rule section, and has been sustained by the employing agency, or an act of conduct by the officer has resulted in the officer's arrest. The report shall be forwarded immediately upon separation of the officer from employment, or, if the officer is not separated from employment, within 45 days from the date





CITY OF MOUNT DORA

Police Department
1300 N. Donnelly St.
Mount Dora, FL 32757
352-735-7130
Fax: 352-383-4623

E-mail: policedept@cityofmountdora.com

DATE: June 1, 2026
TO: Chief Michael T. Gibson
VIA: Chain of Command
FROM: Captain Jack Andreano
SUBJECT: Inquiry - Officer Jeremiah Murphy

On Monday, June 1, 2026, at approximately 1520 hours, I received a telephone call from my wife, who is employed by the Orange County Sheriff's Office. During our conversation, she advised that she had received a series of text messages from Orange County Sheriff's Office Crime Prevention Corporal Brittany Bradshaw concerning Mount Dora Police Officer Jeremiah Murphy.

The messages provided by Corporal Bradshaw stated the following:

- "Do you know Jeremiah Murphy?"
- "He's a Mount Dora officer apparently."
- "I guess he's on light duty but Mara is telling me he's going to Flanagan's in Casselberry and using cocaine."
- "Her girlfriend works there and saw him with cocaine on his face. I guess it's a common thing."
- "Maybe pass that on to Jack."

Upon learning the nature of the allegations, I requested that my wife obtain additional information regarding the timeframe of the alleged incident and provide me with Corporal Bradshaw's contact information.

Shortly thereafter, Corporal Bradshaw sent an additional message stating:

- "Last week and he's part of their little group that hangs out there. It's Flanagans in Casselberry off Red Bug/Tuskawilla."

After receiving her contact information, I contacted Corporal Bradshaw by telephone. During our conversation, she advised that the information she possessed was limited to what had already been provided in the text messages. She reiterated the allegations and


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advised that the information originated from Orange County Sheriff's Office Crime Prevention Deputy Mara Everson. Corporal Bradshaw provided Deputy Everson's contact information and recommended that I contact her directly.

I subsequently contacted Deputy Mara Everson by telephone. Deputy Everson advised that the information had been relayed to her by her girlfriend, who is employed at Flanagan's in Casselberry. Deputy Everson stated that her girlfriend reported observing Officer Murphy at the establishment during the previous week and described him as becoming increasingly intoxicated while at the location.

Deputy Everson further stated that her girlfriend advised Officer Murphy had reportedly spent approximately thirty minutes in the restroom and later exited with what was described as cocaine visible on his nose. Deputy Everson stated she was told that Officer Murphy subsequently left the establishment and was involved in a traffic crash while operating his mother's vehicle, striking a tree. Deputy Everson stated she was advised that Officer Murphy was heavily intoxicated at the time of the incident and that law enforcement responded; however, she did not know which agency investigated the crash or the outcome of that investigation.

Deputy Everson further stated she had been told that Officer Murphy and his brother later became involved in a dispute regarding the crash. She additionally advised that her girlfriend described Officer Murphy as a recreational user of cocaine. Deputy Everson indicated the alleged events would have occurred within the previous week, possibly on Thursday or Friday.

I requested contact information for Deputy Everson's girlfriend and another individual identified as Kim, who was reportedly present during the events. Deputy Everson advised that neither individual was willing to provide information to law enforcement and declined to provide their contact information.

Based upon the nature of the allegations and the information received, Officer Murphy was immediately removed from patrol duties. Officer Murphy was transported to Centra Care for a reasonable suspicion drug screening. Following completion of the screening, Officer Murphy was placed on administrative leave pending the results of the narcotics test.

This memorandum is submitted to document the receipt of the information, the source of the allegations, and the actions taken by the department in response.

Respectfully,



Captain Jack Andreano
Administrative Services
Mount Dora Police Department



6/26/2026

MA
6/26/26



Jun 26, 2026



ENDORSEMENT FORM

Please attach this form to items being sent via Chain of Command for approval.

CAPTAIN JACK ANDREANO: <u><i>[Signature]</i></u> COMMENTS: <i>Murphy Inquiry</i>	DATE: <u>6/1/26</u> ☒ APPROVED ☐ DISAPPROVED
RECEIVED BY ADMINISTRATIVE COORDINATOR COMMENTS: <i>[Signature]</i>	RECEIVED JUN 01 2026 CHIEF'S OFFICE
DEPUTY CHIEF JIM DELEU: <u><i>[Signature]</i></u> COMMENTS: <i>Forward for potential investigation</i>	DATE: <u>6/9/26</u> ☒ APPROVED ☐ DISAPPROVED
CHIEF MICHAEL GIBSON: <u><i>[Signature]</i></u> COMMENTS: <i>Move forward with internal.</i>	DATE: <u>6/9/26</u> ☒ APPROVED ☐ DISAPPROVED

"Our mission is to ensure the safety and well-being of our community through proactive policing, integrity, transparency, and meaningful partnerships with those we serve."

From: Gibson, Michael
nt: Wednesday, June 10, 2026 4:31 PM
To: Allmond, David
Subject: FW: Officer Murphy Drug Test Documentation
Attachments: Murphy Drug test.pdf; Drug Test Results Murphy.pdf

Dave,

Attached are the test results.

MG



Chief Michael T. Gibson

Office of the Chief

Office: (352) 735-7130 Ext. (2006)

Cell: (352) 630-9126

Email: GibsonM@MountDora.gov

Mount Dora Police Department
1300 N Donnelly Street,
Mount Dora, Florida 32757



"Our mission is to ensure the safety and well-being of our community through proactive policing, integrity, transparency, and meaningful partnerships with those we serve."

From: Cline, Alan <clinea@mountdora.gov>
Sent: Wednesday, June 10, 2026 4:17 PM
To: Gibson, Michael <GibsonM@mountdora.gov>
Cc: Cline, Alan <clinea@mountdora.gov>
Subject: Officer Murphy Drug Test Documentation

Hello Chief,

Attached are the drug test results and the Memorandum for Record regarding Officer Jeremiah Murphy.

As outlined in the memorandum, the written documentation provided indicates a positive result but does not specify the substance. AdventHealth Centra Care advised that they cannot include the specific substance on the written report until they have spoken directly with the donor.

need to contact Total Comp Net at 954-677-1200. Once they have spoken with him, they can update the records accordingly.

Please let me know if you need anything further from Human Resources.

Thanks,



Alan "AJ" Cline
Human Resources Director

T: (352) 735-7146
E: clinea@mountdora.gov
C: (352) 910-4560

City of Mount Dora
510 N Baker St
Mount Dora, FL 32757



CITY OF MOUNT DORA

HUMAN RESOURCES DEPARTMENT

City Hall
510 N. Baker St.
Mount Dora, FL 32757

Office of the City Manager
352-735-7126
Fax: 352-383-4801

Customer Service
352-735-7105
Fax: 352-735-2892

Finance Department
352-735-7118
Fax: 352-735-1406

Human Resources
352-735-7106
Fax: 352-735-9457

Planning and Development
352-735-7112
Fax: 352-735-7191

City Hall Annex
900 N. Donnelly St.
Mount Dora, FL 32757

Parks and Recreation
352-735-7183
Fax: 352-735-3681

Public Safety Complex
1300 N. Donnelly St.
Mount Dora, FL 32757

Police Department
352-735-7130
Fax: 352-383-4623

Fire Department
352-735-7140
Fax: 352-383-0881

Public Works Complex
401 Limit Ave.
Mount Dora, FL 32757
352-735-7151
Fax: 352-735-1539

W. T. Bland Public Library
1995 N. Donnelly St.
Mount Dora, FL 32757
352-735-7180
Fax: 352-735-0074

Website:
www.cityofmoundora.com

MEMORANDUM FOR RECORD

SUBJECT: Verbal Confirmation of Positive Drug Test Result for Officer Jeremiah Murphy

On June 9, 2026, the City of Mount Dora received a drug test result from AdventHealth Centra Care indicating a positive result for Officer Jeremiah Murphy.

The written documentation provided by AdventHealth Centra Care identified the test result as positive; however, it did not specify the substance for which the test was positive. AdventHealth Centra Care advised that they are not legally permitted to include the specific substance on the written report because they must first discuss the result directly with the donor.

AdventHealth Centra Care further advised that they are permitted to provide the specific substance verbally over the telephone. During a telephone conversation on June 9, 2026, AdventHealth Centra Care verbally confirmed that Officer Jeremiah Murphy's positive drug test result was for cocaine.

This memorandum is prepared to document the verbal confirmation received from AdventHealth Centra Care regarding the positive drug test result.

Prepared by:

Alan "AJ"
Cline
Alan "AJ" Cline
Human Resources Director
City of Mount Dora

Digitally signed by Alan
"AJ" Cline
Date: 2026.06.10 16:09:43
-04'00'

AA 6/26/26
Jun 26, 2026

Advent Health Centra Care

AUTHORIZATION FOR SERVICES

Employee / Applicant:

Jeremiah Murphy

☒ Corporate Bill

Company Name:

Mount Dora Police Department

☐ Self Pay

Company Address:

Worker's Compensation	Urine Drug/Alcohol Screening *	Exams
☐ Injury Treatment ☐ Post Accident Drug Screen ☐ DOT ☐ Florida DFWP ☐ Non-regulated ☐ Post Accident Alcohol Testing ☐ DOT Breath Alcohol ☐ Florida DFWP Blood Alcohol ☐ Non-regulated ☐ Breath ☐ Blood NOTE: DOT post-accident testing requires breath alcohol. DFWP requires blood	Reason for test ☐ Pre-employment ☒ Random ☐ Reasonable Cause ☐ Post Accident ☐ Return to Duty ☐ Follow-up Observed Collection ** Yes ☐ No ☐ Urine Drug Screens * ☐ Collection only ☐ Forms/kits on file in center ☐ Employee will bring in form/kit ☐ Florida Drug Free Workplace ☒ 5 Panel ☐ 8 Panel ☐ 10 Panel ☐ 5 Panel Instant (POC) ☐ 10 Panel Instant (POC) ☐ DOT-Please check testing agency below ☐ Hair Drug Screen	Physical Exam ☐ Annual/Periodic ☐ Pre-employment ☐ DOT Physical Exam ☐ Annual/Periodic ☐ Pre-employment ☐ Respiratory Physical ☐ Other: ☐ Osha Questionnaire
Prescription Dispensing Program: May we fill W/C Prescriptions on-site? ☐ Yes ☐ No	DOT Testing Agency ☐ FMCSA ☐ FAA ☐ FRA ☐ FTA ☐ PHMSA ☐ USCG	Occupational Testing ☐ Audiometry ☐ EKG ☐ Flu Shot ☐ Hep Screening (HBSAB) ☐ Hepatitis B Vaccine ☐ PPD - TB Screening ☐ Spirometry - Pulmonary Function ☐ Titmus ☐ OTHER:
Alcohol Testing * ☐ DOT Breath Alcohol Test ☐ Non-DOT Breath Alcohol Test ☐ DFWP Blood Alcohol ☐ Non-Regulated Blood Alcohol	Additional Notes/Comments:	* Requires Photo Identification ** Observed specimen collections require supporting documentation and can only be ordered under specific conditions

Authorized by:

Cpt M. LeBeyec

Date:

6-1-25

Phone:

689-229-7097

Phone Auth From:

Received by:

Date:

Time:

NA 6/26/25
[Signature] Jun 24, 2025

10091292 3411605 SPECIMEN ID NO.
IP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

LAB ACCESSION NO.

A. Employer Name, Address, I.D. No.

B. MRO Name, Address, Phone and Fax No.

C. Donor SSN or Employee I.D. No.

D. Reason for Test: ☐ Pre-employment ☒ Random ☐ Reasonable Suspicion/Cause ☐ Post-Accident
☐ Return to Duty ☐ Follow-up ☐ Other (specify) _____

E. Drug Tests to be Performed:

F. Collection Site Name:

Collection Site Code:

Address:

Collector Phone No.:

City, State and Zip:

Collector Fax No.:

STEP 2: COMPLETED BY COLLECTOR

Read specimen temperature within 4 minutes. Is temperature between 90° and 100° F? ☒ Yes ☐ No, Enter Remark _____

Specimen Collection

☒ Split ☐ Single ☐ None Provided (Enter Remark) ☐ Observed (Enter Remark)

REMARKS

STEP 3: Collector affixes bottle seal(s) to bottle(s). Collector dates seal(s). Donor initials seal(s). Donor completes STEP 5 on Copy 2 (MRO Copy)

STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed, and released to the Delivery Service noted in accordance with applicable Florida Drug Free Workplace Program requirements as found in section 112.045, Florida Statutes and Chapter 59A-24, Florida Administrative Code.

X

Signature of Collector

3:00 AM
Time of Collection

(Print) Collector's Name (First, MI, Last)

6/11/26
Date (Mo./Day/Yr.)

SPECIMEN BOTTLE(S) RELEASED TO:

☒ Quest Diagnostics Courier ☐ FedEx
☐ Other _____

Name of Delivery Service Transferring Specimen to Lab

RECEIVED AT LAB:

X

Signature of Accessioner

(Print) Accessioner's Name (First, MI, Last)

1/1
Date (Mo./Day/Yr.)Primary Specimen
Bottle Seal Intact☐ Yes☐ No, Enter Remark _____

SPECIMEN BOTTLE(S) RELEASED TO:

STEP 5: COMPLETED BY DONOR

I certify that I provided my urine specimen to the collector; that I have not adulterated it in any manner; each specimen bottle used was sealed with a tamper evident seal in my presence; and that the information provided on this form and on the label affixed to each specimen bottle is correct.

X

Signature of Donor

Jeremiah Murphy

(PRINT) Donor's Name (First, MI, Last)

6/10/26
Date (Mo./Day/Yr.)

Daytime Phone: _____

Date of Birth

11/01/1975
6/10/26
Mo. Day Yr.

Should the results of the laboratory tests for the specimen identified by this form be confirmed positive, the Medical Review Officer will contact you to ask about prescriptions and over-the-counter medications you may have taken. Therefore, you may want to make a list of those medications for your own records. THIS LIST IS NOT NECESSARY. If you choose to make a list, do so either on a separate piece of paper or on the back of your copy (Copy 4). DO NOT PROVIDE THIS INFORMATION ON THE BACK OF ANY OTHER COPY OF THE FORM. TAKE COPY 4 WITH YOU.

STEP 6: COMPLETED BY MEDICAL REVIEW OFFICER - PRIMARY SPECIMEN

In accordance with applicable Florida Drug Free Workplace Program requirements as found in section 112.045, Florida Statutes and Chapter 59A-24, Florida Administrative Code, my determination verification is:

☐ NEGATIVE ☐ POSITIVE ☐ TEST CANCELLED ☐ REFUSAL TO TEST BECAUSE
☐ DILUTE ☐ ADULTERATED ☐ SUBSTITUTED

REMARKS

X

Signature of Medical Review Officer

(PRINT) Medical Review Officer's Name (First, MI, Last)

1/1
Date (Mo./Day/Yr.)

STEP 7: COMPLETED BY MEDICAL REVIEW OFFICER - SECONDARY SPECIMEN

In accordance with applicable Florida Drug Free Workplace Program requirements as found in section 112.045, Florida Statutes and Chapter 59A-24, Florida Administrative Code, my determination verification for the split specimen (if tested) is:

☐ RECONFIRMED ☐ FAILED TO RECONFIRM - REASON _____

X

Signature of Medical Review Officer

(PRINT) Medical Review Officer's Name (First, MI, Last)

1/1
Date (Mo./Day/Yr.)

COPY 2 - MEDICAL REVIEW OFFICER COPY

AT 6/26/26
JRM Jun 26 2026

Advent Health Centra Care

Medical Review Officer Determination / Verification Report

AHCC/City of Mount Dora
510 N Baker Street
Mount Dora, FL 32757
ATTN: Alan Cline

Donor: JEREMIAH MURPHY
Donor ID: 594-55-4594
Specimen ID: 100912923411605
Reason/Type: Random

Location:
Collected: 6/1/2026

FLORIDA DRUG FREE WORKPLACE CHAIN OF CUSTODY FORM

10091292 3411605 SPECIMEN ID NO.

LAB ACCESSION NO.

STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A. Employer Name, Address, ID No.
City of Mount Dora
510 N Baker Street
Mount Dora, FL 32757

B. MRO Name, Address, Phone and Fax No.
1377 Montreal Circle
Tucker, GA 30084

C. Donor SSN or Employee ID No.
[REDACTED]

D. Reason for Test:
☐ Pre-employment ☒ Random ☐ Reasonable Suspicion/Cause ☐ Post-Accident
☐ Return to Duty ☐ Follow-up ☐ Other (specify):

E. Drug Tests to be Performed
10-Panel Urinalysis (1-3) (4-THC, 5-COC, 6-AM, 7-OP, 8-PCP, 9-MA, 10-OR) (11-DBZ, 12-THC, 13-AM, 14-PCP, 15-MA, 16-OR)

F. Collection Site Name, Address, City, State and Zip:
Collection Site Code:
Collector Phone No.:
Collector Fax No.:

STEP 2: COMPLETED BY COLLECTOR
Read specimen temperature within 4 minutes. Is temperature between 90° and 100° F? ☒ Yes ☐ No, Enter Remark:
Specimen Collection:
☒ Spill ☐ Spill ☐ Singe ☐ None Provided (Enter Remark): ☐ Observed (Enter Remark):

REMARKS:

STEP 3: Collector affixes bottle seal to bottle(s). Collector dates seal(s). Donor initials seal(s). Donor completes STEP 5 on Copy 2 (MRO Copy)

STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

SPECIMEN BOTTLE(S) RELEASED TO:
☒ Quest Diagnostics Courier ☐ FedEx
☐ Other:

NAME OF DELIVERY SERVICE TRANSFERRING SPECIMEN TO LAB:
Primary Specimen Bottle Seal Intact:
☐ Yes ☒ No, Enter Remark:

RECEIVED AT LAB:
Signature of Lab Receiver:
Date Received:

STEP 5: COMPLETED BY DONOR
I certify that I have provided my urine specimen to the collector and I have not adulterated it in any manner. Each specimen bottle used was sealed with a tamper-evident seal in my presence and that the information provided on this form and the label affixed to each specimen bottle is correct.

Signature of Donor: Jeremiah Murphy
Date of Birth: 6/1/1986
Date of Test: 6/1/2026

Should the results of the laboratory tests for the specimen identified by this form be non-confirmed positive, the Medical Review Officer will contact you to ask about prescriptions and over-the-counter medications you may have taken. Therefore, you may want to make a list of these medications for your own records. THIS LIST IS NOT NECESSARY. If you choose to make a list, do so on a separate piece of paper or on the back of your copy (Copy 4). DO NOT PROVIDE THIS INFORMATION ON THE BACK OF ANY OTHER COPY OF THE FORM. TAKE COPY 4 WITH YOU.

STEP 6: COMPLETED BY MEDICAL REVIEW OFFICER - PRIMARY SPECIMEN
In accordance with applicable Florida Drug Free Workplace Program requirements as found in sections 112.045, Florida Statutes and Chapter 19A, Florida Administrative Code, my determination is:
☒ NEGATIVE ☐ POSITIVE ☐ TEST CANCELED ☐ REFUSAL TO TEST RECAUSE ☐ ADULTERATED ☐ SUBSTITUTED

REMARKS:

STEP 7: COMPLETED BY MEDICAL REVIEW OFFICER - SECONDARY SPECIMEN
In accordance with applicable Florida Drug Free Workplace Program requirements as found in sections 112.045, Florida Statutes and Chapter 19A, Florida Administrative Code, my determination is:
☒ RECONFIRMED ☐ FAILED TO RECONFIRM REASON:

COPY 2 - MEDICAL REVIEW OFFICER COPY

MRO: **SETH PORTNOY, D.O.**

Test Result: **Positive**

Date Verified: 6/10/2026 3:32:36PM

Comments: Unable to contact: [6/8/2026]



Garcia-Espinoza, Daniel
To: Allmond, David

Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

Amiah Murphy
188 GO 201 Standard Of Conduct
265 GO 201 Standard Of Conduct

The purpose of this policy is
The purpose of this policy is

2024-08-12 05:52:25
2024-07-25 09:27:01



Daniel Garcia
Administrative Assistant

Office: (352) 901-1352
Cell: (310) 920-9358
Email: Garciaespinoza@MountDc

Mount Dora Police Department
1300 N Donnelly Street,
Mount Dora, Florida 32757



"Our mission is to ensure the safety and well-being of our community through proactive policing, integrity, transparency, and meaningful partnerships with those we serve."

Allmond, David

From: Allmond, Charity <charity.allmond@adventhealth.com>
Sent: Thursday, June 11, 2026 4:38 PM
To: Allmond, David
Subject: FW: RE: JEREMIAH MURPHY

Follow Up Flag: Follow up
Flag Status: Flagged

**** This message originated outside of the City of Mount Dora network. Please think before you click. ****

Let me know if this will suffice or if additional information is needed. 😊

Charity Allmond, BHA, LPN, HRM

AdventHealth Centra Care / PC+
Healthcare Risk Manager | Centra Care PSO Liaison
O 407-200-2893
F 407-200-2071
charity.allmond@adventhealth.com

From: Lanell Young <lyoung@totalcompnet.net>
Sent: Thursday, June 11, 2026 4:17 PM
To: Allmond, Charity <charity.allmond@adventhealth.com>
Subject: [EXTERNAL] RE: JEREMIAH MURPHY

Hello Charity,

As per our conversation, All positive drug tests are confirmed before released to the MRO. All positive tests goes through GC/MS confirmatory testing.

Thanks

Lanell Young, ext 128
5646 WEST ATLANTIC BOULEVARD
MARGATE, FLORIDA 33063
P (954) 677-1200 | F (954) 677-1201 | Direct F (954) 677-1175
<http://www.totalcompnet.com/>

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Thank You.

This message (including any attachments) is intended only for the use of the individual or entity to which it is addressed and may contain information that is non-public, proprietary, privileged, confidential, and exempt from disclosure under applicable law or may constitute as attorney work product. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, notify us immediately by telephone and (i) destroy this message if a facsimile or (ii) delete this message immediately if this is an electronic communication. Thank you.

Date: Friday June 26, 2026

Witness: Mount Dora Human Resources Director Alan Cline

Investigator: Officer Dave Allmond

Accused: Officer Jeremiah Murphy

Case Number: 2026-03

This is a transcript recorded on Officer Allmond's agency issued I-phone utilizing Voice Memo. A transcript was generated by Voice Memo and edited for accuracy by Officer Allmond. Officer Allmond is not a certified transcriptionist. The recording should also be reviewed for proper evaluation of its content.

Allmond: All right, this is Officer Dave Allmond, Mount Dora Police Department. Today is Friday, June 26th. It about 4:01 p.m. This is reference and administrative internal investigation for Mount Dora Police Officer Jeremiah Murphy. I have in front of me, Mr. Allen A.J. Cline, who is the Human Resources Director. Mr. Cline, thank you for allowing us to interview you this morning. This is an administrative investigation and with your wealth and knowledge in HR, you know, this is not a criminal investigation, it's a personnel issue. So, uh, before we begin, um, I want to ask you just if you'd raise your right hand and do you swear that everything you tell me will be the truth?

Cline: Yes.

Allmond: Okay, perfect. If you could just state your name for our recording and your position.

Cline: Yeah. Alan Jerome Cline, HR Director.

Allmond: All right, so as HR Director, what exactly do your duties entail here?

Cline: As the HR director, besides your normal recruiting and benefits, also responsible for any employee relations.

Allmond: Okay, great.

Cline: And enforcing and interpreting the employee policy.

Allmond: Okay, great. So, what is your experience in the field of human resources?

Cline: Uh, so over 30 years, one over 26 as human resources in the military, and then over 5 in the civilian sector. So over 30 years of experience.

Allmond: Okay, typically, uh, these type positive drug tests involve not only Mount Dora policies, but also Florida statutes. So, you would say you have a really good familiarity with the Mount Dora personnel policies and any Florida Statutes that would go along with those policies.

Cline: Absolutely.

Allmond: All right, so our reason we're interviewing you here is twofold. We had an officer, as you are aware, test positive for cocaine, and we'll get into that in just a moment. But, uh, we previously provided you this memo dated June 1st from, uh, Captain Jack Andreano to Chief Mike Gibson. It was outlining an inquiry he did about a possibility of reasonable suspicion that Officer Murphy was using cocaine. I know we went over that, but if just for the record, you would initial and date both those pages anywhere on the document, and I will do the same that way, for the record, we know that we're talking about that. (pause) So, Mr. Cline, after reviewing that, uh, with your wealth of experience and your position here, based on those particular circumstances, do you believe that there was cause for a reasonable suspicion drug test for officer Murphy?

Cline: Yes. After reading this memo, I absolutely believe that there is reasonable suspicion to conduct a drug test on Officer Murphy.

Allmond: Perfect. And then the 2nd doc series of documents is this is a memo that you created, which I'm sure you're familiar. It's digitally signed by you on June 10th, 2026 at it looks like about 4:09 in the afternoon. I just, if you could just initial and date every page of that. So, for the record, we know what we're talking about. Uh, on that memo, uh, it describes a situation where you received a phone call from Centra Care, and they verbally told you that Jeremiah Murphy had tested positive for cocaine. Um, so after looking at that memo, and those attached documents, uh, that's a true and correct memo, that you, that's, that you said, and do you have any additions or deletions or clarifications to that memo or does it stand as written?

Cline: Nope, this is stands as written. I called because I realized it didn't have like what he was positive for, and they said, unfortunately, we can't give that to you, uh, in writing, however, we can provide that to you over the phone, which was cocaine. And that's why I went ahead and did the memorandum for record for you.

Allmond: Perfect. And just to get on the record too, it's also contained in that memo. The reason it can only be done verbally is, at that point, Officer Murphy had not contacted them for his follow-up, and, uh, it appears that they told you, if he did that, that they would be able to follow up with, uh, a paper copy, documenting the results.

Cline: That is correct.

Allmond: All right. Thank you so much, Mr. Cline. Do you have any questions for me or anything else to add for this interview?

Cline: No questions.

Allmond: All right, it's still the same date. It is about 4:06 p.m. on Friday, June 26th, and this will conclude our interview.

Date: Friday June 26, 2026

Witness: MDPD Captain Jack Andreano

Investigator: Officer Dave Allmond

Accused: Officer Jerimiah Murphy

Case Number: 2026-03

This is a transcript recorded on Officer Allmond's agency issued I-phone utilizing Voice Memo. A transcript was generated by Voice Memo and edited for accuracy by Officer Allmond. Officer Allmond is not a certified transcriptionist. The recording should also be reviewed for proper evaluation of its content.

Allmond: All right, this is Investigator Dave Allmond with the Mount Dora Police Department. Today is Friday, June the 26th. It's about 4:27 p.m. in the afternoon. We are here discussing an internal administrative investigation for a positive drug test for cocaine against Mount Dora Police Officer Jeremiah Murphy. I'm here with Captain Jack Andreano. So, would you just state your name and position for the record Captain.

Andreano: Captain Jack Andreano, overseeing Administrative Services.

Allmond: Perfect, perfect. Previous to this, you had signed an administrative investigation perjury document, and a Garrity advisement. Do you have any questions about those documents?

Andreano: No, sir.

Allmond: And if you would just raise your right hand, do you swear that everything you're going to tell me will be the truth?

Andreano: Yes, sir.

Allmond: All right. The no sirs here needed. I work for a living. So, we're here about an administrative investigation against Officer Jeremiah Murphy. What I have in front of me is an inquiry, the document's dated June 1st, 2026, to Chief Michael Gibson from you, Captain Jack Andreano. So, I'm just going to provide you with this document. You should be familiar with it after looking that document over, do you have any additions or corrections to that document?

Andreano: No, sir.

Allmond: So, we are here talking about a drug test we did on Officer Murphy, which ended up being positive for cocaine, and the basis for giving him that drug test was reasonable suspicion. So, in your

professional experience as a Captain of the Administrative Services Bureau, do you feel that the circumstances in this memo, um, are sufficient to compel an employee to provide a drug test on reasonable suspicion?

Andreano: I do, yes.

Allmond: Okay, just for the record, if you would date and initial those 2 documents just so in the future, we know that those were indeed the documents that we were speaking about. (pause) All right, so our next matter is, I requested you, previous to this interview, to provide me with screenshots of the texts that were in the aforementioned document. So, I was going to give you this document. If you want to look that over, and I will ask you the question, are those indeed the texts that you sent me and the texts that were relevant to your memo dated June 1st?

Andreano: Yes, they are.

Allmond: So, if you could just date and initial that document so that we will know that is the document that we spoke about, reference the aforementioned memo. (pause) All right, moving on you provided me with several screenshots for some telephone calls that you made in reference to this investigation. The 1st one, I have a document before you is dated June. Um, the 9th, and I actually wrote "took vehicle" because I was present with you during this phone call. We went to Officer Murphy's house. So, is that a true and correct depiction of the screenshot where you did indeed make that phone call?

Andreano: Yes, sir.

Allmond: All right, our next one is I wrote the date June the 18th because that was what was on the screenshot. This call was made to Officer Murphy at about 250 p.m. So, do you have a recollection of what the context of that phone call was?

Andreano: Yes, that phone call was made by me to inform Officer Murphy that he was to report that following Monday to the police department.

Allmond: All right, did, in fact, he report to the police department?

Andreano: He did not.

Allmond: And would you consider yourself at the rank of captain, instructing an officer to, uh, report to the police department an order?

Andreano: Yes, it was.

Allmond: And would you consider that an act of insubordination if that officer failed to comply with that order?

Andreano: I would, yes.

Allmond: All right, the next one, we're gonna go back a couple days. I wrote the date of June 16th on here. This call was made at about 2:15 p.m. on June 16th. Is this a true depiction of the screenshot you sent me?

Andreano: Yes, sir.

Allmond: And what was the context of that call?

Andreano: The context of that call was to instruct Officer Murphy to contact the medical clinic, which was housing the results of his drug test. so that that information could be released to our human resource department.

Allmond: And to your knowledge, has Officer, I know that you aren't with that organization, but to your knowledge, have you been notified by anyone either at the medical clinic or the police department that Officer Murphy has indeed made that telephone call?

Andreano: No, and as a matter of fact, that was the purpose of the phone call for the 18th at that point we had not received that information, which prompted us to have him come into the police department.

Allmond: And by you leaving a voicemail, instructing Officer Murphy to make that telephone call, would you consider that an order?

Andreano: Yes, I would.

Allmond: And since he failed to comply, that order based on the preponderance of our evidence, would you consider that an act of insubordination?

Andreano: Yes, I would further add that after speaking with Officer Murphy, in person, when we followed up, he acknowledged both the original phone call as well as the order to respond to the police department. So, he acknowledged both, still did not show up, which would further solidify the charge of insubordination.

Allmond: And just for the record, during that visit, I was present physically during that visit as an assistant to Captain Andreano. And for the record, I can concur with his statement on that. Finally, sir, looking at this whole thing, we're based on reasonable suspicions. Do you have any bias against Officer Murphy that would lead you to allow false circumstances to constitute a reasonable suspicion?

Andreano: No, sir.

Allmond: And in your memo, you reference your wife, who is a sworn law enforcement officer, provided some of this information. As far as you know, Captain, does your wife, the sworn law enforcement officer, have any bias against Officer Murphy?

Andreano: No, as a matter of fact, she is not aware of who Officer Murphy is.

Allmond: Okay, great. And then the other two individuals are both Orange County Sheriff's Office, Corporal Brittany Bradshaw, and Orange County Sheriff's Office, Deputy Mara Everson. Do you know them?

Andreano: I do not. I've met Britney in the past. I do not know Myra or Maya.

Allmond: And based on your limited knowledge and your wife's knowledge, do you have any reason to believe that either Corporal Bradshaw or Deputy Everson would have any bias against Officer Murphy, that they would not be 100% truthful in what they told you?

Andreano: No, I do not believe they have any bias, and I believe they would be 100% truthful.

Allmond: And they both, for the record, including your wife, they're all sworn law enforcement officers.

Andreano: That is correct.

Allmond: And then we have a bartender who ultimately witnessed this incident and she, uh, did not wish to be identified, but do you know of any bias or have heard of any bias that this particular bartender would have against Officer Murphy to cause her not to be 100% truthful in her allegations against him?

Andreano: No, there was no mention of any bias. As a matter of fact, I would argue that the fact that she does not want to testify would be evidence that she, um, uh, she does not want to hurt Officer Murphy in any way, shape or form. So, I think she was giving a very honest depiction of what happened.

Allmond: And I would agree with that, sir. That's everything I have. Do you have any questions for me?

Andreano: No, sir.

Allmond: All right. Well, today is still the same date. It is approximately 4:34 PM on this Friday, and this concludes our interview.

LAPT Handicard

GARRITY ADVISEMENT

You are hereby advised that you are being interviewed as a witness of an Administrative Inquiry/Investigation being conducted at the direction of the Chief of Police. The purpose of this Garrity Advisement is to protect you from compelled self-incrimination during the administrative interview. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the Laws and Constitution of this State and the Constitution of the United States, including the right not to incriminate yourself.

You are further advised that if you refuse to answer all questions relating to the performance of your official duties or fitness for duty, you may be subject to administrative charges up to and including termination. Your statements or any information or evidence relating to this Administrative Inquiry/Investigation that is gained by reason of such statements cannot be used against you in any subsequent criminal proceedings. However, these statements can be used against you in relation to subsequent administrative charges. Garrity does not protect you from potential criminal sanctions for perjury under oath. As such, you are ordered to answer all questions truthfully.

Signature *Jack Nelson* ID # *4*

OFC D. Alf *MD 488*

Investigating Member

Date: 6/26/26

Date: 6/24/24

ADMINISTRATIVE INVESTIGATION

PERJURY

Section 837.02, F.S., Perjury in Official Proceedings

(1) Except as provided in subsection (2) [*regarding capital felonies*], whoever makes a false statement, which he or she does not believe to be true, under oath in an official proceeding in regard to any material matter, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083 or s. 775.084.

(3) Knowledge of the materiality of the statement is not an element of the crime of perjury under subsections (1) or (2), and the defendant's mistaken belief that the statement was not material is not a defense.

Section 837.021, F.S., Perjury by Contradictory Statements

(1) Except as provided in subsection (2) [*regarding capital felonies*], whoever, in one or more official proceedings, willfully makes two or more material statements under oath which contradict each other, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083 or s. 775.084.

(3) In any prosecution for perjury under this section:

(a) The prosecution may proceed in a single count by setting forth the willful making of contradictory statements under oath and alleging in the alternative that one or more of them are false.

(b) The question of whether a statement was material is a question of law to be determined by the court.

(c) It is not necessary to prove which, if any, of the contradictory statements is not true.

(d) It is a defense that the accused believed each statement to be true at the time the statement was made.

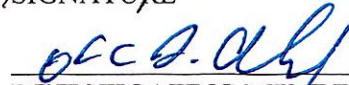
Section 837.05, F.S., False Reports to Law Enforcement Authorities

(1) Except as provided in subsection (2) [*regarding capital felonies*], whoever knowingly gives false information to any law enforcement officer concerning the alleged commission of any crime, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 837.06, F.S., False Official Statements

Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

I have read the preceding excerpt from Chapter 837, Florida Statutes, and understand that it is a criminal act to make false statements in an official proceeding.

	4	6/26/26
SIGNATURE	ID #	DATE
	MO498	6/26/24
INVESTIGATING MEMBER		DATE

Date: Wednesday July 1, 2026

Witness: Orange County Sheriff's Office Deputy Mara Everson

Investigator: Officer Dave Allmond

Accused: Officer Jerimiah Murphy

Case Number: 2026-03

This is a transcript recorded on Officer Allmond's agency issued I-phone utilizing Voice Memo. A transcript was generated by Voice Memo and edited for accuracy by Officer Allmond. Officer Allmond is not a certified transcriptionist. The recording should also be reviewed for proper evaluation of its content.

Allmond: All right, this is Investigator Dave Allmond with the Mount Dora Police Department. Today's date is... July 1st, 2026, at about 10:05 a.m. I am at the Sector One substation for the Orange County Sheriff's Office, and I am here with Deputy Sheriff, Myra.

Everson: Mara

Allmond: Mara Everson. Um, we're here reference an internal investigation against Mount Dora Police Officer Jeremiah Murphy, and it's reference to violation of our standards. He tested positive for cocaine during a drug test. So, thank you, deputy, for being here. If you could just state your name for the record?

Everson: Mara, Everson, E.V.E.R.S.O.N.

Allmond: And you are a sworn deputy sheriff with the Orange County Sheriff's Office.

Everson: Yes, EID 5747.

Allmond: And just for the record, this does not involve your employment with the Orange County Sheriff's Office. However, it is noted that you are a sworn law enforcement officer, and that comes with all the training and credibility of that position. So, if you would, deputy, raise your right hand for me, and do you swear to tell me the truth?

Everson: Yes, sir.

Allmond: Okay, you had been involved in an incident reference, Jeremiah Murphy, where you had heard some information from him, reference his possible use of cocaine. So, you could you just go into a little bit of details about that?

Everson: Um, so I've heard a few stories about him. The most recent a few weeks ago was that he was hanging out at the bar. Flanagan's Bar and Grill, I believe it's called, in Casselberry, right there on Red Bug and Tusawilla area, that he was intoxicated and came out of the restroom with what appeared to be a white powdery substance all over his face. Obviously, this is through the grapevine and was not there in person, but this is just a story that I've heard. Um, that he came out of the restroom and, um, was in an altercation with somebody and allegedly got kicked out of the bar.

Allmond: Okay, and I know some people feel uncomfortable. So, I know some of the people involved have previously told Captain Andrew Anno that they didn't want to become officially involved in this, but could you give me a general idea of the like the time of who you heard it from and if they heard it from anyone else?

Everson: Uh, I heard it from a patron at that bar a couple weeks ago.

Allmond: Okay, and do you, um, consider this patron to be a credible source?

Everson: Um, from what I know of them, yes.

Allmond: Yes and, um, would you or anyone that you spoke about this incident to or gave you information about this incident to the best of your knowledge, would they have any bias against Officer Murphy that they would not be 100% truthful in these issues?

Everson: No. Not at all.

Allmond: And do you know Officer Murphy personally?

Everson: I only met him on one occasion, maybe a year or so ago. Okay. And, um,

Everson: Then told Christine was how we got to where we are.

Allmond: Okay, and Christine is who?

Everson: I believe she is the spouse of your captain.

Allmond: Okay, good. Yes. So that is correct. Christine is sworn deputy sheriff as well. Yes And she is married to Mount Dora Police Captain Jack Andreano.

Allmond: All right, have you heard any other stories about Officer Murphy or anything you consider would be relevant or credible to the investigation at all?

Everson: The only other story that I had heard was that he got into a car accident several months ago. His brother had fixed up a car for his mother, and that he had gotten into a car accident, and after leaving the bar, intoxicated, um, and that he was bragging about not being arrested for the DUI.

Allmond: Do you know any jurisdiction of that?

Everson: I have no clue. I'm just for the story that because his brother was upset, that he wrecked and totaled the car that he worked so hard to get for his mother.

Allmond: Okay, do you know his brother at all?

Everson: Uh, yeah, I've, I've, Devin is his name. I've hung out with him on more than one occasion. At the bar while he was bartending. Oh, at Flanagan's? No. No. at 4th Street Bar and Grill in Lake Mary.

Allmond: Okay. Okay, okay. Well, you've been extremely helpful, deputy. Do you have any questions for me?

Everson: No, sir.

Allmond: Again, this is an administrative investigation. It is not a criminal investigation, as you're aware, with your wealth of experience, as your Deputy Sheriff. And just, again, for the record, this doesn't involve your employment in any way, shape, or form. It is just a personal matter. And it's just noted that you're a sworn deputy sheriff because of the credibility that comes with your words. So thank you so much for taking the time voluntarily to uh, interview with me. It's still the same date. It's about 10, 10 in the morning. And this concludes our interview.

**ADMINISTRATIVE INQUIRY/INVESTIGATION
ADVISEMENT OF CONFIDENTIALITY**

Section 112.533, F.S., Receipt and Processing of Complaints

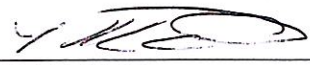
(2)(a) A complaint filed against a law enforcement officer or correctional officer with a law enforcement agency or correctional agency and all information obtained pursuant to the investigation by the agency of such complaint shall be confidential and exempt from the provisions of s. 119.07(1) until the investigation ceases to be active, or until the agency head or the agency head's designee provides written notice to the officer who is the subject of the complaint, either personally or by mail, that the agency has either:

1. Concluded the investigation with a finding not to proceed with disciplinary action or to file charges; or
2. Concluded the investigation with a finding to proceed with disciplinary action or to file charges.

Notwithstanding the foregoing provisions, the officer who is the subject of the complaint, along with legal counsel or any other representative of his or her choice, may review the complaint and all statements regardless of form made by the complainant and witnesses, and all existing evidence, immediately prior to the beginning of the investigative interview. If a witness to a complaint is incarcerated in a correctional facility and may be under the supervision of, or have contact with, the officer under investigation, only the names and written statements of the complainant and nonincarcerated witnesses may be reviewed by the officer under investigation immediately prior to the beginning of the investigative interview.

(4) Any person who is a participant in an internal investigation, including the complainant, the subject of the investigation and the subject's legal counsel or a representative of his or her choice, the investigator conducting the investigation, and any witnesses in the investigation, who willfully discloses any information obtained pursuant to the agency's investigation, including, but not limited to, the identity of the officer under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with a confidential internal investigation of an agency, before such complaint, document, action, or proceeding becomes a public record as provided in this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

I have read the preceding excerpt from Section 112.533 of the Florida State Statutes and fully understand what I have read.

 _____ SIGNATURE	5747 _____ ID #	¹¹⁰ 6- 7-1-26 _____ DATE
 _____ INVESTIGATING MEMBER		7-1-26 _____ DATE

ADMINISTRATIVE INVESTIGATION

PERJURY

Section 837.02, F.S., Perjury in Official Proceedings

(1) Except as provided in subsection (2) [*regarding capital felonies*], whoever makes a false statement, which he or she does not believe to be true, under oath in an official proceeding in regard to any material matter, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083 or s. 775.084.

(3) Knowledge of the materiality of the statement is not an element of the crime of perjury under subsections (1) or (2), and the defendant's mistaken belief that the statement was not material is not a defense.

Section 837.021, F.S., Perjury by Contradictory Statements

(1) Except as provided in subsection (2) [*regarding capital felonies*], whoever, in one or more official proceedings, willfully makes two or more material statements under oath which contradict each other, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083 or s. 775.084.

(3) In any prosecution for perjury under this section:

(a) The prosecution may proceed in a single count by setting forth the willful making of contradictory statements under oath and alleging in the alternative that one or more of them are false.

(b) The question of whether a statement was material is a question of law to be determined by the court.

(c) It is not necessary to prove which, if any, of the contradictory statements is not true.

(d) It is a defense that the accused believed each statement to be true at the time the statement was made.

Section 837.05, F.S., False Reports to Law Enforcement Authorities

(1) Except as provided in subsection (2) [*regarding capital felonies*], whoever knowingly gives false information to any law enforcement officer concerning the alleged commission of any crime, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 837.06, F.S., False Official Statements

Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

I have read the preceding excerpt from Chapter 837, Florida Statutes, and understand that it is a criminal act to make false statements in an official proceeding.



SIGNATURE

5747

ID #

7-1-26

DATE


INVESTIGATING MEMBER

7-1-26
DATE



CITY OF MOUNT DORA

Police Department
1300 N. Donnelly St.
Mount Dora, FL 32757
352-735-7130
Fax: 352-383-4623

E-mail: policedept@cityofmounddora.com

DATE: June 10, 2026

TO: Officer Jeremiah Murphy

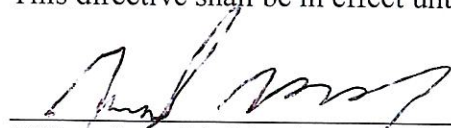
FROM: Chief Michael T. Gibson

SUBJECT: Relieved from Duty with Pay Pursuant to Administrative Investigation

Pursuant to an administrative investigation, you are immediately relieved from your sworn duties with pay until the conclusion of the investigation.

1. You are reclassified as a civilian employee of the Mount Dora Police Department.
2. You are prohibited from representing yourself as a sworn Mount Dora Police Officer while on or off duty.
3. You are to surrender your weapons, badge, credentials, radio, assigned vehicle, computer and any other specialized equipment.
4. You are prohibited from engaging in enforcement related off-duty employment or any employment where your status as a sworn Mount Dora Police Officer is an assumed condition of employment.
5. You are prohibited from wearing any insignia or clothing that may identify you as a sworn Mount Dora Police Officer.
6. You are not permitted at the Mount Dora Police Department facility without the authorization of Chief Michael Gibson, Investigator Dave Allmond or one of their designees.
7. You must be available via cellular phone and be available to respond to the Police Department Monday through Friday between the hours of 0800 and 1600 hours.

All questions and clarifications regarding this issue should be directed to Officer Dave Allmond. This directive shall be in effect until the conclusion of the investigation.



Officer Jeremiah Murphy



Served By: Captain Mark Leubscher



Witnessed By: Officer Dave Allmond

6/10/26

Date

6-10-26

Date

6-10-26

Date



CITY OF MOUNT DORA

Police Department
1300 N. Donnelly St.
Mount Dora, FL 32757
352-735-7130
Fax: 352-383-4623

E-mail: policedept@cityofmounddora.com

DATE: June 9, 2026
TO: Officer David Allmond
FROM: Chief Michael Gibson
RE: Authorization to Conduct an Internal Investigation 26-03

On or about June 1, 2026, allegations were received indicating that Officer Murphy may have used illegal narcotics while off duty. As a result of the allegation, Officer Murphy was directed to submit to a drug screening in accordance with Department and City policy.

Officer Murphy submitted to the drug test on June 1, 2026. On June 9, 2026, the Department received the laboratory results, which indicated a positive result for cocaine.

Given the seriousness of this matter and its potential impact on Officer Murphy's ability to perform the duties of a law enforcement officer, an administrative investigation shall be initiated to determine the facts and circumstances surrounding the positive test result and to assess any policy violations that may have occurred.

As a result, I am directing and authorizing Officer David Allmond to initiate as internal professional standards investigation into this matter involving Officer Jeremiah Murphy.

M.G.

Allmond, David

From: Jeremiah Murphy <murphy.c.jeremiah@gmail.com>
Sent: Monday, July 6, 2026 3:30 PM
To: Gibson, Michael
Cc: Allmond, David
Subject: Letter of resignation

**** This message originated outside of the City of Mount Dora network. Please think before you click. ****

On July 6, 2026

Dear Chief,

Please accept this letter as my formal resignation from my position as a Police Officer with the Mount Dora Police Department, effective immediately from today's date.

This decision was not made lightly. Serving the citizens of Mount Dora has been one of the greatest privileges of my life, and I will always be grateful for the opportunity to wear this badge. The experiences, challenges, and lessons I have gained during my time with the department have helped shape me both professionally and personally.

I want to sincerely thank you for the opportunity to serve under your leadership. I am also incredibly grateful to the command staff, supervisors, and the men and women of this department. I have had the privilege of working alongside outstanding officers and professionals who are deeply committed to serving this community. The friendships, mentorship, and memories I have made here will stay with me throughout my career and my life.

While I have decided to pursue a different path, I will always look back on my time with the Mount Dora Police Department with pride and gratitude. It has truly been an honor to serve this community and this organization.

Thank you again for the trust you placed in me and for the opportunity to serve the City of Mount Dora. I wish you, the department, and every member continued success and, above all, safety.



CITY OF MOUNT DORA

Police Department
1300 N. Donnelly St.
Mount Dora, FL 32757
352-735-7130
Fax: 352-383-4623

E-mail: policedept@cityofmoundora.com

DATE: August 6, 2026

TO: Personnel File – Former Officer Jeremiah Murphy

FROM: Acting Chief Jim Deleu

RE: Conclusion of Internal Investigation IA26-03 & Notice of Disciplinary Action

On June 1, 2026, Captain Andreano received a telephone call with information that Officer Jeremiah Murphy was observed at a local bar exiting a restroom with a white powdery substance on his face and was a user of cocaine. After an inquiry into the incident, Officer Murphy was ordered to submit to a reasonable suspicion drug test. Officer Murphy subsequently tested positive for cocaine and an internal investigation was ordered for a potential violation of the following regulations:

- 201.29 Use of Alcohol and Illegal Drugs (Category 8)
- 201.12 Conformance to Laws (Category 9)
- 201.19 Moral Character (Category 8)
- 201.34 Unbecoming Conduct (Category 10)

I have reviewed the internal investigation completed by Officer Dave Allmond and endorse the below findings:

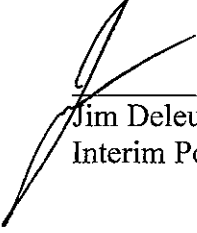
- 201.29 Use of Alcohol and Illegal Drugs (Category 8) - **SUSTAINED**
- 201.12 Conformance to Laws (Category 9) - **SUSTAINED**
- 201.19 Moral Character (Category 8) - **SUSTAINED**
- 201.34 Unbecoming Conduct (Category 10) - **SUSTAINED**

Police officers are held to a higher standard than the average citizen. The Mount Dora Police Department has zero tolerance for police officers using illegal drugs.

Upon review of Officer Murphy's disciplinary history, the gravity of circumstance, as well as additional contributing factors, the discipline that would have been administered had Officer Murphy not resigned is:

TERMINATION

This internal investigation is concluded. A Florida Department of Law Enforcement (FDLE) Form CJSTC 78 *Notice of Internal Investigation* will be forwarded to FDLE with the results of this internal investigation.



Jim Deleu
Interim Police Chief

8-6-26
Date

CITY OF MOUNT DORA

Public Records Request Exemption Checklist

Request or Record ID:07242026.Murphy

Attached is/are the record(s) you requested .As required by Florida or Federal law, certain portions are exempt from public record and must be redacted. Should you have any questions or feel that this has not answered your request in any way, feel free to contact this office at (352) 735-7126.

X	Statute / Authority	Description	Scope
	119.071(1)(a)	Examination questions and answer sheets	Test questions, answer keys, scoring rubrics, and examination materials used for employment, certification, or promotion, before the exam is administered.
	119.071(1)(b)	Sealed bids, proposals, and replies prior to award	Vendor bids, proposals, and responses submitted to the City that remain sealed until the bid opening or contract award.
	119.071(1)(d)1	Attorney work product	Documents prepared by or at the direction of an attorney in anticipation of litigation, including notes, legal strategies, and mental impressions.
	119.071(1)(d)2	Agency settlement negotiation strategy	Records revealing settlement positions, negotiation strategies, or evaluations used in resolving legal disputes.
	119.071(2)(c)	Active criminal investigative or intelligence information	Records relating to ongoing criminal investigations or intelligence activities before the case is closed.
	119.071(2)(d)1	Surveillance techniques, procedures, or personnel	Details about law enforcement surveillance methods, undercover operations, or personnel assignments.
	119.071(2)(f)	Confidential informant or source identity	Names or identifying details of individuals who provide information to law enforcement under an expectation of confidentiality.
	119.071(2)(g)1	Discrimination investigation records	Applies to active discrimination complaints and investigative records until the investigation is concluded.
	119.071(2)(j)1	Victim identifying/location information	Protects information that would identify or locate victims of certain crimes, including addresses, phone numbers, and images.
	119.071(2)(k)1	Active employee misconduct investigations	Covers records of internal investigations into employee misconduct while the investigation remains active.
	119.071(2)(l)	Body-worn camera recordings in private places	Protects body-camera footage taken inside private residences, medical facilities, or other locations where privacy is expected.
	119.071(2)(m)	Witness to a murder identifying information	Protects identifying information of witnesses to homicide offenses.
	119.071(2)(p)2	Killing/mass violence/minor/suicide recordings	Applies to graphic or sensitive audio/video recordings depicting death, mass violence, minors, or suicide.
	119.071(3)(a)	Security system plans & emergency response plans	Covers emergency response strategies, evacuation plans, and security system layouts.
	119.071(3)(b)	Security-sensitive building plans	Protects architectural or engineering plans that could compromise building security if released.

x	119.071(4)(a)1	Social Security numbers	Applies to full or partial Social Security numbers of individuals.
x	119.071(4)(d)2	Protected personnel personal information	Covers home addresses, phone numbers, photographs, and family information of qualifying employees (e.g., law enforcement, judges).
	119.071(5)(b)	Bank and financial account numbers	Protects bank account numbers, credit/debit card numbers, and similar financial identifiers.
	119.071(5)(g)	Biometric identifiers	Applies to fingerprints, facial recognition data, retina scans, or other biometric identifiers.
	119.071(5)(k)	Military service member personal information	Protects personal identifying information of active or former military members in certain contexts.
	119.0712(2)(b)	Driver license/motor vehicle personal information	Covers driver license numbers, motor vehicle identifiers, and related personal data.
	119.0725	Agency cybersecurity information	Applies to records revealing cybersecurity systems, vulnerabilities, or protective measures.

OTHER FLORIDA CONFIDENTIALITY STATUTES

X	Statute / Authority	Description	
	17.076(5)	Direct deposit banking information	Employee banking and routing information for payroll
	39.202	Child abuse/neglect records	Records involving reports or investigations of child abuse or neglect.
	90.502	Attorney-client privilege	Confidential legal communications between attorney and client.
	112.21(1)	Annuity/custodial account participants	Identifying or financial information of annuity or custodial account participants.
	112.215(7)	Deferred compensation participant data	Personal and financial data related to deferred compensation plans.
	112.533(5)(a)	Law enforcement officer misconduct investigations	Active internal affairs investigations of law enforcement officers.
	166.0444	Employee Assistance Program participation	Records identifying participation in EAP services.
	282.318(4)(g)	Agency IT security risk assessments & plans	IT security risk assessments, audits, or mitigation plans.
	288.075(5)	Economic development FEIN/tax registration numbers	FEINs or tax registration numbers submitted for economic development.
	316.066(2)(a)	Crash report personal information	Florida crash reports are confidential and exempt from public disclosure for 60 days after the report is filed.
	365.171(12)	911 caller identifying information	Names, phone numbers, or addresses of 911 callers.
	382.025(1)	Vital statistics	Birth, death, marriage, and related vital statistics.
	406.135(2)(a)	Autopsy photographs, video, audio	Autopsy photographs, video, or audio recordings.
	415.107	Vulnerable adult abuse/neglect records	Abuse or neglect records involving vulnerable adults.

	440.102(8)	Drug testing records	Employee drug-testing results and related documentation.
	443.1715(1)	Reemployment assistance identity information	Personal identifying information tied to unemployment assistance.
	812.081	Trade secrets	Proprietary business information with independent economic value.

FEDERAL LAW

X	Statute / Authority	Description	
	18 U.S.C. §2721 et seq.	Driver's Privacy Protection Act	Personal information derived from motor vehicle records.
	45 CFR Parts 160 & 164	HIPAA Privacy Rule	Protected health information (PHI).

CASE LAW – NOT PUBLIC RECORDS

X	Statute / Authority	Description	
	State v. City of Clearwater, 863 So.2d 149 (Fla. 2003)	Personal communications unrelated to official business	Personal communications unrelated to official government business.

Published 2/27/26