A SAFER FLORIDA
HIGHWAY SAFETY AND MOTOR VEHICLES

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July 1, 2014

The following memorandum is a courtesy summary of the legislative changes related to traffic and motor vehicle laws that were enacted during the 2014 Legislative Session**. The Department of Highway Safety and Motor Vehicles (DHSMV) respectfully recommends that your agency carefully review the complete version of any statutory changes prior to revising any policies or operational protocols**.

Copies of the bills may be obtained from the Department of State, the distribution offices of the Florida House and Senate, or the official website of the Florida Legislature at www.leg.state.fl.us. Please do not hesitate to contact DHSMV, Office of Legislative Affairs at 850-617-3195, or email LADhelp@flhsmv.gov if you need additional assistance.

The following bills will become effective July 1, 2014:

Effective 07/01/14

Ch. Law 2014-1	**HB 7015 – Military and Veterans Support**
322.031 & 322.121	Provides conditions under which the spouses and dependents of service members are exempt from obtaining or displaying a driver license or learner's permit. Also, grants an automatic extension for the expiration of a driver license to the spouse and dependents of service members.

Effective 07/01/14

Ch. Law 2014-63	**HB 559 - Military Veterans**
320.089	Creates a new special use license plate for recipients of the Combat Medical Badge and requires existing military-related special use license plates to be redesigned to bear the likeness of the relevant campaign medal or badge. Establishes method of proof of eligibility for certain specialty license plates.

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Modifies the "Korean Conflict Veteran" special use license plate to read "Korean War Veteran," and renames other references to the "Korean Conflict" and the "Vietnam Era" in current law to read the "Korean War" and "Vietnam War," respectively.

Effective 07/01/14

Ch. Law 2014-65 **SB 224 – Tobacco and Nicotine Product Regulation**

569.14 Provides signage requirements for dealers of "nicotine products" and "nicotine dispensing devices."

877.112 Extends the current prohibitions related to tobacco products to prohibit the sale, gifting, possession, or use of nicotine dispensing devices and nicotine products, which include electronic cigarettes (e-cigarettes), to and by persons under the age of 18.

Effective 07/01/14

Ch. Law 2014-76 **SB 490 - Motor Vehicle Liability Policy Requirements**

627.7275 Extends the underwriting period for non-cancellable coverage required to reinstate driving privileges revoked or suspended for failure to maintain required security or for driving under the influence (DUI).

Allows the insured to change the coverage amounts without requiring the policy to be cancelled, so long as the minimum required coverage amounts are maintained.

Effective 07/01/14

Ch. Law 2014-84 **SB 674 - Background Screening**

322.142 Authorizes the Department to share reproductions of driver license images with the Department of Health and the Agency for Health Care Administration for specified purposes.

Effective 07/01/14

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Ch. Law 2014-130	**HB 783 - Motor Vehicle Sales**
545.045	Prohibits an automotive manufacturer's finance company from denying financing to a consumer or charging a fee to a dealer solely because the contract contains an automotive-related product from a competitor that is of similar nature, scope, and quality. Provides for new restrictions on what the manufacturer's finance company may charge when a consumer purchases an automotive related product from a competitor, such as service agreements and extended warranties.
545.01	Defines "Affiliated finance company", "Automotive related product", "Third-party provider" and "Vehicle contract", with regards to the financing of a motor vehicle.

Effective 07/01/14

Ch. Law 2014-161	**HB 7141 - Human Trafficking**
16.617	Creates the Statewide Council on Human Trafficking

Effective 07/01/14

Ch. Law 2014-169	**SB 218 – Transportation**
316.2397	Authorizes the display of an amber light on a commercial vehicle or trailer designed for transporting unprocessed logs or pulpwood.

Effective 07/01/14

Ch. Law 2014-170	**SB 226 – Public Records/Automated License Plate Recognition Systems Exemption**
316.0777	Creates a public records exemption for all images obtained from an automatic license plate recognition system (ALPRS), as well as

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any personal identifying information in any data generated from images obtained from such a system.

Effective 07/01/14

Ch. Law 2014-176 — **SB 360 - Sentencing for Controlled Substance Violations**

893.135 — Increases the minimum weight threshold for trafficking in oxycodone and hydrocodone (prescription painkillers). As a result, persons who unlawfully possess, sell, etc., relatively small quantities of oxycodone or hydrocodone will no longer be punished for drug trafficking.

Effective 07/01/14

Ch. Law 2014-181 — **SB 754 - Certificates of Title**

319.30 — Revises the process for applying for a salvage certificate of title or a certificate of destruction (COD) on a total loss motor vehicle.

Defines a "late model vehicle" to mean an automobile 7 years or newer. Raises the 80% repair-to-value COD threshold to 90% and limits its application to late model vehicles with a value of at least $7,500 just prior to sustaining the damage resulting in total loss.

Directs the Department, on or by October 31, 2015, to assess and provide a summary report of their findings for process improvement regarding certificates of title for rebuilt vehicles.

Effective 07/01/14

Ch. Law 2014-187 — **SB 1024 - Off-highway Vehicles**

261.03, 316.2074 & 317.0003 — Revises the definitions of two types of off-highway vehicles (OHVs), "all-terrain vehicle" (ATV) and "recreational off-highway vehicle" (ROV).

261.20 — Revises a violation for carrying an operator and more than a single passenger on certain off-highway vehicles to prohibit carrying more passengers than the vehicle is designed to carry, and amends penalty provisions to apply to off-highway vehicles.

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Effective 07/01/14

Ch. Law 2014-189 **SB 1524 - Security of Confidential Personal Information**

Creates the "Florida Information Protection Act of 2014."

817.5681 Repeals provisions relating to a breach of security concerning confidential personal information in third-party possession.

501.171 Requires specified entities to take reasonable measures to protect and secure data containing personal information in electronic form.

Requires notice to be given to affected customers and the Department of Legal Affairs (DLA) when a breach of security of personal information occurs.

Provides definitions for "breach of security," "covered entity," "customer records," "data in electronic form," "department," "governmental entity," "personal information" and "third-party agent".

Effective 07/01/14

Ch. Law 2014-190 **SB 1526 - Public Records/Department of Legal Affairs**

501.171 Creates an exemption from public records requirements for information received by the Department of Legal Affairs pursuant to a notice of a data breach or pursuant to certain investigations.

Effective 07/01/14

Ch. Law 2014-191 **SB 1636 - Renaming the Parole Commission**

Renaming the Parole Commission as the Florida Commission on Offender Review.

Effective 07/01/14

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Ch. Law 2014-193	**HB 53 – Inmate Re-entry**
322.051 & 322.17	Provides for issuance of an original ID card or a replacement ID card, or replacement driver license for no charge to a Florida-born inmate.

Effective 07/01/14

Ch. Law 2014-205	**HB 523 - Licensure to Carry a Concealed Weapon or Firearm**
790.06 & 790.0625	Authorizes approved tax collectors to accept applications for licenses to carry concealed weapons or firearms.

Effective 07/01/14

Ch. Law 2014-206	**HB 525 - Public Records/Personal Identifying Information/Licensure to Carry Concealed Weapon or Firearm**
790.0601	Provides exemption from public records requirements for certain personal identifying information held by tax collector when individual applies for license to carry concealed weapon or firearm.

Effective 07/01/14

Ch. Law 2014-212	**HB 863 - Motor Vehicle Crash Reports**
316.066	Specifies that required statement attesting that information will not be used for any commercial solicitation of accident victims, or knowingly disclosed to any third party for the purpose of such solicitation must be completed and sworn to for each confidential crash report requested.

Effective 07/01/14

Ch. Law 2014-213	**HB 865 - Public Records/Motor Vehicle Crash Reports**

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316.066	Provides exemption from public records requirements for certain personal contact information contained in motor vehicle crash reports.

Effective 07/01/14

Ch. Law 2014-216	**HB 7005 - Department of Highway Safety and Motor Vehicles**
311.101	Replaces the maximum limit on funding for the Intermodal Logistics Center Infrastructure Support Program.
316.003 & 316.126	Defines “sanitation vehicle” and “utility service vehicle”. Requires drivers to observe the requirements of the “Move Over Act” with respect to such vehicles.
316.0778	Defines “automated license plate recognition system” and requires the Department of Law Enforcement to work with the Department of State to establish a retention schedule for records generated through the use of such systems
316.081	Removes the 10 mph threshold in the left-hand lane. As a result, regardless of speed, a driver may not drive in the furthermost left-hand lane if the driver knows, or reasonably should know that the driver is being overtaken by a driver traveling at a higher rate of speed.
316.0817	Prohibits a bus from stopping to load or unload passengers in a manner that impedes, blocks or otherwise restricts the progression of traffic if another “reasonable means” exists. Defines "reasonable means”. Provision does not apply to school buses.
316.193	Authorizes a court to order placement of an ignition interlock device (IID) for certain first-time offenders of driving under the influence (DUI). The IID installation ordered will be at the convicted person’s sole expense for at least 6 continuous months on all vehicles individually or jointly leased or owned, and routinely operated by the convicted person.

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	Authorizes a court to dismiss an order of impoundment or immobilization, as a result of driving under the influence (DUI), if the defendant provides proof to the court that a certified IID has been installed on all vehicles individually or jointly leased or owned, and routinely operated by the convicted person.
	Authorizes a court to order a person to participate in a "qualified sobriety and drug monitoring program," authorized by the Department, in addition to the IID requirement. Participation must be at the person's sole expense.
	At this time, there are no Department approved "qualified sobriety and drug monitoring programs."
	Defines "qualified sobriety and drug monitoring program" and "evidence-based program".
316.1937	Provides conditions under which a person, otherwise required to have an IID, may operate a leased motor vehicle in the course and scope of employment without installation of an IID.
316.1938	Requires certified IID's to meet or exceed current National Highway Traffic Safety Administration (NHTSA) standards.
	Allows IID providers whose devices have been certified to contract with DHSMV to become a service provider.
322.2715	Authorizes the installation of an IID for at least 6 continuous months, for a first offense of driving under the influence (DUI).
	Directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct and submit a study, by January 1, 2015, on the effectiveness of IID use as an alternative to driver license suspension.
316.1975	Exempts a vehicle started by remote control from "unattended motor vehicle" provisions.

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316.2126	Extends the period allowing the use of low-speed vehicles and golf carts by seasonal delivery personnel from December 31 of each year to January 31 of each year.
316.2952	Authorizes the use of devices mounted on windshields, used for the purpose of monitoring or assisting in safe vehicle operation.
316.605	Removes the prohibition against obscuring the word "Florida," on license plates effective July 1, 2016.
316.86	Adds accredited educational institutions to the organizations that may operate autonomous vehicles for testing purposes.
318.15	Prohibits DHSMV from accepting the resubmission of a driver license suspension that has remained on the DHSMV's records for the required 7 years.
318.18	Authorizes a clerk to designate a local government entity to receive required affidavit and dismissal fee from a person who has a disabled parking placard or plate but received a violation.
320.02 & 320.1316	Limits the withholding of a license plate, revalidation sticker, or replacement license plate for a vehicle identified, or a vessel registration number or decal for a vessel, to only the vehicle or vessel identified in a lienor's written notice to surrender. Previously applied to all vehicles or vessels registered under the name of the person on the lienor's notice, and requires the notice to be signed under oath by the lienor.
320.08056	Changes the names of the "Sportsmen's National Land Trust" and the "Catch Me, Release Me" license plates to the "Wildlife Foundation of Florida" and the "Protect Our Oceans" plates, respectively. Defines "administrative expenses" to include certain direct operating costs.
320.089	Creates a new military-related special use license plate stamped with the word "Veteran."

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320.08062	Revises audit and attestation requirements for specialty license plate organizations.
320.083	Allows amateur radio operators holding a valid official radio station license "recognized" rather than "issued" by the Federal Communications Commission to obtain a special license plate.
320.525	Exempts deep water port vehicles and equipment from vehicle registration requirements when operated on public roads connecting facilities of a deep water port for the purpose of transporting cargo, containers, and other equipment.
320.771	Provides requirements for a licensed Recreational Vehicle dealer conducting an off-premises sale not in conjunction with a public vehicle show.
322.032	Requires DHSMV (or its contractor) to prepare for development of an optional digital proof of driver license in a format that allows law enforcement to verify the authenticity of the digital proof.
322.055	Reduces the mandatory period of revocation or suspension of a driver license from 2 years to 1 year for persons convicted of certain drug offenses. Requires a court to make a determination as to whether a restricted license would be appropriate for such persons.
322.259	Requires DHSMV to invalidate the digital proof of driver license for a person whose license or registration is suspended.
322.141	Requires the driver licenses and identification cards of individuals designated as sexual predators to include the marking "SEXUAL PREDATOR."
322.15	Revises the requirement to "display" a physical driver license upon the demand of a law enforcement officer, to instead, be required to "present or submit" the same upon demand of a law enforcement officer.

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	Allows a licensee to present or submit a digital proof of driver license as provided in chapter in lieu of a physical driver license.
322.21	Provides a free original, renewal, or replacement identification card to a person who presents satisfactory evidence that his or her annual income is at or below 100% of the federal poverty level.
322.27	Provides for a clerk to submit an amended disposition to remove a habitual traffic offender (HTO) designation if the offender meets certain conditions.
322.276	Authorizes DHSMV to issue a driver license to an applicant whose driving privilege is suspended or revoked in another state for an offense that would not have been grounds for suspension or revocation in this state.
323.002	Authorizes state or local law enforcement to impose a fine on, and impound unauthorized wreckers.
562.11	Authorizes a court that withholds issuance of, or suspends or revokes, the driver license of a person convicted of certain offenses relating to providing alcohol to minors, to direct the Department to issue the person a license for business purposes only, if the person is otherwise qualified.
627.0653	Authorizes the Office of Insurance Regulation (OIR) to approve a motor vehicle insurance premium discount for insured vehicles equipped with autonomous driving technology or electronic vehicle collision avoidance technology in compliance with National Highway Traffic Safety Administration (NHTSA) standards.
812.0155	Authorizes a court that suspends the driver license for an offense relating to theft, to direct the DHSMV to issue the person a license for business purposes only, if the person is otherwise qualified.
832.09	Makes the suspension or revocation of a driver license of a person being prosecuted for passing a worthless check at the Courts discretion under certain conditions.

S. 45 of Ch. 2008-176, as amended S. 21 of Ch. 2010-223 Laws of Florida	Extends the current moratorium on new specialty license plates from July 1, 2014, to July 1, 2016.
316.1001, 316.1967 & 318.15	Requires, by February 1, 2015, the DHSMV to develop a plan addressing registration holds for failure to pay tolls or parking ticket violations, and failure to comply with certain civil penalties, which must include the ability to pay any outstanding toll, parking ticket, or civil penalty at the point of collection of the vehicle registration fee.
320.08058	Requires any annual revenues distributed to the Sportsmen's National Land Trust, pursuant to former s. 320.08058(47), F.S., shall be expended in accordance with the uses authorized under s. 320.08058(47) (b), F.S, as approved by the Wildlife Foundation of Florida, Inc. Requires a county or municipality to respond within 60 days after receiving a request from another county or municipality to which it provides traffic signal services regarding the evaluation, installation, operation, or maintenance of a signal. Authorizes counties to create yellow dot critical motorist medical information program; provides for limited use of the medical information by emergency medical responders; and requires the county to adopt guidelines to ensure confidentiality of the information. Designates a portion of State Road 293/Mid-Bay Bridge Extension Okaloosa County as “Walter Francis Spence Parkway,” and directs the FDOT to erect suitable markers.
	Effective 07/01/14
Ch. Law 2014-221	**HB 7073 - Information Technology Governance**

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14.204 & 20.61	Establishes an agency enterprise information technology (AEIT) governance structure within the executive branch. Provides oversight of information technology issues for the State of Florida.

Effective 07/01/14

Ch. Law 2014-223	**HB 7175 - Department of Transportation**
316.530	Repeals obsolete language relating to towing disabled vehicles.
316.545	Revises the weight reduction used to determine unlawful weight of certain vehicles equipped with idle-reduction technology.

Effective 07/01/14

Ch. Law 2014-225	**SB 102 – Drivers Leaving the Scene of a Crash**
316.027	Creates the "Aaron Cohen Life Protection Act." Requires the driver of a vehicle involved in a crash that results in serious bodily injury to a person to immediately stop the vehicle and remain at the scene of the crash.

Imposes a mandatory minimum sentence, with respect to cases involving DUI and death, by increasing the penalty for leaving the scene:

- Changes the charge for leaving the scene of a crash resulting in serious bodily injury to a person to a 2nd degree felony, *rather than a 3rd degree felony*;
- Imposes a *mandatory minimum* term of imprisonment of 4 years for a driver convicted of leaving the scene of a crash *resulting in the death of a person*;
- Increases the mandatory minimum term of imprisonment from 2 to 4 years for a driver convicted of leaving the scene of a crash resulting in the death of a person while *driving under the influence* (DUI);
- Imposes a minimum driver license revocation period of at least 3 years, and driver education requirements for leaving the scene of a crash;

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- If the victim is a "vulnerable road user," offenses for leaving the scene of a crash are ranked one level higher than specified in the Criminal Punishment Code;
- Authorizes a defendant to make a motion in court to depart from the mandatory minimum term of imprisonment for leaving the scene of a crash resulting in death, unless the violation was committed while the defendant was DUI; and
- Authorizes the state to object to the defendant's motion and authorizes a court to grant the motion upon a finding that imposition of the mandatory minimum term would constitute or result in an injustice.

Effective 07/01/14

Ch. Law 2014- 228 **SB 820 - Transportation Facility Designations**

Creates a number of honorary designations of transportation facilities around the state and directs the Department of Transportation to erect suitable markers.

- I-95/S.R. 9 between S.R. 834/Sample Road and the Palm Beach County line in Broward County is designated as "Trooper Kimberly Ann Hurd Memorial Highway."
- I-10/S.R. 8 between mile post 232 and mile post 233 in Jefferson County is designated as "Trooper James Herbert Fulford, Jr., Memorial Highway."

The following bill will become effective September 1, 2014:

Effective 09/01/14

Ch. Law 2014-6 **SB 156 - Motor Vehicle and Mobile Home Taxes, Fees, and Surcharges**

Chapter 320 Reduces most annual motor vehicle, mobile homes and vessel registration fees, and taxes to the level that existed in 2009.

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The fee reductions associated with the annual vehicle registration include:

- The Florida Real Time Vehicle Information System service fee is reduced by 75 cents;
- The general revenue registration service fee is reduced by $2.50;
- The registration receipt/decal fee is reduced by $2.00.
- The materials processing/retroflective fee is reduced by $1.00;
- Two license tax surcharges are reduced by $2.80 and $4.50; and
- The annual license tax or "base tax" on motorcycles, mopeds, automobiles, tri-vehicles, and light trucks is decreased by various amounts depending on the type of vehicle and the net weight of the vehicle.

Requires revenues collected from biennial registrations be distributed in accordance with the provisions of law in effect at the time they were collected, and specifies the changes made by this act do not create a right to a refund for a biennial registration collected prior to September 1, 2014.

The following bills will become effective October 1, 2014:

Effective 10/01/2014

Ch. Law 2014-5	**SB 528 - Sex Offenses**
68.07 & 775.21	Requires a registrant who is unable to secure or update a driver license or identification card with the Department to report any change of residence or change of name within 48 hours after the change.

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Effective 10/01/2014

Ch. Law 2014-156 **HB 7177 - OGSR/Prescription Drug Monitoring Program**

893.0551 Revises provisions relating to public record exemption for certain information held by DOH pursuant to prescription drug monitoring program.

Effective 10/01/2014

Ch. Law 2014-160 **HB 989 – Human Trafficking**

Amends a variety of statutes that currently provide protections to victims of sexual offenses, to extend those protections to victims of human trafficking.

Effective 10/01/2014

Ch. Law 2014-168 **SB 132 – Specialty License Plates**

320.08056 Creates the following specialty license plates: Fallen Law Enforcement Officers, Florida Sheriffs Association, Moffitt Cancer Center, and Keiser University.

Extends the pre-sale period for both the St. Johns River and the Hispanic Achievers specialty license plate, provisions set to be repealed June 30, 2016.

Effective 10/01/2014

Ch. Law 2014-172 **SB 238 – Public Records/Names of Spouses and Children of Public Defenders and Criminal Conflict and Civil Regional Counsel**

119.071 Creates an exemption from public records requirements for the names of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil

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	regional counsel, and assistant criminal conflict and civil regional counsel.
	Effective 10/01/2014
Ch. Law 2014-177	**SB 366 - Public Records/Trade Secrets/Computers**
815.04	Expands existing public records exemption for data, programs, or supporting documentation that contain trade secrets, reside or exist internal or external to a computer, computer system, or computer network, or electronic device, and are held by an agency.
	Effective 10/01/2014
Ch. Law 2014-192	**HB 41 – Florida Law Enforcement Officers' Hall of Fame**
265.004	Establishes Florida Law Enforcement Officers' Hall of Fame.
	Effective 10/01/2014
Ch. Law 2014-194	**HB 59 – Offenses Against Unborn Children**
775.021 & 316.193	Creates the "Florida Unborn Victims of Violence Act" and creates new criminal offenses, as well as changes all references to an "unborn quick child" and a "viable fetus" to an "unborn child."
	Effective 10/01/2014
Ch. Law 2014-201	**HB 427 - Traveling Across County Lines to Commit Felony Offenses**
843.22	Provides reclassification of burglaries committed under certain circumstances.
	Effective 10/01/2014

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Ch. Law 2014-208 **HB 641 - Computer Crimes**

Chapter 815 Incorporates newer technologies impacting computer-related crimes into law, and makes numerous changes to technological definitions such as electronic device. Establishes a variety of computer-related offenses and definitions. Creates second and third degree felony offenses relating to public utilities.

Effective 10/01/2014

Ch. Law 2014-210 **HB 781 - Legal Notices**

50.0211 Provides that legal notices published on the statewide website maintained by the Florida Press Association must be searchable and posted on-line for certain periods of time.

The following bill will become effective January 1, 2015:

Effective 01/01/2015

Ch. Law 2014-226 **HB 225 - Child Safety Devices in Motor Vehicles**

316.613 Allows the use of a child booster seat as an approved child restraint device for use when transporting children from 4 - 5 years of age in a motor vehicle, and removes a provision allowing a seat belt to be used in lieu of a specialized device.

An exception is made to allow the use of a seat belt for children between 4 -5 years of age when the motor vehicle operator is not a member of the child's immediate family and the child is being transported gratuitously, in the case of an emergency, or when a medical condition necessitates an exception as evidenced by appropriate documentation from a health professional.

The following bills were effective upon becoming law:

Effective June 13, 2014

Ch. Law 2014-106 **HB 9 - Legislature**

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	Provides that the 2016 Regular Session of the Legislature shall convene on January 12, 2016.
	Effective June 16, 2014
Ch. Law 2014-157	**SB 1030 – Cannabis**
381.986	Creates definitions and authorizes specified physicians to order low-THC cannabis for use by specified patients, and creates a compassionate use registry.
385.212	Establishes an Office of Compassionate Use within the Department of Health (DOH).
893.02	Creates an exception from the definition of "cannabis" for low-THC cannabis that is manufactured, possessed, sold, purchased, delivered, distributed, or dispensed.
	Effective June 16, 2014
Ch. Law 2014-158	**SB 1700 - Public Records/Personal Identifying Information/Compassionate Use Registry**
381.987	Creates a new public records exemption for patient and physician personal identifying information held by the Department of Health (DOH) in the compassionate use registry.
	Effective June 16, 2014
Ch. Law 2014-159	**HB 697 – Controlled Substances**
Chapter 893	Adds four new synthetic cannabinoids and two new synthetic phenethylamines (hallucinogenic substances) to the list of Schedule I controlled substances.

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	Adds three chemical substances to the provision of the trafficking statute that punishes trafficking in phenethylamines.
	Effective June 20, 2014
Ch. Law 2014-174	**SB 280 - Public Records/Participants in Treatment-based Drug Court Programs**
397.334	Creates a public record exemption for information relating to a participant or a person considered for participation in a treatment-based drug court program.
	Effective June 20, 2014
Ch. Law 2014-195	**HB 89 - Threatened Use of Force**
Chapter 776 & 775.087	Amends Florida's self-defense laws and the 10-20-Life sentencing laws.