

By Senator Clemens

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1 A bill to be entitled
2 An act relating to medical cannabis; creating part III
3 of ch. 499, F.S.; creating s. 499.801, F.S.; providing
4 a short title; creating s. 499.802, F.S.; providing
5 legislative findings; creating s. 499.803, F.S.;
6 providing a legislative purpose; creating s. 499.804,
7 F.S.; providing definitions; creating s. 499.805,
8 F.S.; authorizing a qualifying patient to possess and
9 administer medical cannabis, and possess and use
10 paraphernalia for a specified purpose; authorizing the
11 patient's caregiver to possess and administer medical
12 cannabis to a qualifying patient and to possess and
13 use paraphernalia for a specified purpose; providing
14 that a registry identification card, or its
15 equivalent, which is issued from another jurisdiction
16 has the same force and effect as a registry
17 identification card issued by the Department of
18 Health; requiring a qualifying patient or the
19 patient's caregiver to present to a law enforcement
20 officer a registry identification card to confirm that
21 the person is authorized to possess, use, or
22 administer medical cannabis or paraphernalia;
23 requiring a qualifying patient or the patient's
24 caregiver to possess, use, or administer only medical
25 cannabis that is obtained from a dispensary or medical
26 cannabis farm; authorizing a qualifying patient who is
27 a minor to possess, use, or administer medical
28 cannabis only if the parent or legal guardian signs a
29 written statement; providing requirements for the

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30 written statement; providing a procedure to change the
31 patient's designation of a caregiver; providing a
32 procedure for replacing a lost registry identification
33 card; providing that a registration form to obtain a
34 registry identification card is deemed valid if the
35 Department of Health fails to issue or deny the
36 registration form within a specified number of days;
37 authorizing the department to revoke a cardholder's
38 registry identification card; creating s. 499.806,
39 F.S.; providing restrictions for the use of medical
40 cannabis; requiring a person who wishes to be a
41 qualifying patient or the patient's caregiver to
42 register with the department; providing the maximum
43 amount of medical cannabis which a qualifying patient
44 or the patient's caregiver may possess; prohibiting
45 medical cannabis from being administered in a public
46 place or at a dispensary; authorizing medical cannabis
47 to be administered in certain medical treatment
48 facilities; requiring a qualifying patient or the
49 patient's caregiver to transport medical cannabis in a
50 labeled container or sealed package; providing that
51 the act does not allow a person to undertake a task
52 under the influence of medical cannabis when doing so
53 constitutes negligence or malpractice; providing that
54 the use of medical cannabis does not create a defense
55 to certain offenses; providing that evidence of a
56 person's voluntary intoxication that results from the
57 use of medical cannabis is not admissible for certain
58 reasons; authorizing a person or entity to provide

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59 information about the existence or operation of a
60 medical cannabis farm or dispensary to another person;
61 prohibiting a law enforcement officer from further
62 stopping or detaining a person if the law enforcement
63 officer determines that the person is in compliance
64 with the use of medical cannabis or paraphernalia;
65 creating s. 499.807, F.S.; authorizing a physician to
66 recommend use of medical cannabis under certain
67 circumstances; requiring the physician to sign a
68 written recommendation if he or she recommends the use
69 of medical cannabis; providing requirements for the
70 written recommendation; providing that a physician is
71 not subject to penalty, arrest, prosecution or
72 disciplinary proceedings or denial of a right or
73 privilege for advising a qualifying patient about the
74 use of medical cannabis, recommending the use of
75 medical cannabis, providing a written recommendation
76 for a patient's medical use of cannabis, or stating
77 that, in the physician's professional opinion, the
78 potential benefits of medical cannabis would likely
79 outweigh the health risks for a patient; prohibiting a
80 physician from having a professional office located at
81 a medical cannabis farm or dispensary or receiving
82 financial compensation from a medical cannabis farm or
83 dispensary or its directors, officers, members,
84 incorporators, agents, or employees; creating s.
85 499.808, F.S.; requiring the Department of Business
86 and Professional Regulation to regulate the permitting
87 and licensure of medical cannabis farms and

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88 dispensaries; requiring each medical cannabis farm to
89 apply for permitting and each dispensary to apply for
90 licensure with the Department of Business and
91 Professional Regulation before manufacturing,
92 cultivating, dispensing, possessing, or distributing
93 medical cannabis, or manufacturing, possessing, using,
94 or distributing paraphernalia; creating s. 499.809,
95 F.S.; authorizing a dispensary or medical cannabis
96 farm to possess, cultivate, manufacture, or possess
97 medical cannabis and to manufacture, purchase,
98 possess, and distribute paraphernalia for a specified
99 purpose; authorizing a dispensary to dispense to a
100 qualifying patient or the patient's caregiver medical
101 cannabis and distribute paraphernalia; authorizing a
102 qualifying patient or the patient's caregiver to
103 obtain medical cannabis and paraphernalia from a
104 dispensary under certain circumstances; prohibiting a
105 dispensary from directly dispensing to a qualifying
106 patient or through the patient's caregiver more than
107 specified amount of medical cannabis, mature marijuana
108 plants, immature marijuana plants, or marijuana plant
109 seedlings within a specified time period; requiring
110 each medical cannabis farm and dispensary to implement
111 a security plan; requiring the Department of Business
112 and Professional Regulation to develop educational
113 materials that a dispensary must distribute to a
114 qualifying patient or the patient's caregiver;
115 prohibiting a director, officer, member, incorporator,
116 agent, or employee of a medical cannabis farm or

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117 dispensary from having certain felony convictions;
118 providing that a person who violates or has violated
119 the act may not be a director, officer, member,
120 incorporator, agent, or employee of a medical cannabis
121 farm or dispensary; requiring the Department of
122 Business and Professional Regulation to revoke the
123 permit or license of the medical cannabis farm or
124 dispensary until the convicted or formerly convicted
125 person is no longer a director, officer, member,
126 incorporator, agent, or employee of the medical
127 cannabis farm or dispensary; creating s. 499.810,
128 F.S.; providing that certain qualifying patients,
129 their caregivers, nurse practitioners, registered
130 nurses, pharmacists, and other persons are not subject
131 to arrest, prosecution, penalty, or denial of any
132 right or privilege regarding the medical use of
133 medical cannabis under certain circumstances;
134 prohibiting a school, employer, or property owner from
135 refusing to enroll, employ, or lease to or penalize a
136 person who is a cardholder; providing that a
137 presumption is created when a qualifying patient or
138 the patient's caregiver is engaged in the authorized
139 use of medical cannabis; authorizing the use of
140 evidence to rebut that presumption; authorizing the
141 patient's caregiver to be reimbursed for certain
142 costs; providing that such reimbursement is not the
143 sale of a controlled substance; providing that certain
144 interests or rights to property related to the medical
145 use of cannabis may not be forfeited under the Florida

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146 Contraband Forfeiture Act; providing that a qualifying
147 patient's medical use of cannabis is the equivalent to
148 the authorized use of any other medication used at the
149 direction of a physician; providing that such use does
150 not constitute the use of an illicit drug under s.
151 893.03, F.S.; providing for affirmative defenses;
152 authorizing the clerk of the court to assess a fee for
153 dismissal of a case in certain circumstances;
154 authorizing a qualifying patient to operate, navigate,
155 or be in actual physical control of a motor vehicle,
156 aircraft or vessel under certain circumstances;
157 providing that a person who makes a fraudulent
158 representation to a law enforcement officer relating
159 to activities involving medical cannabis or
160 paraphernalia is subject to a criminal fine in
161 addition to other penalties under law; creating s.
162 499.811, F.S.; providing additional defenses to a
163 prosecution involving cannabis; authorizing a person
164 to assert the medical purpose for using cannabis in a
165 motion to dismiss; providing that certain interests or
166 rights to property related to a qualifying patient's
167 use of cannabis for medical purposes may not be
168 forfeited under the Florida Contraband Forfeiture Act
169 under certain circumstances; providing that a person
170 who cultivates, manufactures, possesses, administers,
171 dispenses, distributes, or uses cannabis, or
172 manufactures, possesses, distributes, or uses
173 paraphernalia, in a manner not authorized by this act
174 is subject to criminal prosecution and sanctions under

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175 the Florida Comprehensive Drug Abuse Prevention and
176 Control Act; creating s. 499.812, F.S.; providing that
177 the act does not require a governmental, private, or
178 other health insurance provider or health care
179 services plan to cover, or prohibit it from covering,
180 a claim for reimbursement for the use of medical
181 cannabis; creating s. 499.813, F.S.; prohibiting an
182 employer, laboratory, employee assistance program, and
183 alcohol and drug rehabilitation program and their
184 agents from releasing certain information without a
185 written consent; providing requirements for the
186 written consent; prohibiting information regarding a
187 qualifying patient or the patient's caregiver from
188 being released or used in a criminal proceeding;
189 providing that such information is inadmissible as
190 evidence; authorizing the Department of Health and its
191 employees to have access to information regarding a
192 qualifying patient or the patient's caregiver under
193 certain circumstances; creating s. 499.814, F.S.;
194 requiring the Department of Health, the Department of
195 Business and Professional Regulation, and the
196 Department of Revenue to adopt rules by a specified
197 date; requiring the fees collected by the departments
198 to be applied first to the cost of administering the
199 act; authorizing a state resident to commence an
200 action in a court of competent jurisdiction if the
201 departments fail to adopt rules by a specified date;
202 creating part XVII of ch. 468, F.S.; creating s.
203 468.901, F.S.; providing a purpose; creating s.

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204 468.902, F.S.; providing legislative findings and
205 intent; creating s. 468.903, F.S.; providing
206 definitions; creating s. 468.904, F.S.; requiring the
207 Department of Business and Professional Regulation to
208 adopt certain rules; establishing the medical cannabis
209 section within the Department of Business and
210 Professional Regulation; requiring the medical
211 cannabis section of the department to require medical
212 cannabis farms and dispensaries to maintain certain
213 records and information; requiring the medical
214 cannabis section of the department to develop
215 education materials, conduct inspections, and revoke
216 or suspend licenses or permits; requiring the medical
217 cannabis section of the department to adopt rules;
218 creating s. 468.905, F.S.; authorizing a medical
219 cannabis farm to possess, cultivate, and manufacture
220 medical cannabis, medical cannabis-based products, and
221 marijuana plants for wholesale in this state;
222 requiring a medical cannabis farm to be registered
223 with the department before possessing, manufacturing,
224 cultivating, and wholesaling medical cannabis, medical
225 cannabis-based products, or marijuana plants;
226 requiring agricultural classification for land used as
227 a medical cannabis farm; prohibiting a medical
228 cannabis farm from conducting retail sales or
229 transactions; requiring a medical cannabis farm to
230 implement a security plan and maintain procedures in
231 which medical cannabis-based products are accessible
232 only to authorized personnel; providing that the

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233 active ingredient in all medical cannabis-based
234 products cultivated, manufactured, and wholesaled to a
235 licensed dispensary in this state must be wholly
236 derived from marijuana plants cultivated and grown in
237 this state, except for marijuana seeds and seedlings;
238 providing that a medical cannabis farm is provided
239 certain protections and is not deemed a public
240 nuisance solely because its farm product includes
241 production of marijuana; creating s. 468.906, F.S.;

242 authorizing a dispensary to dispense and sell to a
243 qualifying patient or patient's caregiver medical
244 cannabis, medical cannabis-based products, marijuana
245 plants, and medical cannabis-related paraphernalia and
246 to manufacture, purchase, possess, and distribute
247 medical cannabis-related paraphernalia; requiring each
248 dispensary to be registered with the department before
249 possessing, purchasing, or retailing medical cannabis,
250 medical cannabis-based products, marijuana plants, or
251 medical cannabis-related paraphernalia; prohibiting a
252 dispensary from conducting wholesale sales or
253 transactions; authorizing a dispensary to retail to a
254 qualifying patient or patient's caregiver medical
255 cannabis, medical cannabis-based products, marijuana
256 plants, or medical cannabis-related paraphernalia if
257 the qualifying patient or patient's caregiver meets
258 certain conditions; requiring a dispensary to purchase
259 its medical cannabis-based products from a medical
260 cannabis farm that has a department-issued permit;
261 prohibiting a dispensary from dispensing a certain

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262 amount of medical cannabis and marijuana plant
263 seedlings to a qualifying patient or caregiver within
264 a certain time period; requiring a dispensary to
265 maintain certain records for a specified number of
266 years; requiring a dispensary to make available
267 educational materials; requiring a dispensary to
268 prohibit a qualifying patient or patient's caregiver
269 from using or administering any form of medical
270 cannabis while on the property of the dispensary;
271 creating s. 468.907, F.S.; prohibiting a person from
272 engaging in the business of a medical cannabis farm
273 except in conformity with part XVII of ch. 468, F.S.;

274 providing factors for standards for qualifying for a
275 permit or for renewing a permit to operate a medical
276 cannabis farm; requiring the department to establish
277 permitting fees; providing maximum amounts for the
278 fees; requiring a person who cultivates, manufactures,
279 or wholesales medical cannabis, medical cannabis-based
280 products, or marijuana plant products at one or more
281 locations to possess a current valid permit for each
282 location; authorizing an applicant for a permit to
283 operate a medical cannabis farm to commence an action
284 in a court of competent jurisdiction to compel the
285 Department of Business and Professional Regulation to
286 perform certain actions if the department fails to
287 adopt rules by a specified date; creating s. 468.908,
288 F.S.; prohibiting a person from operating a dispensary
289 in this state except in conformity with part XVII of
290 ch. 468, F.S.; providing factors for standards for

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291 qualifying for a license or for renewing a license to
292 operate a dispensary; requiring the Department of
293 Business and Professional Regulation to establish by
294 rule licensure fees; providing maximum amounts for the
295 fees; requiring a person who conducts the wholesale
296 purchase or retail sale of any form of medical
297 cannabis products at more than one location to possess
298 a current valid license for each location; authorizing
299 an applicant for a license to operate a dispensary to
300 commence an action in a court of competent
301 jurisdiction to compel the department to perform
302 certain actions if the department fails to adopt rules
303 by a specified date; creating s. 468.909, F.S.;
304 requiring the department to prescribe application
305 forms; providing requirements for submitting an
306 application for a license or a permit; authorizing the
307 department to require an applicant to furnish other
308 information or data; creating s. 468.910, F.S.;
309 providing requirements for licenses and permits;
310 authorizing the department to include other
311 information on a license or permit; providing that a
312 license or permit may not be issued, renewed, or
313 allowed to remain in effect for certain circumstances;
314 prohibiting a person from knowingly submitting
315 information or presenting to the department a false,
316 fictitious, or misrepresented application,
317 identification, document, information, statement, or
318 data intended or likely to deceive the department in
319 order to obtain a license or permit; authorizing the

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320 department to adopt rules regarding persons who
321 legally possess medical cannabis for the purpose of
322 teaching, research, or testing in a laboratory
323 setting; authorizing the department to issue letters
324 of exemption; providing that a person who violates or
325 has violated any provision of this part may not be a
326 director, officer, member, incorporator, agent, or
327 employee of a medical cannabis farm or dispensary;
328 providing that any prior authorization of such person
329 shall be immediately revoked; requiring the department
330 to suspend the license or permit of the medical
331 cannabis farm or dispensary until the person is
332 removed from the position of director, officer,
333 member, incorporator, agent, or employee; creating s.
334 468.911, F.S.; providing that certain terms may be
335 used to designate a medical cannabis farm that has a
336 department-issued permit or a licensed dispensary;
337 requiring for conspicuous display of a license or
338 permit; providing specified dates for validity and
339 expiration of licenses and permits; providing
340 application procedures for obtaining initial licenses
341 and permits and renewal of licenses and permits;
342 providing the fee structure for reactivating an
343 inactive license or permit; creating s. 468.912, F.S.;
344 requiring the reporting of a loss, theft, or
345 unexplained shortage of medical cannabis product to
346 the local law enforcement agency and the department;
347 requiring any sheriff, police department, or law
348 enforcement officer in this state to give immediate

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349 notice to the department of a theft, illegal use, or
350 illegal possession of medical cannabis and to forward
351 a copy of his or her final written report to the
352 department; requiring an investigating law enforcement
353 agency to forward a copy of its written report to the
354 department; requiring the department to retain the
355 reports; creating s. 468.913, F.S.; providing
356 procedures for the issuance of a cease and desist
357 order; creating s. 468.914, F.S.; authorizing the
358 department to impose administrative fines for
359 violations for part XVII of ch. 468, F.S., and
360 applicable department rules; providing procedures for
361 payment of administrative fines; providing that all
362 fines, monetary penalties, and costs received by the
363 department in connection with this part shall be
364 deposited in the Professional Regulation Trust Fund of
365 the Department of Business and Professional
366 Regulation; creating s. 468.915, F.S.; authorizing the
367 department to seek injunctive relief and to apply for
368 temporary and permanent orders for certain violations;
369 creating s. 468.916, F.S.; providing circumstances
370 that warrant immediate suspension of a license or
371 permit; requiring the department to enter an order
372 revoking or suspending all licenses or permits of a
373 licensee or permittee under certain circumstances;
374 providing requirements for an order of suspension and
375 an order of revocation; providing for application of
376 an order of revocation or suspension to a newly issued
377 permit or license; providing that a person whose

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378 permit or license has been suspended or revoked may
379 not be issued a new permit or license under any other
380 name or company name until the expiration of the
381 suspension or revocation; creating s. 468.917, F.S.;
382 providing that all hearings and review of orders from
383 the department must be conducted in accordance with
384 ch. 120, F.S.; creating s. 468.918, F.S.; providing
385 for criminal penalties; creating s. 468.919, F.S.;
386 prohibiting a county or municipality from creating or
387 imposing an ordinance or rule that is more restrictive
388 than the provisions contained in this part and the
389 applicable department rules; creating s. 468.920,
390 F.S.; providing that all fees collected for licenses
391 and permits are deposited in the Professional
392 Regulation Trust Fund; providing that all moneys
393 collected and deposited in the Professional Regulation
394 Trust Fund must be used by the department in the
395 administration of part XVII of ch. 468, F.S.;
396 requiring the department to maintain a separate
397 account in the Professional Regulation Trust Fund for
398 the Drugs, Devices, and Cosmetics program; amending
399 ss. 812.14, 893.03, 893.13, 893.1351, 893.145, and
400 921.0022, F.S.; conforming provisions to changes made
401 by the act; providing for severability; providing an
402 effective date.

403
404 Be It Enacted by the Legislature of the State of Florida:

405
406 Section 1. Part III of chapter 499, Florida Statutes,

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407 consisting of sections 499.801, 499.802, 499.803, 499.804,
408 499.805, 499.806, 499.807, 499.808, 499.809, 499.810, 499.811,
409 499.812, 499.813, and 499.814, is created to read:

410 499.801 Short title.—This part may be cited as the “Cathy
411 Jordan Medical Cannabis Act.”

412 499.802 Legislative findings.—The Legislature finds that:

413 (1) Modern medical research has discovered beneficial uses
414 for cannabis in treating or alleviating pain, nausea, and other
415 symptoms associated with certain qualifying medical conditions,
416 as indicated by the National Academy of Sciences’ Institute of
417 Medicine (IOM) in its report dated March 1999, cited by the
418 United States Department of Health and Human Services, that
419 “there is substantial consensus among experts in the relevant
420 disciplines on the scientific evidence about potential medical
421 uses of marijuana.”

422 (2) The prohibition against the use of cannabis has been in
423 effect for 75 years and is rooted in outdated scientific
424 evidence that does not make a reasonable distinction between its
425 recreational use and beneficial medicinal use.

426 (3) This state leads the southeast region of the United
427 States in farm income, and the second largest industry in the
428 state is agriculture. In 2011, this state ranked first in the
429 United States in the value of production of oranges and
430 grapefruit; first in value of production of fresh-market snap
431 beans, cucumbers for fresh market, bell peppers, squash, sweet
432 corn, fresh-market tomatoes, and watermelons; and second in
433 value of production of cucumbers for pickles, strawberries,
434 tangerines, and sugarcane for sugar and seed.

435 499.803 Legislative purpose.—

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436 (1) The purpose of this act is to make a distinction
437 between the medical and nonmedical use of cannabis and to
438 protect patients who have qualifying medical conditions, their
439 physicians, and their caregivers from arrest, criminal
440 prosecution, property forfeiture, and other penalties if such
441 patients engage in the medical use of cannabis. Compassionate
442 medicinal use of cannabis will also reduce state law enforcement
443 costs, including, but not limited to, state prison costs, local
444 jail costs, felony prosecution costs, court and probation costs,
445 costs associated with felony and misdemeanor arrests, and
446 alternative treatment costs by reducing the incidence of arrest
447 and prosecution of nonviolent medicinal cannabis and traffickers
448 in the state.

449 (2) The economic impact of this act is expected to create
450 jobs, generate tax revenue, revitalize vacant farmlands, add to
451 the sale of farming machinery and supplies, and generate
452 occupancy of vacant commercial real estate. This economic impact
453 can be accomplished using this state's existing infrastructure
454 without the need for new appropriations.

455 (3) The Legislature enacts this part pursuant to its police
456 power to enact legislation for the protection of the health of
457 its residents, as reserved to the state in the Tenth Amendment
458 to the United States Constitution.

459 499.804 Definitions.—As used in this part, unless the
460 context clearly indicates otherwise, the term:

461 (1) "Administer" or "administration" means the direct
462 introduction of medical cannabis, whether by inhalation,
463 ingestion, vaporization, topical application, or other means
464 onto or into the body of a person.

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465 (2) "Bona fide physician-patient relationship" means a
466 relationship between a physician and patient in which the
467 physician:

468 (a) Has completed a full assessment of the patient's
469 medical history and current medical condition, including a
470 personal physical examination; and

471 (b) Has responsibility for the ongoing care and treatment
472 of the patient.

473 (3) "Cannabis" has the same meaning as provided in s.
474 893.02.

475 (4) "Cardholder" means a qualifying patient, or the
476 patient's caregiver, who has been issued and possesses a valid
477 registry identification card. The department shall adopt rules
478 that establish eligibility requirements for a cardholder.

479 (5) "Department" means the Department of Health.

480 (6) "Dispensary" means a facility operated by an
481 organization or business that is licensed under the Department
482 of Business and Professional Regulation pursuant to ss. 499.808
483 and 499.809 from or at which medical cannabis is possessed and
484 dispensed and paraphernalia is possessed and distributed to a
485 qualifying patient or the patient's caregiver.

486 (7) "Dispense" means to distribute medical cannabis to a
487 qualifying patient or the patient's caregiver in accordance with
488 this part and department rule.

489 (8) "Distribute" means the actual, constructive, or
490 attempted transfer from one person to another.

491 (9) "Manufacture" means the production, preparation,
492 propagation, compounding, conversion, or processing of cannabis
493 and marijuana, directly or indirectly, by extraction from

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494 substances of natural origin, or independently by means of
495 chemical synthesis, or by a combination of extraction and
496 chemical synthesis, and includes the packaging or repackaging of
497 the substance and the labeling or relabeling of its container.

498 (10) "Marijuana" means a pistillate hemp plant with the
499 scientific name of *Cannabis sativa* whose dried leaves and
500 flowering tops yield the psychoactive ingredient
501 tetrahydrocannabinol (THC), which can be ingested, vaporized,
502 smoked, sprayed, applied topically, or manufactured as a
503 component ingredient in food, drink, or pill, or in hemp oil
504 form, to produce an intoxicating or physiological healing
505 effect.

506 (11) "Mature marijuana plant" means a female marijuana
507 plant that has flowers or buds that are readily observable in an
508 unaided visual examination.

509 (12) "Medical cannabis" means any part of the cannabis
510 plant used as a physician-recommended form of medical or herbal
511 therapy, or a synthetic form of specific cannabinoids such as
512 tetrahydrocannabinol, which is used as a physician-recommended
513 form of medicine and is cultivated, manufactured, possessed,
514 distributed, dispensed, obtained, consumed, smoked, eaten,
515 digested, vaporized, or otherwise administered in accordance
516 with this part and the rules adopted pursuant to s. 499.814. The
517 term does not include a controlled substance listed in Schedule
518 II, Schedule III, Schedule IV, or Schedule V of s. 893.03.

519 (13) "Medical cannabis farm" means land that:

520 (a) Has received a current agricultural classification
521 pursuant to s. 193.461 by the county property appraiser, a value
522 adjustment board, a court of competent jurisdiction, or the

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523 board of county commissioners of the county in which the land is
524 situated, before application for a permit to use the land to
525 cultivate marijuana plants is granted, as defined in this
526 section; and

527 (b) Is or will be used primarily for bona fide agricultural
528 purposes.

529 (14) "Medical treatment facility" means:

530 (a) A facility that provides human medical diagnostic
531 services as its primary purpose;

532 (b) A facility that provides nonsurgical human medical
533 treatment; or

534 (c) The practice of medicine in which the patient is
535 admitted to and discharged from a facility, including a
536 hospital, within the same working day or for a duration of days.

537
538 The term does not include a facility that exists for the primary
539 purpose of performing terminations of pregnancies or an office
540 maintained by a dentist or endodontist for the practice of
541 dentistry or endodontics.

542 (15) "Medical use" means the acquisition, possession,
543 cultivation, manufacture, use, delivery, transfer, or
544 transportation of cannabis or paraphernalia relating to the
545 consumption of cannabis to treat a qualifying medical condition
546 and the symptoms associated with that condition or to alleviate
547 the side effects of a qualifying medical treatment.

548 (16) "Minor" means a person under 18 years of age.

549 (17) "Paraphernalia" means:

550 (a) Objects and electronic devices, including vaporizers,
551 which are used, intended for use, or designed for use in

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552 preparing, storing, ingesting, inhaling, spraying, applying, or
553 otherwise introducing medical cannabis into the human body; and

554 (b) Kits, objects, devices, or equipment used, intended for
555 use, or designed for use in planting, propagating,
556 manufacturing, cultivating, growing, harvesting, processing, or
557 preparing medical cannabis.

558 (18) "Patient's caregiver" or "caregiver" means a person
559 who:

560 (a) Is designated by a qualifying patient and registered
561 with the department as the person authorized, on the qualifying
562 patient's behalf, to possess, obtain from a dispensary,
563 dispense, and assist in the administration of medical cannabis;
564 and

565 (b) Is at least 18 years of age.

566 (19) "Physician" means a person who is licensed under
567 chapter 458 or chapter 459 and who holds a valid federal
568 controlled substance registry number.

569 (20) "Qualifying medical condition" means:

570 (a) Acquired immune deficiency syndrome (AIDS) or positive
571 status for human immunodeficiency virus (HIV);

572 (b) Alzheimer's disease or agitation of Alzheimer's
573 disease;

574 (c) Amyotrophic lateral sclerosis (ALS);

575 (d) Anorexia;

576 (e) Cachexia;

577 (f) Cancer;

578 (g) Chronic debilitating pain;

579 (h) Damage to the nervous tissue of the spinal cord with
580 objective neurological indication of intractable spasticity;

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- 581 (i) Decompensated cirrhosis;
582 (j) Epilepsy and other disorders characterized by seizures;
583 (k) Fibromyalgia;
584 (l) Glaucoma;
585 (m) Hepatitis C;
586 (n) Inflammatory bowel disease, including Crohn's disease;
587 (o) Multiple sclerosis and other disorders characterized by
588 muscle spasticity;
589 (p) Muscular dystrophy;
590 (q) Nail-patella syndrome;
591 (r) Persistent nausea or severe vomiting;
592 (s) Neuroborreliosis;
593 (t) Organ transplantation;
594 (u) Painful peripheral neuropathy;
595 (v) Parkinson's disease;
596 (w) Post-traumatic stress disorder (PTSD); or
597 (x) Terminal illness, if the physician has determined a
598 prognosis of less than 12 months of life.
599 (21) "Qualifying medical treatment" means:
600 (a) Chemotherapy;
601 (b) Radiotherapy;
602 (c) The use of azidothymidine or protease inhibitors; or
603 (d) Treatment of a qualifying medical condition as defined
604 in this section.
605 (22) "Qualifying patient" means a person who is a resident
606 of this state and registered with the department as a person who
607 has been diagnosed by a physician as having a qualifying medical
608 condition or undergoing a qualifying medical treatment.
609 (23) "Registry identification card" means a nontransferable

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610 document issued by the department which identifies a person as a
611 qualifying patient or the patient's caregiver.

612 499.805 Medical cannabis usage.-

613 (1) Notwithstanding any provision of law, a qualifying
614 patient may possess and administer medical cannabis and possess
615 and use paraphernalia in accordance with this part and
616 department rule only for treatment of a qualifying medical
617 condition or the side effects of a qualifying medical treatment
618 and only after obtaining a signed, written recommendation from a
619 physician in accordance with s. 499.807, and a nontransferable
620 registry identification card from the department.

621 (2) Notwithstanding any provision of law, a patient's
622 caregiver may possess and administer medical cannabis to a
623 qualifying patient and possess and use paraphernalia for the
624 sole purpose of assisting in the administration of medical
625 cannabis to the patient in accordance with this part and
626 department rule.

627 (3) A registry identification card, or its equivalent,
628 which is issued under the laws of another state, district,
629 territory, commonwealth, or insular possession of the United
630 States which allow the use of medical cannabis by a visiting
631 qualifying patient or allow a person to assist with a visiting
632 qualifying patient's medical use of cannabis, has the same force
633 and effect as a registry identification card issued by the
634 department.

635 (4) A qualifying patient, or the patient's caregiver,
636 shall, upon demand, present to a law enforcement officer his or
637 her registry identification card to confirm that he or she is
638 authorized to possess, use, or administer medical cannabis or

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639 paraphernalia.

640 (5) A qualifying patient or the patient's caregiver shall
641 possess, use, or administer only medical cannabis obtained from
642 a dispensary or medical cannabis farm that is issued a license
643 or permit from the Department of Business and Profession
644 Regulation.

645 (6) A qualifying patient who is a minor may possess, use,
646 or administer medical cannabis only if the parent or legal
647 guardian of the minor has signed a written statement affirming
648 that the parent or legal guardian:

649 (a) Understands the minor's qualifying medical condition or
650 qualifying medical treatment;

651 (b) Understands the potential benefits and potential
652 adverse effects of the use of medical cannabis, generally and
653 specifically, in the case of the minor;

654 (c) Consents to the use of medical cannabis for the
655 treatment of the minor's qualifying medical condition or
656 treatment of the side effects of the minor's qualifying medical
657 treatment; and

658 (d) Consents to the designation of, or designates, an
659 authorized person to serve as the patient's caregiver and to
660 control the acquisition, possession, dosage, and frequency of
661 use of medical cannabis by the qualifying patient.

662 (7) If a qualifying patient who possesses a registry
663 identification card changes his or her designation of a
664 caregiver, the department shall notify the patient's current
665 caregiver within 10 days after the department has issued a
666 registry identification card to the patient's new caregiver. The
667 patient's current caregiver's registry identification card

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668 expires 10 days after notification by the department.

669 (8) If a cardholder loses his or her registry
670 identification card, he or she shall notify the department and
671 submit a \$25 fee within 10 days after reporting the lost card.
672 Within 5 days after being notified, the department shall issue a
673 new registry identification card to the cardholder.

674 (9) If the department fails to act upon a request for a
675 registry identification card within 35 days after receiving the
676 registration form, the card is deemed granted, and the copy of
677 the registration form is deemed a valid registry identification
678 card.

679 (10) If the department determines that a cardholder
680 willfully violates this part, the department may revoke the
681 cardholder's identification card.

682 499.806 Restrictions on the use of medicinal cannabis.—

683 (1) A person who seeks designation as a qualifying patient
684 or the patient's caregiver must register with the department.

685 (2) The maximum amount of medical cannabis which a
686 qualifying patient or the patient's caregiver may possess at any
687 given time is 4 ounces of dried medical cannabis, eight mature
688 marijuana plants, or eight immature marijuana plants. However,
689 the department, by rule, may increase the quantity of dried
690 medical cannabis which may be possessed. The department shall
691 adopt by rule limits on medical cannabis in a form other than
692 the dried form.

693 (3) Medical cannabis may not be administered by or to a
694 qualifying patient in a public place or at a dispensary. Medical
695 cannabis may be administered at a medical treatment facility, if
696 allowed by the facility, if a qualifying patient is receiving

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697 medical care for a qualifying medical condition or treatment.

698 (4) A qualifying patient or the patient's caregiver shall
699 transport medical cannabis in a labeled container or sealed
700 package in a manner and method established by rule.

701 (5) This part does not allow a person to undertake a task
702 under the influence of medical cannabis when doing so
703 constitutes professional negligence or professional malpractice.

704 (6) The medical use of cannabis as authorized by this part
705 and by department rule does not create a defense to an offense
706 proscribed by law which is not otherwise excepted in this
707 chapter or in chapter 468. Evidence of a person's voluntary
708 intoxication from use of medical cannabis is not admissible in a
709 judicial proceeding to show that the person lacked the specific
710 intent to commit an offense or to show that the person was
711 insane at the time of the offense, except when the consumption
712 was pursuant to a lawful prescription issued to the person by a
713 physician.

714 (7) Notwithstanding any provision of law, a person or
715 entity may provide information about the existence or operations
716 of a medical cannabis farm or dispensary to another person
717 pursuant to this part.

718 (8) A qualifying patient, the patient's caregiver, or an
719 employee of a medical cannabis farm or a dispensary who is
720 stopped by a law enforcement officer upon reasonable suspicion
721 or probable cause that he or she is in possession of cannabis
722 may not be further detained or arrested on this basis alone, if
723 the law enforcement officer determines that the person is in
724 compliance with this part and department rule.

725 499.807 Physicians; recommendations.-

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726 (1) A physician may recommend the use of medical cannabis
727 to a qualifying patient if the physician:

728 (a) Is in a bona fide physician-patient relationship with
729 the qualifying patient; and

730 (b) Makes the recommendation based upon the physician's
731 assessment of the qualifying patient's medical history, current
732 medical condition, and a review of other approved medications
733 and treatments that might provide the qualifying patient with
734 relief from a qualifying medical condition, its symptoms, or the
735 side effects of a qualifying medical treatment.

736 (2) If a physician recommends to a qualifying patient the
737 use of medical cannabis, the physician shall sign a written
738 recommendation that must include:

739 (a) A statement that the qualifying patient may use medical
740 cannabis;

741 (b) The physician's medical license number; and

742 (c) A statement that the use of medical cannabis is
743 necessary:

744 1. For the treatment of a qualifying medical condition or
745 the side effects of a qualifying medical treatment; or

746 2. To lessen the side effects of a qualifying medical
747 treatment.

748 (3) A physician's recommendation is valid only if it is
749 written on a form prescribed by the department.

750 (4) A physician is not subject to arrest, prosecution, or
751 penalty, including, but not limited to, civil penalty or
752 disciplinary action by the department or by any other business,
753 occupational, or professional licensing board or bureau, or
754 denial of any right or privilege, solely for advising a patient

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755 about the use of medical cannabis, recommending the medical use
756 of cannabis in accordance with this part and department rule,
757 providing a written recommendation in accordance with this
758 section, or stating that, in the physician's professional
759 opinion, the potential benefits of medical cannabis would likely
760 outweigh the health risks for a patient.

761 (5) A physician who recommends the use of medical cannabis
762 to a qualifying patient may not have a professional office
763 located at a medical cannabis farm or dispensary or receive
764 financial compensation from a medical cannabis farm or
765 dispensary, or a director, officer, member, incorporator, agent,
766 or employee of a medical cannabis farm or dispensary.

767 499.808 Licensure of dispensaries and medical cannabis
768 farms.-

769 (1) The Department of Business and Professional Regulation
770 shall regulate the permitting of medical cannabis farms and the
771 licensing of dispensaries in accordance with part XVII of
772 chapter 468, in order to regulate the manufacture, cultivation,
773 possession, wholesale distribution, and delivery of medical
774 cannabis and the manufacture, possession, purchase, sale, and
775 use of paraphernalia by medical cannabis farms and dispensaries.

776 (2) Each medical cannabis farm shall apply for permitting
777 and each dispensary shall apply for licensure with the Medical
778 Cannabis Licensing Board within the Department of Business and
779 Professional Regulation before manufacturing, cultivating,
780 dispensing, possessing, or distributing medical cannabis, or
781 manufacturing, possessing, using, or distributing paraphernalia.

782 499.809 Medical cannabis farms and dispensaries.-

783 (1) Notwithstanding any provision of law, a dispensary may

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784 possess medical cannabis for the purpose of dispensing the
785 medical cannabis to a qualifying patient or the patient's
786 caregiver and may manufacture, purchase, possess, distribute,
787 and use paraphernalia in accordance with this part, part XVII of
788 chapter 468, and department rule.

789 (2) Notwithstanding any provision of law, a medical
790 cannabis farm may cultivate, manufacture, and possess medical
791 cannabis for the purpose of distribution to a dispensary and may
792 manufacture, purchase, possess, and use paraphernalia in
793 accordance with this part, part XVII of chapter 468, and
794 department rule.

795 (3) A dispensary may dispense medical cannabis and
796 distribute paraphernalia to a qualifying patient or the
797 patient's caregiver, and a qualifying patient or the patient's
798 caregiver may obtain medical cannabis and paraphernalia from a
799 dispensary only if the qualifying patient or the patient's
800 caregiver:

801 (a) Is registered to receive medical cannabis from that
802 dispensary;

803 (b) Has been issued a valid registry identification card
804 from the department; and

805 (c) Is in possession of the registry identification card at
806 the time and place of purchase.

807 (4) A dispensary may not directly dispense within a 30-day
808 period:

809 (a) More than 4 ounces of dried medical cannabis, eight
810 mature marijuana plants, or eight immature marijuana plants to a
811 qualifying patient or the patient's caregiver.

812 (b) More than 6 marijuana plant seedlings to a qualifying

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813 patient or 18 marijuana plant seedlings to the patient's
814 caregiver.

815 (5) Each medical cannabis farm and dispensary shall
816 implement a security plan to prevent the theft or diversion of
817 medical cannabis, including maintaining all medical cannabis in
818 a secure, locked room that is accessible only by authorized
819 persons.

820 (6) The Department of Business and Professional Regulation
821 shall develop educational materials regarding potential harmful
822 drug interaction which a dispensary shall regularly distribute
823 to a qualifying patient or the patient's caregiver.

824 (7) A director, officer, member, incorporator, agent, or
825 employee of a medical cannabis farm or dispensary may not have:

826 (a) A drug-related felony conviction; or

827 (b) A nondrug-related felony conviction for which the
828 person has not been pardoned or has not had his or her civil
829 rights restored.

830 (8) A person found to have violated this part may not be a
831 director, officer, member, incorporator, agent, or employee of a
832 medical cannabis farm or dispensary. The Department of Business
833 and Professional Regulation shall immediately revoke the permit
834 or license of the medical cannabis farm or dispensary until the
835 person is no longer a director, officer, member, incorporator,
836 agent, or employee of the medical cannabis farm or dispensary.

837 499.810 Arrest and prosecution.—

838 (1) (a) A qualifying patient who has in his or her
839 possession a valid registry identification card is not subject
840 to arrest, prosecution, or penalty, including, but not limited
841 to, civil penalty or disciplinary action by a business,

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842 occupational, or professional licensing board or bureau, and may
843 not be denied any right or privilege, for the use of medical
844 cannabis if the qualifying patient possesses an amount of
845 cannabis which does not exceed eight mature marijuana plants,
846 eight immature marijuana plants, 4 ounces of dried medical
847 cannabis, or a measure of an end-product containing
848 tetrahydrocannabinol and cannabinoids in an amount to be
849 determined by department rule.

850 (b) A patient's caregiver who has in his or her possession
851 a valid registry identification card is not subject to arrest,
852 prosecution, or penalty, including, but not limited to, civil
853 penalty or disciplinary action by a business, occupational,
854 professional licensing board or bureau, and may not be denied
855 any right or privilege, for assisting a qualifying patient to
856 whom he or she is connected through the department's
857 registration process with the medical use of cannabis if the
858 patient's caregiver possesses an amount of cannabis which does
859 not exceed 4 ounces of dried medical cannabis, eight mature
860 marijuana plants, or eight immature marijuana plants for each
861 qualifying patient to whom he or she is connected through the
862 department's registration process.

863 (c) A nurse practitioner, registered nurse, or pharmacist
864 is not subject to arrest, prosecution, or penalty, including,
865 but not limited to, civil penalty or disciplinary action by a
866 business, occupational, or professional licensing board or
867 bureau, and may not be denied any right or privilege, solely for
868 discussing with a patient the benefits or health risks of
869 medical cannabis or its interaction with other substances.

870 (d) A person is not subject to arrest or prosecution for

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871 constructive possession, conspiracy, aiding and abetting, being
872 an accessory, or other offense for being in the presence or
873 vicinity of the medical use of cannabis as allowed under this
874 part or for assisting a qualifying patient in using or
875 administering medical cannabis as the patient's caregiver.

876 (2) A school, employer, or property owner may not refuse to
877 enroll, employ, or lease to or otherwise penalize a person
878 solely for his or her status as a cardholder.

879 (3) A presumption is created that a qualifying patient or
880 the patient's caregiver is engaged in the authorized use of
881 medical cannabis if the qualifying patient or the patient's
882 caregiver is in possession of:

883 (a) A valid registry identification card; and

884 (b) An amount of cannabis or marijuana which does not
885 exceed the amount allowed under this section.

886 (4) A presumption of the authorized use or possession of
887 medical cannabis under this section may be rebutted by evidence
888 that the conduct related to medical cannabis was not intended to
889 treat a qualifying medical condition or the symptoms associated
890 with that condition or to alleviate the side effects of a
891 qualifying medical treatment.

892 (5) The patient's caregiver may be reimbursed for actual
893 costs associated with assisting a qualifying patient's medical
894 use of cannabis. This reimbursement does not constitute the sale
895 of a controlled substance.

896 (6) For the purposes of medical care, a qualifying
897 patient's authorized medical use of cannabis or marijuana shall
898 be considered the equivalent of the authorized use of other
899 medication used at the direction of a physician. Such use does

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900 not constitute the use of an illicit drug under s. 893.03.

901 (7) A qualifying patient may operate, navigate, or be in
902 actual physical control of a motor vehicle, aircraft, or vessel
903 while being in possession of a legal limit of medical cannabis
904 or paraphernalia if a qualifying patient's hair specimen taken
905 at the time of the alleged violation of state law does not test
906 positive for marijuana in excess of 10 pg/10 mg of hair specimen
907 when tested in a manner consistent with s. 112.0455(13)(b)1., or
908 does not test positive for marijuana metabolites in excess of 1
909 pg/10 mg of hair specimen (Delta-9-tetrahydrocannabinol-0-
910 carboxylic acid) when tested in a manner consistent with s.
911 112.0455(13)(b)2.

912 (8) A person who cultivates, manufactures, possesses,
913 administers, dispenses, distributes, or uses cannabis, or
914 manufactures, possesses, distributes, or uses paraphernalia, in
915 a manner not authorized by this part, part XVII of chapter 468,
916 or by department rule is subject to criminal prosecution and
917 sanctions under chapter 893.

918 (9) A person who makes a fraudulent representation to a law
919 enforcement officer of any fact or circumstance relating to the
920 person's cultivation, manufacture, possession, administration,
921 dispensing, distribution, or use of medical cannabis, or
922 possession or use of paraphernalia, to avoid arrest or
923 prosecution is subject to a criminal fine not to exceed \$1,000.
924 The imposition of the fine is in addition to penalties that may
925 otherwise apply for the making of a false statement or for the
926 cultivation, manufacture, possession, administration,
927 dispensing, distribution, or use of medical cannabis or
928 possession or use of paraphernalia.

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499.811 Defenses.—

(1) The following circumstances may be raised as an affirmative defense to a criminal charge of possession or distribution of cannabis or marijuana, or possession with intent to distribute cannabis or marijuana:

(a) The person charged with the offense is in possession of a valid registry identification card;

(b) The person charged with the offense is 18 years of age or older; and

(c)1. The possession or distribution, or possession with intent to distribute, does not occur in a public place;

2. The possession or distribution, or possession with intent to distribute, occurs at a medical facility that allows the medical use of cannabis; or

3. The possession, distribution, or intent to distribute, occurs in a medical cannabis farm or dispensary.

(2) The following circumstances may be raised as an affirmative defense to a criminal charge of possession, use, or administration of a legal amount of medical cannabis or paraphernalia by a cardholder who:

(a) Upon demand by a law enforcement officer, is unable to present to the law enforcement officer a registry identification card to confirm that the cardholder is authorized to possess, use, or administer legal limits of medical cannabis or paraphernalia; and

(b) Before, or at the time of, the cardholder's court appearance, produces in court or to the clerk of the court in which the charge is pending his or her registry identification card that was valid at the time of the cardholder's arrest.

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958
959 The clerk of the court may dismiss such case before the
960 cardholder's appearance in court and may assess a dismissal fee
961 of \$25.

962 (3) Except as provided in subsections (1) and (2), a
963 qualifying patient and the patient's caregiver may assert the
964 medical purpose for using cannabis as a defense to any
965 prosecution involving cannabis, and such defense is presumed
966 valid where the evidence shows that:

967 (a) The qualifying patient's physician has stated that, in
968 the physician's professional opinion, after having completed a
969 full assessment of the patient's medical history and current
970 medical condition made in the course of a bona fide physician-
971 patient relationship, the potential benefits of using medical
972 cannabis would likely outweigh the health risks for the
973 qualifying patient; and

974 (b) The qualifying patient and the patient's caregiver, if
975 any, were collectively in possession of a quantity of cannabis
976 or marijuana which was not more than what is allowed under this
977 part to ensure the uninterrupted availability of cannabis for
978 the purpose of alleviating the side effects of the qualifying
979 patient's qualifying medical treatment or treating the
980 qualifying patient's qualifying medical condition or the
981 symptoms associated with the qualifying medical condition.

982 (4) A person may assert the medical purpose for using
983 cannabis in a motion to dismiss, and the charges shall be
984 dismissed following an evidentiary hearing if the person
985 presents the evidence specified in subsection (3).

986 (5) The Florida Contraband Forfeiture Act, contained in ss.

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987 932.701-932.706, does not apply to any interest in or right to
988 property that is possessed, owned, or used in connection with
989 the medical use of cannabis, or acts incidental to such use.

990 499.812 Insurance.—This part does not require a
991 governmental, private, or other health insurance provider or
992 health care services plan to cover, or prohibit it from
993 covering, a claim for reimbursement for the use of medical
994 cannabis.

995 499.813 Confidentiality.—

996 (1) An employer, laboratory, employee assistance program,
997 alcohol and drug rehabilitation program, and their agents may
998 not release information obtained pursuant to this part without a
999 written consent form signed voluntarily by the qualifying
1000 patient or the patient's caregiver, unless such release is
1001 compelled by a hearing officer or a court of competent
1002 jurisdiction pursuant to an appeal taken under this part, or
1003 where deemed appropriate by a business, professional, or
1004 occupational licensing board in a related disciplinary
1005 proceeding. The consent form must contain, at a minimum:

1006 (a) The name of the person who is authorized to obtain the
1007 information.

1008 (b) The purpose of the disclosure.

1009 (c) The precise information to be disclosed.

1010 (d) The duration of the consent.

1011 (e) The signature of the person authorizing release of the
1012 information.

1013 (2) Information regarding a qualifying patient or the
1014 patient's caregiver may not be released or used in a criminal
1015 proceeding against the qualifying patient or the patient's

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1016 caregiver. Information released contrary to this section is
1017 inadmissible as evidence in a criminal proceeding.

1018 (3) This section does not prohibit the department or its
1019 employees and agents from obtaining access to information
1020 regarding a qualifying patient or the patient's caregiver if the
1021 department or its employees and agents consult with legal
1022 counsel in connection with actions brought under or related to
1023 this part or where the information is relevant to the
1024 department's defense in a civil or administrative proceeding.

1025 499.814 Rules.—

1026 (1) (a) By October 1, 2013, the department shall adopt rules
1027 to:

1028 1. Create a registration form, a procedure, and eligibility
1029 requirements to obtain and renew a registry identification card
1030 for a qualifying patient and the patient's caregiver. The
1031 department shall, by rule, establish registration and renewal
1032 fees that generate revenues sufficient to offset all expenses of
1033 implementing and administering this part.

1034 2. Adopt manufacturing practices with which medical
1035 cannabis farms and dispensaries must comply in order to ensure
1036 that medical cannabis sold by medical cannabis farms and
1037 dispensaries is of pharmaceutical grade.

1038 3. Ensure that the labeling on medical cannabis sold by
1039 medical cannabis farms and dispensaries provides sufficient
1040 information for qualifying patients to be able to make informed
1041 choices about grades and forms of medical cannabis.

1042 (b) The department may adopt rules to inspect and audit
1043 medical cannabis farms and dispensaries to ensure compliance
1044 with department rule.

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1045 (2) By October 1, 2013, the Department of Business and
1046 Professional Regulation shall adopt rules that:

1047 (a) Create an application form and a procedure for
1048 obtaining a permit to own or operate a medical cannabis farm.

1049 (b) Create an application form and a procedure for
1050 obtaining a license to own or operate a dispensary.

1051 (c) Determine the licensing and permitting fees to own or
1052 operate a dispensary or medical cannabis farm.

1053 (d) Determine the appropriate signage, outdoor lighting,
1054 security system, security plan, and theft prevention plan for
1055 medical cannabis farms and dispensaries.

1056 (e) Determine the hours during which medical cannabis farms
1057 and dispensaries may operate.

1058 (f) Establish the inspection and audit procedures for
1059 medical cannabis farms and dispensaries to ensure compliance
1060 with the rules of the Department of Business and Professional
1061 Regulation.

1062 (3) By October 1, 2013, the Department of Revenue shall
1063 adopt rules that govern the manner in which:

1064 (a) Medical cannabis farms are subject to taxation and
1065 reporting for the wholesale distribution of medical cannabis.

1066 (b) Dispensaries are subject to taxation and reporting for
1067 the retail distribution of medical cannabis.

1068 (4) The fees collected by the Department of Health, the
1069 Department of Business and Professional Regulation, and the
1070 Department of Revenue pursuant to this part shall be applied
1071 first toward the cost of administering this part.

1072 (5) If the Department of Health, the Department of Business
1073 and Professional Regulation, or the Department of Revenue fails

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1074 to adopt rules to administer this part by November 1, 2013, a
1075 resident of this state may commence an action in a court of
1076 competent jurisdiction to compel performance of the actions
1077 mandated pursuant to this section.

1078 Section 2. Part XVII of chapter 468, Florida Statutes,
1079 consisting of sections 468.901, 468.902, 468.903, 468.904,
1080 468.905, 468.906, 468.907, 468.908, 468.909, 468.910, 468.911,
1081 468.912, 468.913, 468.914, 468.915, 468.916, 468.917, 468.918,
1082 468.919, and 468.920, is created to read:

1083 468.901 Purpose.—The purpose of this part is to provide for
1084 consumer protection by regulating the cultivation,
1085 manufacturing, wholesaling, and retailing of medical cannabis,
1086 medical cannabis-based products, marijuana plants, and medical
1087 cannabis-related paraphernalia in the state in order to:

1088 (1) Safeguard the public health, safety, and welfare.

1089 (2) Protect the public from being misled by unscrupulous
1090 and unauthorized persons or criminal activity.

1091 (3) Ensure the highest degree of regulatory conduct on the
1092 part of directors, officers, members, agents, and employees of
1093 medical cannabis farms and dispensaries.

1094 (4) Ensure the availability of high quality and controlled
1095 distribution and use of medical cannabis, medical cannabis-based
1096 products, and marijuana plants in the state for the benefit of
1097 persons in need of such products.

1098 468.902 Legislative findings and intent.—

1099 (1) The Legislature finds that:

1100 (a) Although federal law currently prohibits any use of
1101 marijuana and cannabis, the laws of Alaska, Arizona, California,
1102 Colorado, Connecticut, Delaware, Hawaii, Maine, Massachusetts,

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1103 Michigan, Montana, Nevada, New Jersey, New Mexico, Oregon, Rhode
1104 Island, Vermont, Washington, and the District of Columbia allow
1105 the medical use of cannabis and the cultivation of marijuana.
1106 The State of Florida joins in this effort for the health and
1107 welfare of its residents through enacting the Cathy Jordan
1108 Medical Cannabis Act and creating license and permit regulations
1109 in this part.

1110 (b) Medical cannabis-based products offer a substantial
1111 benefit to the health, safety, and welfare of the residents of
1112 this state, and it is the intent of the Legislature that this
1113 part be liberally construed to make these benefits available to
1114 the residents of this state.

1115 (c) The states are not required to enforce federal law or
1116 prosecute people for engaging in activities prohibited by
1117 federal law. Therefore, compliance with this part does not put
1118 this state in violation of federal law.

1119 (2) The Tenth Amendment of the United States Constitution
1120 provides that powers not delegated to the federal government by
1121 the federal constitution, nor prohibited to the states, are
1122 reserved to the states or the people. The Legislature may,
1123 therefore, enact this part pursuant to its police power to enact
1124 legislation for the protection of the health of its residents.

1125 (3) The provisions of this part are cumulative and do not
1126 repeal or affect any powers, duties, or authority of the
1127 department under any other law of this state, except with
1128 respect to the regulation of medical cannabis as provided in
1129 this part. If the provisions of this part conflict with any
1130 other such law, the provisions of this part shall control.

1131 468.903 Definitions.—As used in this part, unless the

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1132 context clearly indicates otherwise, the term:

1133 (1) "Cannabis" has the same meaning as provided in s.
1134 893.02.

1135 (2) "Department" means the Department of Business and
1136 Professional Regulation.

1137 (3) "Dispensary" means a facility operated by an
1138 organization or business that is licensed under the Department
1139 of Business and Professional Regulation pursuant to ss. 499.808
1140 and 499.809 from or at which medical cannabis is possessed and
1141 dispensed and paraphernalia is possessed and distributed to a
1142 qualifying patient or the patient's caregiver.

1143 (4) "Dispense" means to distribute medical cannabis to a
1144 qualifying patient or the patient's caregiver in accordance with
1145 this part and department rule.

1146 (5) "Distribute" means the actual, constructive, or
1147 attempted transfer from one person to another.

1148 (6) "Manufacture" means the production, preparation,
1149 propagation, compounding, conversion, or processing of cannabis
1150 and marijuana, directly or indirectly, by extraction from
1151 substances of natural origin, or independently by means of
1152 chemical synthesis, or by a combination of extraction and
1153 chemical synthesis, and includes the packaging or repackaging of
1154 the substance and the labeling or relabeling of its container.

1155 (7) "Marijuana" means a pistillate hemp plant with the
1156 scientific name of *Cannabis sativa* whose dried leaves and
1157 flowering tops yield the psychoactive ingredient
1158 tetrahydrocannabinol (THC), which can be ingested, vaporized,
1159 smoked, sprayed, applied topically, or manufactured as a
1160 component ingredient in food, drink, or pill, or in hemp oil

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1161 form, to produce an intoxicating or physiological healing
1162 effect.

1163 (8) "Marijuana plant" means a marijuana plant at any stage
1164 of its growth, including seedling and seed.

1165 (9) "Medical cannabis" means any part of the cannabis plant
1166 used as a physician-recommended form of medical or herbal
1167 therapy, or a synthetic form of specific cannabinoids such as
1168 tetrahydrocannabinol, which is used as a physician-recommended
1169 form of medicine and is cultivated, manufactured, possessed,
1170 distributed, dispensed, obtained, consumed, smoked, eaten,
1171 digested, vaporized, or otherwise administered in accordance
1172 with part III of chapter 499 and the rules adopted pursuant to
1173 s. 499.814. The term does not include a controlled substance
1174 listed in Schedule II, Schedule III, Schedule IV, or Schedule V
1175 of s. 893.03.

1176 (10) "Medical cannabis farm" means land that:

1177 (a) Has received a current agricultural classification
1178 pursuant to s. 193.461 by the county property appraiser, a value
1179 adjustment board, a court of competent jurisdiction, or the
1180 board of county commissioners of the county in which the land is
1181 situated, before application for a permit to use the land to
1182 cultivate marijuana is granted, as defined in this section; and

1183 (b) Is or will be used primarily for bona fide agricultural
1184 purposes.

1185 (11) "Medical use" means the acquisition, possession,
1186 cultivation, manufacture, use, delivery, transfer, or
1187 transportation of cannabis or paraphernalia relating to the
1188 consumption of cannabis to treat a qualifying medical condition
1189 and the symptoms associated with that condition or to alleviate

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1190 the side effects of a qualifying medical treatment.

1191 (12) "Paraphernalia" means:

1192 (a) Objects and electronic devices, including vaporizers,
1193 which are used, intended for use, or designed for use in
1194 preparing, storing, ingesting, inhaling, spraying, applying, or
1195 otherwise introducing medical cannabis into the human body; and

1196 (b) Kits, objects, devices, or equipment used, intended for
1197 use, or designed for use in planting, propagating,
1198 manufacturing, cultivating, growing, harvesting, processing, or
1199 preparing medical cannabis.

1200 (13) "Patient's caregiver" or "caregiver" means a person
1201 who:

1202 (a) Is designated by a qualifying patient and registered
1203 with the Department of Health as the person authorized, on the
1204 qualifying patient's behalf, to possess, obtain from a
1205 dispensary, dispense, and assist in the administration of
1206 medical cannabis; and

1207 (b) Is at least 18 years of age.

1208 (14) "Qualifying patient" means a person who is a resident
1209 of this state and registered with the Department of Health as a
1210 person who has been diagnosed by a physician as having a
1211 qualifying medical condition or undergoing a qualifying medical
1212 treatment.

1213 (15) "Registry identification card" means a nontransferable
1214 document issued by the Department of Health which identifies a
1215 person as a qualifying patient or the patient's caregiver.

1216 468.904 The medical cannabis section of the department.—

1217 (1) The department shall adopt rules necessary to the
1218 administer this section. The department shall establish rules

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1219 that are reasonably necessary to protect the health, welfare,
1220 and safety of the public and persons who possess, cultivate,
1221 manufacture, wholesale, and retail medical cannabis, medical
1222 cannabis-based products, marijuana plants, and medical cannabis-
1223 related paraphernalia, and shall provide application forms and
1224 procedures, recordkeeping requirements, and security
1225 requirements. The rules must be in substantial conformity with
1226 generally accepted standards of safety concerning such subject
1227 matter.

1228 (2) There is established the medical cannabis section of
1229 the department which regulates the manufacture, cultivation,
1230 distribution, dispensing, purchase, delivery, sale, and
1231 possession of medical cannabis and the manufacture, possession,
1232 purchase, sale, and use of paraphernalia related to medical
1233 cannabis. The medical cannabis section of the department is
1234 responsible for the licensure and permitting of each medical
1235 cannabis farm and dispensary in the state. The medical cannabis
1236 section of the department shall require the registration and
1237 approval of registration of each director, officer, and agent of
1238 each medical cannabis farm or dispensary in this state.

1239 (3) The medical cannabis section of the department shall,
1240 subject to department rule, require each medical cannabis farm
1241 and dispensary to maintain true, complete, and current records
1242 of the name, address, home telephone number, and date of birth
1243 of each director, officer, and agent.

1244 (4) The medical cannabis section of the department shall,
1245 subject to department rule, require each medical cannabis farm
1246 and dispensary to maintain true, complete, and current records
1247 of each transaction at a medical cannabis farm or dispensary,

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1248 including:

1249 (a) The quantity of medical cannabis distributed or
1250 dispensed for each transaction;

1251 (b) A continuous inventory of the quantity of medical
1252 cannabis, medical cannabis-based products, and marijuana plants
1253 at the medical cannabis farm or dispensary;

1254 (c) Records of the disposal and disposal method used for
1255 any medical cannabis, medical cannabis-based product, marijuana
1256 plant's active ingredient or product, or marijuana plant that
1257 was manufactured, cultivated, or acquired but not sold or
1258 inventoried; and

1259 (d) Any other information required by the department.

1260 (5) The medical cannabis section of the department shall,
1261 subject to department rule:

1262 (a) Develop and make available to each medical cannabis
1263 farm, dispensary, and the general public, educational materials
1264 about potential harmful drug interactions that could occur from
1265 using medical cannabis concurrently with other medical
1266 treatments, and the importance of informing public and private
1267 hospitals, health care providers, pharmacists, and duly licensed
1268 dispensaries in this state of the use of medical cannabis to
1269 help avoid harmful drug interactions;

1270 (b) Conduct announced and unannounced inspections of
1271 medical cannabis farms and dispensaries; and

1272 (c) Revoke or suspend the registration, license, or permit
1273 of a person if the department determines that the person has
1274 violated department rule, this part, or part III of chapter 499.

1275 468.905 Medical cannabis farms.—

1276 (1) Notwithstanding any other provision of law, a medical

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1277 cannabis farm may possess, cultivate, and manufacture medical
1278 cannabis, medical cannabis-based products, and marijuana plants
1279 for wholesale in this state for the purpose of distribution to
1280 duly licensed medical cannabis dispensaries in the state in
1281 accordance with the department rule and part III of chapter 499.

1282 (2) Each medical cannabis farm must be registered with the
1283 department before possessing, manufacturing, cultivating, and
1284 wholesaling medical cannabis, medical cannabis-based products,
1285 or marijuana plants.

1286 (3) A person who applies to the department for a permit to
1287 operate a medical cannabis farm must primarily use the land in
1288 which the farm will be located for bona fide agricultural
1289 purposes and obtain the agricultural classification pursuant to
1290 s. 193.461 from the county property appraiser, a value
1291 adjustment board, a court of competent jurisdiction, or the
1292 board of county commissioners of the county in which the land is
1293 situated, before applying for a medical cannabis farm permit.

1294 (4) A medical cannabis farm may not conduct retail sales or
1295 transactions.

1296 (5) Each medical cannabis farm shall implement a security
1297 plan to prevent the theft or diversion of all medical cannabis-
1298 based products and raw ingredients, including all marijuana
1299 plants; derivatives of marijuana plants; seedlings and seeds,
1300 whether in ground or not in ground, whether visible or not
1301 visible to the public.

1302 (6) Each medical cannabis farm shall maintain procedures
1303 under which all medical cannabis-based products and raw
1304 ingredients, including all marijuana plants; derivatives of
1305 marijuana plants; seedlings and seeds, whether in ground or not

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1306 in ground, whether visible or not visible to the public, are
1307 accessible only to authorized personnel.

1308 (7) The active ingredient in all medical cannabis-based
1309 products cultivated, manufactured, and wholesaled to a licensed
1310 dispensary in this state must be wholly derived from marijuana
1311 plants cultivated and grown in this state, except for marijuana
1312 seeds and seedlings.

1313 (8) A medical cannabis farm is subject to the protections
1314 of s. 823.14 and is not deemed a public nuisance solely because
1315 its farm product includes the production of marijuana or any
1316 product derived from the marijuana plant.

1317 468.906 Medical cannabis dispensaries.-

1318 (1) Notwithstanding any other law of this state, a
1319 dispensary may dispense and sell to a qualifying patient or the
1320 patient's caregiver medical cannabis, medical cannabis-based
1321 products, marijuana plants, and medical cannabis-related
1322 paraphernalia and may manufacture, purchase, possess, and
1323 distribute medical cannabis-related paraphernalia in accordance
1324 with department rule and part III of chapter 499.

1325 (2) Each dispensary must be registered with the department
1326 before possessing, purchasing, or retailing medical cannabis,
1327 medical cannabis-based products, marijuana plants, or medical
1328 cannabis related paraphernalia.

1329 (3) A dispensary may not conduct wholesale sales or
1330 transactions.

1331 (4) A dispensary may retail to a qualifying patient or
1332 patient's caregiver medical cannabis, medical cannabis-based
1333 products, marijuana plants, or medical cannabis-related
1334 paraphernalia if the qualifying patient or patient's caregiver:

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1335 (a) Has been issued a valid registry identification card
1336 from the Department of Health; and

1337 (b) Is in possession of the registry identification card at
1338 the time and place of purchase.

1339 (5) All medical cannabis-based products sold by, at, or
1340 through a licensed dispensary shall be purchased from a medical
1341 cannabis farm that has a valid, department-issued permit.

1342 (6) A dispensary may not directly dispense within a 30-day
1343 period:

1344 (a) More than 4 ounces of dried medical cannabis to a
1345 qualifying patient or through the patient's caregiver.

1346 (b) More than 6 marijuana plant seedlings to a qualifying
1347 patient or 18 marijuana plant seedlings to the patient's
1348 caregiver.

1349 (7) A dispensary shall maintain true, complete, and current
1350 records of the name and registry card identification number of
1351 each qualifying patient and patient's caregiver who purchases a
1352 medical cannabis-related product, except for medical cannabis-
1353 related paraphernalia, subject to the confidentiality
1354 limitations in part III of chapter 499. The records maintained
1355 under this paragraph shall be retained for 3 years and must
1356 include:

1357 (a) The amount paid for the medical cannabis, medical
1358 cannabis-based product, or marijuana plant transaction; and

1359 (b) The registry identification card number of each
1360 recipient of each medical cannabis, medical cannabis-based
1361 product, or marijuana plant transaction, subject to the
1362 confidentiality limitations in part III of chapter 499.

1363 (8) Each dispensary shall make available to each qualifying

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1364 patient and patient's caregiver educational materials regarding
1365 potential harmful drug interactions which were developed and
1366 provided by the medical cannabis section of the department.

1367 (9) Each dispensary shall strictly prohibit a qualifying
1368 patient or patient's caregiver from using or administering any
1369 form of medical cannabis while on the property of the
1370 dispensary. A person who violates this subsection subjects the
1371 dispensary to penalties prescribed by department rule and part
1372 III of chapter 499.

1373 468.907 Medical cannabis farm permit.-

1374 (1) A person may not engage in business as a medical
1375 cannabis farm in this state except in conformity with this part.

1376 (2) Permit qualification standards by which a person who
1377 applies for a permit to operate a medical cannabis farm will be
1378 evaluated to determine acceptance of the person's application
1379 for registration and permitting and renewal of registration and
1380 permitting, must include the following factors:

1381 (a) Knowledge of state and federal law relating to medical
1382 cannabis.

1383 (b) Suitability of the proposed facility.

1384 (c) Proposed staffing plan.

1385 (d) Proposed security plan that has been assessed by the
1386 local law enforcement agency of the county or municipality in
1387 which the medical cannabis farm is located.

1388 (e) Proposed cultivation plan.

1389 (f) Proposed manufacturing plan.

1390 (g) Proposed storage and inventory control plan.

1391 (h) Proposed labeling plan.

1392 (i) Proposed product safety plan.

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1393 (3) The department shall establish by rule the annual fees
1394 for a medical cannabis farm permit. The fees may not exceed the
1395 following amounts:

1396 (a) Medical cannabis farm application fee, \$2,500.

1397 (b) Medical cannabis farm initial permit fee, \$20,000.

1398 (c) Medical cannabis farm application fee for renewing a
1399 permit, \$1,000.

1400 (d) Medical cannabis farm renewal permit fee, \$15,000.

1401 (4) A person who cultivates, manufactures, or wholesales
1402 medical cannabis, medical cannabis-based products, or marijuana
1403 plant products at one or more locations must possess a current
1404 valid permit for each location.

1405 (5) If the department fails to adopt rules to administer
1406 this section before November 1, 2013, a medical cannabis farm
1407 applicant may commence an action in a court of competent
1408 jurisdiction to compel the department to perform the actions
1409 mandated pursuant to this section.

1410 468.908 Dispensary license.-

1411 (1) A person or entity may not operate a dispensary in this
1412 state except in conformity with the provisions of this part.

1413 (2) License qualification standards by which a person who
1414 applies for a license to operate a dispensary will be evaluated
1415 to determine acceptance of the person's application for
1416 registration and licensing and renewal of registration and
1417 licensing, must include the following factors:

1418 (a) Knowledge of state and federal law relating to medical
1419 cannabis.

1420 (b) Suitability of the proposed facility.

1421 (c) Proposed staffing plan.

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- 1422 (d) Proposed security plan that has been assessed by the
1423 dispensary's municipal police department.
- 1424 (e) Proposed retail plan.
- 1425 (f) Proposed marketing plan.
- 1426 (g) Proposed storage and inventory control plan.
- 1427 (h) Proposed labeling plan.
- 1428 (i) Proposed product safety plan.
- 1429 (3) The department shall establish by rule the annual fees
1430 for a dispensary license. The fees may not exceed the following
1431 amounts:
- 1432 (a) Dispensary application fee, \$1,000.
- 1433 (b) Dispensary initial license fee, \$10,000.
- 1434 (c) Dispensary renewal license application fee, \$500.
- 1435 (d) Dispensary renewal license fee, \$7,500.
- 1436 (4) A person who conducts the wholesale purchase or retail
1437 sale of any form of medical cannabis products at or from more
1438 than one location must possess a current valid license for each
1439 location.
- 1440 (5) If the department fails to adopt rules to administer
1441 this section by November 1, 2013, an applicant to operate a
1442 dispensary may commence an action in a court of competent
1443 jurisdiction to compel the department to perform the actions
1444 mandated pursuant to this section.
- 1445 468.909 Forms for applications for licenses and permits.—
- 1446 (1) The department shall prescribe the application forms
1447 for obtaining a permit to operate a medical cannabis farm and a
1448 license to operate a dispensary.
- 1449 (2) Each application for a license or permit required by
1450 this part must be filed in writing with the department. Each

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1451 application must require, as a minimum, the full name, date of
1452 birth, place of birth, social security number, physical
1453 description of the applicant, residence address and telephone
1454 number, and business address and telephone number of the
1455 applicant. Each application must be accompanied by an accurate
1456 and current photograph of the applicant and a complete set of
1457 fingerprints of the applicant taken by an authorized law
1458 enforcement agency; however, a set of fingerprints is not
1459 required if the applicant has possessed a valid license or
1460 permit under this part during the previous licensing or
1461 permitting year and such license or permit has not lapsed or
1462 been suspended or revoked. If fingerprints are required, the
1463 department shall submit the set of fingerprints to the
1464 Department of Law Enforcement for state processing. If the
1465 application does not require a set of fingerprints, the
1466 department shall submit the name and other identifying data to
1467 the Department of Law Enforcement for processing. Each
1468 application must be in a form to provide the data and other
1469 information set forth in this subsection, must be sworn to by
1470 the applicant or, if the applicant is a corporation, by each
1471 officer and director of the corporation. The officers and
1472 directors applying on behalf of a corporation shall provide all
1473 the data and other information required. This section does not
1474 exclude electronic filing of the application.

1475 (3) The department may require an applicant to furnish
1476 other information or data not required by this section if the
1477 information or data is deemed necessary by the department.

1478 468.910 Issuance of licenses and permits; prohibitions.-

1479 (1) Each license and permit issued by the department in

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1480 accordance with this part must set forth, at a minimum, the full
1481 name, date of birth, and physical description of the licensee or
1482 permittee and have permanently affixed an accurate and current
1483 photograph of the licensee or permittee. A license or permit
1484 issued to a corporation must set forth the full name, date of
1485 birth, and physical description of the chief executive officer
1486 and have permanently affixed an accurate and current photograph
1487 of the chief executive officer. Each license and permit must
1488 also contain a license or permit number.

1489 (2) The department may include other data or information on
1490 the license or permit if deemed appropriate.

1491 (3) A license or permit may not be issued, renewed, or
1492 allowed to remain in effect for:

1493 (a) A corporation or entity that has a corporate officer
1494 who is under 18 years of age; or

1495 (b) A person who has been convicted in this state or any
1496 other state or federal jurisdiction for the following offenses:

1497 1. A drug-related felony.

1498 2. A nondrug-related felony conviction for which the person
1499 has not been pardoned or has not had his or her civil rights
1500 restored.

1501 (4) A license or permit may not be issued, renewed, or
1502 allowed to remain in effect for a person who has been
1503 adjudicated mentally incompetent and has not had his or her
1504 civil rights restored.

1505 (5) A person may not knowingly withhold information or
1506 present to the department a false, fictitious, or misrepresented
1507 application, identification, document, information, statement,
1508 or data intended or likely to deceive the department for

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1509 obtaining a license or permit.

1510 (6) The department may adopt rules regarding persons who
1511 legally possess medical cannabis for the purpose of teaching,
1512 research, or testing and issue letters of exemption to
1513 facilitate the lawful possession of medical cannabis for those
1514 persons.

1515 (7) A person who violates or has violated any provision of
1516 this part may not be a director, officer, member, incorporator,
1517 agent, or employee of a medical cannabis farm or dispensary. Any
1518 prior authorization of such person shall be immediately revoked,
1519 and the department shall suspend the license or permit of the
1520 medical cannabis farm or dispensary until the person is removed
1521 from the position of director, officer, member, incorporator,
1522 agent, or employee.

1523 468.911 License and permit to be displayed.-

1524 (1) A medical cannabis farm that has a department-issued
1525 permit may use the terms "medical cannabis farm" or "permitted
1526 medical cannabis farm," in connection with the permittee's name
1527 or place of business, to denote permitting under this part.

1528 (2) A licensed dispensary may use the terms "dispensary,"
1529 "licensed dispensary," or "licensed medical cannabis
1530 dispensary," in connection with the licensee's name or place of
1531 business, to denote licensure under this part.

1532 (3) Each person who is issued a license or permit under
1533 this part must keep such license or permit conspicuously
1534 displayed in his or her office, place of business, or place of
1535 employment and, whenever required, shall exhibit such license or
1536 permit to any member or authorized representative of the
1537 department.

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1538 (4) A license or permit that is issued by the department is
1539 valid beginning on October 1 of the year for which it is issued
1540 and expires on September 30 in the following year.

1541 (5) A medical cannabis farm that has a department-issued
1542 permit or a licensed dispensary shall renew its permit or
1543 license before its expiration date. If a renewal application and
1544 fee are not filed by the expiration date, the license or permit
1545 may be reinstated only if the licensee or permittee pays, within
1546 30 days after the date of expiration, a delinquent fee that must
1547 not exceed \$750 for a medical cannabis farm and \$500 for a
1548 dispensary, plus the required renewal fee. If a licensee or
1549 permittee fails to comply with the renewal requirements of this
1550 part, the department may seize all medical cannabis products and
1551 dispose of them in any manner deemed appropriate by the
1552 department by November 1 of the year the license or permit
1553 expires. Any funds collected from the disposal shall be placed
1554 in the Professional Regulation Trust Fund.

1555 (6) The fee structure for reactivation of an inactive
1556 license or permit, except when renewed within 30 days after the
1557 date of expiration, is the same as for an initial permit or
1558 license, including the application fee.

1559 468.912 Reports of theft, illegal use, or illegal
1560 possession.—

1561 (1) A licensee or permittee who incurs a loss, theft, or
1562 unexplained shortage of a medical cannabis product, or who has
1563 knowledge of a loss, theft, or unexplained shortage of a medical
1564 cannabis product, shall, within 12 hours after the discovery,
1565 report such loss, theft, or unexplained shortage to the county
1566 sheriff or police chief of the jurisdiction in which the loss,

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1567 theft, or unexplained shortage occurred. This loss, theft, or
1568 unexplained shortage shall also be reported to the department by
1569 the close of the next business day following the discovery.

1570 (2) Any sheriff, police department, or law enforcement
1571 officer in this state shall give immediate notice to the
1572 department of any theft, illegal use, or illegal possession of
1573 medical cannabis which involves a person and forward a copy of
1574 his or her final written police report to the department.

1575 (3) A law enforcement agency that investigates the causes
1576 and circumstances of a loss, theft, or unexplained shortage of
1577 medical cannabis shall forward a copy of its final written
1578 report to the department. The department shall retain these
1579 reports in the files of the affected licensee or permittee.

1580 468.913 Procedure for cease and desist orders.—If the
1581 department determines that a provision of this part or
1582 applicable department rule has been violated, the department
1583 shall issue to the person charged with the violation an order
1584 requiring the person to cease and desist from such violation or
1585 shall impose an administrative fine, or both.

1586 468.914 Administrative fines.—

1587 (1) If a person violates this part or department rule
1588 adopted pursuant to this part or violates a cease and desist
1589 order issued by the department, the department may impose an
1590 administrative fine, not to exceed \$5,000 for each violation per
1591 day, or may suspend or revoke the license or permit issued to
1592 the person, or both. Each day that the violation continues
1593 constitutes a separate violation, and each separate violation is
1594 subject to a separate fine. The department shall allow the
1595 licensee or permittee a reasonable period, not to exceed 30

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1596 days, to pay to the department the amount of the imposed fine.
1597 If the licensee or permittee fails to pay the fine in its
1598 entirety to the department at its office in Tallahassee within
1599 30 days, the department shall revoke the person's license or
1600 permit. The issuance of administrative fines under this
1601 paragraph does not waive the state's right to pursue any
1602 additional penalties for the violation.

1603 (2) All fines, monetary penalties, and costs received by
1604 the department in connection with this part shall be deposited
1605 in the Professional Regulation Trust Fund.

1606 468.915 Injunctive relief.—In addition to the penalties and
1607 other enforcement provisions of this part, if a person who is
1608 engaged in any of the activities covered by this part violates a
1609 provision of this part, a department rule adopted pursuant
1610 thereto, or any cease and desist order as provided by this part,
1611 the department may seek injunctive relief in the Circuit Court
1612 of Leon County and may apply for temporary and permanent orders
1613 as the department deems necessary to restrain such person from
1614 engaging in any activities of this part until such person
1615 complies with this part, the department rules adopted pursuant
1616 thereto, and the orders of the department as authorized by this
1617 part.

1618 468.916 Suspension or revocation of license or permit.—

1619 (1) A licensee or permittee who knowingly makes or files a
1620 report that is false, intentionally or negligently fails to file
1621 a report or record required by state law, or willfully impedes
1622 or obstructs such filing or induces another person to do so, is
1623 subject to immediate suspension of his or her license or permit.

1624 (2) A licensee or permittee who pays or receives, directly

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1625 or indirectly, a commission, bonus, kickback, or rebate to or
1626 from, or engages in any split-fee arrangement in any form with a
1627 physician, organization, agency, or person, for patients
1628 referred to a provider of health care goods and services,
1629 including, but not limited to, a hospital, nursing home,
1630 clinical laboratory, ambulatory surgical center, or pharmacy, is
1631 subject to immediate suspension of his or her license or permit.

1632 (3) A violation of any provision of this part, any rule
1633 adopted pursuant thereto, or any cease and desist order issued
1634 by the department by a licensee or permittee as provided in this
1635 part is cause for revocation or suspension of all licenses or
1636 permits held by the licensee or permittee after the department
1637 has determined the licensee or permittee to be guilty of such
1638 violation.

1639 (4) If the department finds the licensee or permittee to be
1640 guilty of such violation as provided in subsection (3), it shall
1641 enter an order suspending or revoking the license or permit of
1642 the person charged.

1643 (a) An order of suspension must state the period of time of
1644 the suspension, which period must not exceed 1 year from the
1645 date of the order.

1646 (b) An order of revocation may be entered for a period not
1647 to exceed 5 years. The order affects the revocation of all
1648 licenses or permits held by the person. During such period, a
1649 license or permit may not be issued to the person.

1650
1651 If, during the period between the beginning of a proceeding to
1652 revoke or suspend a license or permit and the entry of an order
1653 of suspension or revocation by the department, a new license or

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1654 permit has been issued to the person, any order of suspension or
1655 revocation shall operate effectively with respect to the new
1656 license or permit held by such person.

1657 (5) A person whose permit or license has been suspended or
1658 revoked may not be issued a new permit or license under any
1659 other name or company name until the expiration of the
1660 suspension or revocation.

1661 (6) The provisions of this section are cumulative and do
1662 not affect any other lawful remedy available to the state,
1663 including administrative fines and injunction relief.

1664 468.917 Conduct of hearings; review of orders of the
1665 department.—All hearings shall be conducted in accordance with
1666 chapter 120. All review of orders of the department shall be in
1667 accordance with chapter 120.

1668 468.918 Penalties.—

1669 (1) A person who knowingly withholds information or
1670 presents to the department a false, fictitious, or
1671 misrepresented application, identification, document,
1672 information, statement, or data intended or likely to deceive
1673 the department for the purpose of obtaining a license or permit
1674 commits a misdemeanor of the first degree, punishable as
1675 provided in s. 775.082 or s. 775.083.

1676 (2) A person who knowingly withholds information or makes a
1677 false or fictitious entry or misrepresentation upon any invoice,
1678 receipt, sales ticket, sales slip, or account of inventories
1679 commits a misdemeanor of the first degree, punishable as
1680 provided in s. 775.082 or s. 775.083.

1681 (3) A licensee who knowingly fails to maintain written
1682 accounts of inventories or records of sales or transfers commits

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1683 a misdemeanor of the first degree, punishable as provided in s.
1684 775.082 or s. 775.083.

1685 (4) A permittee who knowingly fails to maintain written
1686 inventories and records commits a misdemeanor of the first
1687 degree, punishable as provided in s. 775.082 or s. 775.083.

1688 (5) A licensee or permittee who fails to report the loss,
1689 theft, or unexplained shortage of medical cannabis commits a
1690 misdemeanor of the first degree, punishable as provided in s.
1691 775.082 or s. 775.083.

1692 468.919 County and municipal ordinances.—A county or
1693 municipality in this state may not create or impose an ordinance
1694 or rule pertaining to medical cannabis which is more restrictive
1695 than the provisions contained in this part and the applicable
1696 department rules.

1697 468.920 Deposit of fees.—All fees collected for licenses
1698 and permits required by this part shall be deposited in the
1699 Professional Regulation Trust Fund, and all moneys collected
1700 under this part and deposited in the Professional Regulation
1701 Trust Fund shall be used by the department in the administration
1702 of this part. The department shall maintain a separate account
1703 in the Professional Regulation Trust Fund for the Drugs,
1704 Devices, and Cosmetics program.

1705 Section 3. Subsection (6) of section 812.14, Florida
1706 Statutes, is amended to read:

1707 812.14 Trespass and larceny with relation to utility
1708 fixtures; theft of utility services.—

1709 (6) It is prima facie evidence of a person's intent to
1710 violate subsection (5) if:

1711 (a) A controlled substance and materials for manufacturing

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1712 the controlled substance intended for sale or distribution to
1713 another were found in a dwelling or structure;

1714 (b) Except as provided in this chapter, chapter 468, or
1715 chapter 499, and notwithstanding s. 893.13, the dwelling or
1716 structure has been visibly modified to accommodate the use of
1717 equipment to grow marijuana indoors, including, but not limited
1718 to, the installation of equipment to provide additional air
1719 conditioning, equipment to provide high-wattage lighting, or
1720 equipment for hydroponic cultivation; and

1721 (c) The person or entity that owned, leased, or subleased
1722 the dwelling or structure knew of, or did so under such
1723 circumstances as would induce a reasonable person to believe in,
1724 the presence of a controlled substance and materials for
1725 manufacturing a controlled substance in the dwelling or
1726 structure, regardless of whether the person or entity was
1727 involved in the manufacture or sale of a controlled substance or
1728 was in actual possession of the dwelling or structure.

1729 Section 4. Paragraph (c) of subsection (1) of section
1730 893.03, Florida Statutes, is amended to read:

1731 893.03 Standards and schedules.—The substances enumerated
1732 in this section are controlled by this chapter. The controlled
1733 substances listed or to be listed in Schedules I, II, III, IV,
1734 and V are included by whatever official, common, usual,
1735 chemical, or trade name designated. The provisions of this
1736 section shall not be construed to include within any of the
1737 schedules contained in this section any excluded drugs listed
1738 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
1739 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
1740 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted

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1741 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
1742 Anabolic Steroid Products."

1743 (1) SCHEDULE I.—A substance in Schedule I has a high
1744 potential for abuse and has no currently accepted medical use in
1745 treatment in the United States and in its use under medical
1746 supervision does not meet accepted safety standards. The
1747 following substances are controlled in Schedule I:

1748 (c) Unless specifically excepted or unless listed in
1749 another schedule, any material, compound, mixture, or
1750 preparation that contains any quantity of the following
1751 hallucinogenic substances or that contains any of their salts,
1752 isomers, and salts of isomers, if the existence of such salts,
1753 isomers, and salts of isomers is possible within the specific
1754 chemical designation:

- 1755 1. Alpha-ethyltryptamine.
- 1756 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-
1757 methylaminorex).
- 1758 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 1759 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 1760 5. 4-Bromo-2,5-dimethoxyphenethylamine.
- 1761 6. Bufotenine.
- 1762 7. Cannabis, except as exempted in chapters 468 and 499.
- 1763 8. Cathinone.
- 1764 9. Diethyltryptamine.
- 1765 10. 2,5-Dimethoxyamphetamine.
- 1766 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 1767 12. Dimethyltryptamine.
- 1768 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
1769 analog of phencyclidine).

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- 1770 14. N-Ethyl-3-piperidyl benzilate.
- 1771 15. N-ethylamphetamine.
- 1772 16. Fenethylamine.
- 1773 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 1774 18. Ibogaine.
- 1775 19. Lysergic acid diethylamide (LSD).
- 1776 20. Mescaline.
- 1777 21. Methcathinone.
- 1778 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 1779 23. 4-methoxyamphetamine.
- 1780 24. 4-methoxymethamphetamine.
- 1781 25. 4-Methyl-2,5-dimethoxyamphetamine.
- 1782 26. 3,4-Methylenedioxy-N-ethylamphetamine.
- 1783 27. 3,4-Methylenedioxyamphetamine.
- 1784 28. N-Methyl-3-piperidyl benzilate.
- 1785 29. N,N-dimethylamphetamine.
- 1786 30. Parahexyl.
- 1787 31. Peyote.
- 1788 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
1789 analog of phencyclidine).
- 1790 33. Psilocybin.
- 1791 34. Psilocyn.
- 1792 35. *Salvia divinorum*, except for any drug product approved
1793 by the United States Food and Drug Administration which contains
1794 *Salvia divinorum* or its isomers, esters, ethers, salts, and
1795 salts of isomers, esters, and ethers, if the existence of such
1796 isomers, esters, ethers, and salts is possible within the
1797 specific chemical designation.
- 1798 36. Salvinorin A, except for any drug product approved by

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1799 the United States Food and Drug Administration which contains
 1800 Salvinorin A or its isomers, esters, ethers, salts, and salts of
 1801 isomers, esters, and ethers, if the existence of such isomers,
 1802 esters, ethers, and salts is possible within the specific
 1803 chemical designation.

1804 37. Tetrahydrocannabinols, except as exempted in chapters
 1805 468 and 499.

1806 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
 1807 (Thiophene analog of phencyclidine).

1808 39. 3,4,5-Trimethoxyamphetamine.

1809 40. 3,4-Methylenedioxymethcathinone.

1810 41. 3,4-Methylenedioxypyrovalerone (MDPV).

1811 42. Methylmethcathinone.

1812 43. Methoxymethcathinone.

1813 44. Fluoromethcathinone.

1814 45. Methylethcathinone.

1815 46. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
 1816 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
 1817 homologue.

1818 47. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
 1819 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
 1820 also known as HU-210.

1821 48. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.

1822 49. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.

1823 50. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole, also
 1824 known as JWH-200.

1825 51. BZP (Benzylpiperazine).

1826 52. Fluorophenylpiperazine.

1827 53. Methylphenylpiperazine.

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- 1828 54. Chlorophenylpiperazine.
- 1829 55. Methoxyphenylpiperazine.
- 1830 56. DBZP (1,4-dibenzylpiperazine).
- 1831 57. TFMPP (3-Trifluoromethylphenylpiperazine).
- 1832 58. MBDB (Methylbenzodioxolylbutanamine).
- 1833 59. 5-Hydroxy-alpha-methyltryptamine.
- 1834 60. 5-Hydroxy-N-methyltryptamine.
- 1835 61. 5-Methoxy-N-methyl-N-isopropyltryptamine.
- 1836 62. 5-Methoxy-alpha-methyltryptamine.
- 1837 63. Methyltryptamine.
- 1838 64. 5-Methoxy-N,N-dimethyltryptamine.
- 1839 65. 5-Methyl-N,N-dimethyltryptamine.
- 1840 66. Tyramine (4-Hydroxyphenethylamine).
- 1841 67. 5-Methoxy-N,N-Diisopropyltryptamine.
- 1842 68. DiPT (N,N-Diisopropyltryptamine).
- 1843 69. DPT (N,N-Dipropyltryptamine).
- 1844 70. 4-Hydroxy-N,N-diisopropyltryptamine.
- 1845 71. N,N-Diallyl-5-Methoxytryptamine.
- 1846 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
- 1847 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
- 1848 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 1849 75. 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).
- 1850 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 1851 77. 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).
- 1852 78. 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).
- 1853 79. 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine).
- 1854 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- 1855 81. Butylone (beta-keto-N-methylbenzodioxolylpropylamine).
- 1856 82. Ethcathinone.

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- 1857 83. Ethylone (3,4-methylenedioxy-N-ethylcathinone).
 1858 84. Naphyrone (naphthylpyrovalerone).
 1859 85. N-N-Dimethyl-3,4-methylenedioxy-cathinone.
 1860 86. N-N-Diethyl-3,4-methylenedioxy-cathinone.
 1861 87. 3,4-methylenedioxy-propio-phenone.
 1862 88. 2-Bromo-3,4-Methylenedioxypropio-phenone.
 1863 89. 3,4-methylenedioxy-propio-phenone-2-oxime.
 1864 90. N-Acetyl-3,4-methylenedioxy-cathinone.
 1865 91. N-Acetyl-N-Methyl-3,4-Methylenedioxy-cathinone.
 1866 92. N-Acetyl-N-Ethyl-3,4-Methylenedioxy-cathinone.
 1867 93. Bromomethcathinone.
 1868 94. Buphedrone (alpha-methylamino-butyrophenone).
 1869 95. Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
 1870 96. Dimethylcathinone.
 1871 97. Dimethylmethcathinone.
 1872 98. Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).
 1873 99. (MDPPP) 3,4-Methylenedioxy-alpha-
 1874 pyrrolidinopropio-phenone.
 1875 100. (MDPBP) 3,4-Methylenedioxy-alpha-
 1876 pyrrolidinobutiophenone.
 1877 101. Methoxy-alpha-pyrrolidinopropio-phenone (MOPPP).
 1878 102. Methyl-alpha-pyrrolidino-hexio-phenone (MPHP).
 1879 103. Benocyclidine (BCP) or
 1880 benzothiophenylcyclohexylpiperidine (BTCP).
 1881 104. Fluoromethylaminobutyrophenone (F-MABP).
 1882 105. Methoxypyrrolidinobutyrophenone (MeO-PBP).
 1883 106. Ethyl-pyrrolidinobutyrophenone (Et-PBP).
 1884 107. 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).
 1885 108. Methyl-ethylaminobutyrophenone (Me-EABP).

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- 1886 109. Methylamino-butyrophenone (MABP).
- 1887 110. Pyrrolidinopropiophenone (PPP).
- 1888 111. Pyrrolidinobutiophenone (PBP).
- 1889 112. Pyrrolidinovalerophenone (PVP).
- 1890 113. Methyl-alpha-pyrrolidinopropiophenone (MPPP).
- 1891 114. JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).
- 1892 115. JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-
- 1893 naphthalenylmethanone).
- 1894 116. JWH-019 (Naphthalen-1-yl-(1-hexylindol-3-
- 1895 yl)methanone).
- 1896 117. JWH-020 (1-heptyl-3-(1-naphthoyl)indole).
- 1897 118. JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-
- 1898 yl)methanone).
- 1899 119. JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-
- 1900 yl)methanone).
- 1901 120. JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
- 1902 121. JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-
- 1903 tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)).
- 1904 122. JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-
- 1905 indole).
- 1906 123. JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl)indole).
- 1907 124. JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-
- 1908 yl)ethanone).
- 1909 125. JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-
- 1910 yl)methanone).
- 1911 126. JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-
- 1912 yl)ethanone).
- 1913 127. JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-
- 1914 yl)ethanone).

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- 1915 128. JWH-302 (1-pentyl-3-(3-methoxyphenylacetyl)indole).
1916 129. JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
1917 130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
1918 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
1919 ol).
1920 131. HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-
1921 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]
1922 methanol).
1923 132. HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-
1924 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-
1925 1,4-dione).
1926 133. CB-13 (Naphthalen-1-yl-(4-pentyloxynaphthalen-1-
1927 yl)methanone).
1928 134. CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-
1929 undecanamide).
1930 135. CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-
1931 undecanamide).
1932 136. CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-
1933 hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol).
1934 137. AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-2-
1935 iodophenyl)methanone).
1936 138. AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-
1937 (naphthalen-1-yl)methanone).
1938 139. RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-
1939 yl)methanone).
1940 140. RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-
1941 methoxyphenylethanone).
1942 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-
1943 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-

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1944 naphthalenylmethanone).

1945 142. WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-
1946 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
1947 naphthalenylmethanone).

1948 Section 5. Subsections (1) through (6) of section 893.13,
1949 Florida Statutes, are amended to read:

1950 893.13 Prohibited acts; penalties.—

1951 (1) (a) Except as authorized by this chapter and chapter
1952 499, it is unlawful for any person to sell, manufacture, or
1953 deliver, or possess with intent to sell, manufacture, or
1954 deliver, a controlled substance. Any person who violates this
1955 provision with respect to:

1956 1. A controlled substance named or described in s.
1957 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.,
1958 commits a felony of the second degree, punishable as provided in
1959 s. 775.082, s. 775.083, or s. 775.084.

1960 2. Except as provided in this chapter, chapter 468, and
1961 chapter 499, a controlled substance named or described in s.
1962 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,
1963 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of
1964 the third degree, punishable as provided in s. 775.082, s.
1965 775.083, or s. 775.084.

1966 3. A controlled substance named or described in s.
1967 893.03(5) commits a misdemeanor of the first degree, punishable
1968 as provided in s. 775.082 or s. 775.083.

1969 (b) Except as provided in this chapter, chapter 468, and
1970 chapter 499, it is unlawful to sell or deliver in excess of 10
1971 grams of any substance named or described in s. 893.03(1) (a) or
1972 (1) (b), or any combination thereof, or any mixture containing

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1973 any such substance. Any person who violates this paragraph
1974 commits a felony of the first degree, punishable as provided in
1975 s. 775.082, s. 775.083, or s. 775.084.

1976 (c) Except as authorized by this chapter, chapter 468, and
1977 chapter 499, it is unlawful for any person to sell, manufacture,
1978 or deliver, or possess with intent to sell, manufacture, or
1979 deliver, a controlled substance in, on, or within 1,000 feet of
1980 the real property comprising a child care facility as defined in
1981 s. 402.302 or a public or private elementary, middle, or
1982 secondary school between the hours of 6 a.m. and 12 midnight, or
1983 at any time in, on, or within 1,000 feet of real property
1984 comprising a state, county, or municipal park, a community
1985 center, or a publicly owned recreational facility. For the
1986 purposes of this paragraph, the term "community center" means a
1987 facility operated by a nonprofit community-based organization
1988 for the provision of recreational, social, or educational
1989 services to the public. Any person who violates this paragraph
1990 with respect to:

1991 1. A controlled substance named or described in s.
1992 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
1993 commits a felony of the first degree, punishable as provided in
1994 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
1995 sentenced to a minimum term of imprisonment of 3 calendar years
1996 unless the offense was committed within 1,000 feet of the real
1997 property comprising a child care facility as defined in s.
1998 402.302.

1999 2. A controlled substance named or described in s.
2000 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
2001 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of

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2002 the second degree, punishable as provided in s. 775.082, s.
 2003 775.083, or s. 775.084.

2004 3. Any other controlled substance, except as lawfully sold,
 2005 manufactured, or delivered, must be sentenced to pay a \$500 fine
 2006 and to serve 100 hours of public service in addition to any
 2007 other penalty prescribed by law.

2008
 2009 This paragraph does not apply to a child care facility unless
 2010 the owner or operator of the facility posts a sign that is not
 2011 less than 2 square feet in size with a word legend identifying
 2012 the facility as a licensed child care facility and that is
 2013 posted on the property of the child care facility in a
 2014 conspicuous place where the sign is reasonably visible to the
 2015 public.

2016 (d) Except as authorized by this chapter, chapter 468, and
 2017 chapter 499, it is unlawful for any person to sell, manufacture,
 2018 or deliver, or possess with intent to sell, manufacture, or
 2019 deliver, a controlled substance in, on, or within 1,000 feet of
 2020 the real property comprising a public or private college,
 2021 university, or other postsecondary educational institution. Any
 2022 person who violates this paragraph with respect to:

2023 1. A controlled substance named or described in s.
 2024 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 2025 commits a felony of the first degree, punishable as provided in
 2026 s. 775.082, s. 775.083, or s. 775.084.

2027 2. A controlled substance named or described in s.
 2028 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 2029 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 2030 the second degree, punishable as provided in s. 775.082, s.

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2031 775.083, or s. 775.084.

2032 3. Any other controlled substance, except as lawfully sold,
2033 manufactured, or delivered, must be sentenced to pay a \$500 fine
2034 and to serve 100 hours of public service in addition to any
2035 other penalty prescribed by law.

2036 (e) Except as authorized by this chapter, chapter 468, and
2037 chapter 499, it is unlawful for any person to sell, manufacture,
2038 or deliver, or possess with intent to sell, manufacture, or
2039 deliver, a controlled substance not authorized by law in, on, or
2040 within 1,000 feet of a physical place for worship at which a
2041 church or religious organization regularly conducts religious
2042 services or within 1,000 feet of a convenience business as
2043 defined in s. 812.171. Any person who violates this paragraph
2044 with respect to:

2045 1. A controlled substance named or described in s.
2046 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
2047 commits a felony of the first degree, punishable as provided in
2048 s. 775.082, s. 775.083, or s. 775.084.

2049 2. A controlled substance named or described in s.
2050 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
2051 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
2052 the second degree, punishable as provided in s. 775.082, s.
2053 775.083, or s. 775.084.

2054 3. Any other controlled substance, except as lawfully sold,
2055 manufactured, or delivered, must be sentenced to pay a \$500 fine
2056 and to serve 100 hours of public service in addition to any
2057 other penalty prescribed by law.

2058 (f) Except as authorized by this chapter, chapter 468, and
2059 chapter 499, it is unlawful for any person to sell, manufacture,

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2060 or deliver, or possess with intent to sell, manufacture, or
2061 deliver, a controlled substance in, on, or within 1,000 feet of
2062 the real property comprising a public housing facility at any
2063 time. For purposes of this section, the term "real property
2064 comprising a public housing facility" means real property, as
2065 defined in s. 421.03(12), of a public corporation created as a
2066 housing authority pursuant to part I of chapter 421. Any person
2067 who violates this paragraph with respect to:

2068 1. A controlled substance named or described in s.
2069 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
2070 commits a felony of the first degree, punishable as provided in
2071 s. 775.082, s. 775.083, or s. 775.084.

2072 2. A controlled substance named or described in s.
2073 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
2074 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
2075 the second degree, punishable as provided in s. 775.082, s.
2076 775.083, or s. 775.084.

2077 3. Any other controlled substance, except as lawfully sold,
2078 manufactured, or delivered, must be sentenced to pay a \$500 fine
2079 and to serve 100 hours of public service in addition to any
2080 other penalty prescribed by law.

2081 (g) Except as authorized by this chapter, chapter 468, and
2082 chapter 499, it is unlawful for any person to manufacture
2083 methamphetamine or phencyclidine, or possess any listed chemical
2084 as defined in s. 893.033 in violation of s. 893.149 and with
2085 intent to manufacture methamphetamine or phencyclidine. If any
2086 person violates this paragraph and:

2087 1. The commission or attempted commission of the crime
2088 occurs in a structure or conveyance where any child under 16

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2089 years of age is present, the person commits a felony of the
2090 first degree, punishable as provided in s. 775.082, s. 775.083,
2091 or s. 775.084. In addition, the defendant must be sentenced to a
2092 minimum term of imprisonment of 5 calendar years.

2093 2. The commission of the crime causes any child under 16
2094 years of age to suffer great bodily harm, the person commits a
2095 felony of the first degree, punishable as provided in s.
2096 775.082, s. 775.083, or s. 775.084. In addition, the defendant
2097 must be sentenced to a minimum term of imprisonment of 10
2098 calendar years.

2099 (h) Except as authorized by this chapter, chapter 468, and
2100 chapter 499, it is unlawful for any person to sell, manufacture,
2101 or deliver, or possess with intent to sell, manufacture, or
2102 deliver, a controlled substance in, on, or within 1,000 feet of
2103 the real property comprising an assisted living facility, as
2104 that term is used in chapter 429. Any person who violates this
2105 paragraph with respect to:

2106 1. A controlled substance named or described in s.
2107 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
2108 commits a felony of the first degree, punishable as provided in
2109 s. 775.082, s. 775.083, or s. 775.084.

2110 2. A controlled substance named or described in s.
2111 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
2112 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
2113 the second degree, punishable as provided in s. 775.082, s.
2114 775.083, or s. 775.084.

2115 (2)(a) Except as authorized by this chapter, chapter 468,
2116 and chapter 499, it is unlawful for any person to purchase, or
2117 possess with intent to purchase, a controlled substance. Any

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2118 person who violates this provision with respect to:

2119 1. A controlled substance named or described in s.
2120 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
2121 commits a felony of the second degree, punishable as provided in
2122 s. 775.082, s. 775.083, or s. 775.084.

2123 2. A controlled substance named or described in s.
2124 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
2125 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
2126 the third degree, punishable as provided in s. 775.082, s.
2127 775.083, or s. 775.084.

2128 3. A controlled substance named or described in s.
2129 893.03(5) commits a misdemeanor of the first degree, punishable
2130 as provided in s. 775.082 or s. 775.083.

2131 (b) Except as provided in this chapter, chapter 468, and
2132 chapter 499, it is unlawful to purchase in excess of 10 grams of
2133 any substance named or described in s. 893.03(1)(a) or (1)(b),
2134 or any combination thereof, or any mixture containing any such
2135 substance. Any person who violates this paragraph commits a
2136 felony of the first degree, punishable as provided in s.
2137 775.082, s. 775.083, or s. 775.084.

2138 (3) Except as provided in this chapter, chapter 468, and
2139 chapter 499, any person who delivers, without consideration, not
2140 more than 20 grams of cannabis, as defined in this chapter,
2141 commits a misdemeanor of the first degree, punishable as
2142 provided in s. 775.082 or s. 775.083. For the purposes of this
2143 paragraph, "cannabis" does not include the resin extracted from
2144 the plants of the genus *Cannabis* or any compound manufacture,
2145 salt, derivative, mixture, or preparation of such resin.

2146 (4) Except as authorized by this chapter, chapter 468, and

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2147 chapter 499, it is unlawful for any person 18 years of age or
2148 older to deliver any controlled substance to a person under the
2149 age of 18 years, except for an emancipated minor, or to use or
2150 hire a person under the age of 18 years as an agent or employee
2151 in the sale or delivery of such a substance, or to use such
2152 person to assist in avoiding detection or apprehension for a
2153 violation of this chapter. Any person who violates this
2154 provision with respect to:

2155 (a) A controlled substance named or described in s.
2156 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
2157 commits a felony of the first degree, punishable as provided in
2158 s. 775.082, s. 775.083, or s. 775.084.

2159 (b) A controlled substance named or described in s.
2160 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
2161 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
2162 the second degree, punishable as provided in s. 775.082, s.
2163 775.083, or s. 775.084.

2164
2165 Imposition of sentence may not be suspended or deferred, nor
2166 shall the person so convicted be placed on probation.

2167 (5) It is unlawful for any person to bring into this state
2168 any controlled substance unless the possession of such
2169 controlled substance is authorized by this chapter or chapter
2170 499 or unless such person is licensed to do so by the
2171 appropriate federal agency. Any person who violates this
2172 provision with respect to:

2173 (a) A controlled substance named or described in s.
2174 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
2175 commits a felony of the second degree, punishable as provided in

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2176 s. 775.082, s. 775.083, or s. 775.084.

2177 (b) A controlled substance named or described in s.
2178 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
2179 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
2180 the third degree, punishable as provided in s. 775.082, s.
2181 775.083, or s. 775.084.

2182 (c) A controlled substance named or described in s.
2183 893.03(5) commits a misdemeanor of the first degree, punishable
2184 as provided in s. 775.082 or s. 775.083.

2185 (6)(a) It is unlawful for any person to be in actual or
2186 constructive possession of a controlled substance unless such
2187 controlled substance was lawfully obtained from a practitioner
2188 or pursuant to a valid prescription or order of a practitioner
2189 while acting in the course of his or her professional practice
2190 or to be in actual or constructive possession of a controlled
2191 substance except as otherwise authorized by this chapter,
2192 chapter 468, and chapter 499. Any person who violates this
2193 provision commits a felony of the third degree, punishable as
2194 provided in s. 775.082, s. 775.083, or s. 775.084.

2195 (b) Except as provided in this chapter, chapter 468, and
2196 chapter 499, if the offense is the possession of not more than
2197 20 grams of cannabis, as defined in this chapter, or 3 grams or
2198 less of a controlled substance described in s. 893.03(1)(c)46.-
2199 50. and 114.-142., the person commits a misdemeanor of the first
2200 degree, punishable as provided in s. 775.082 or s. 775.083. For
2201 the purposes of this subsection, "cannabis" does not include the
2202 resin extracted from the plants of the genus *Cannabis*, or any
2203 compound manufacture, salt, derivative, mixture, or preparation
2204 of such resin, and a controlled substance described in s.

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2205 893.03(1)(c)46.-50. and 114.-142. does not include the substance
2206 in a powdered form.

2207 (c) Except as provided in this chapter, chapter 468, and
2208 chapter 499, it is unlawful to possess in excess of 10 grams of
2209 any substance named or described in s. 893.03(1)(a) or (1)(b),
2210 or any combination thereof, or any mixture containing any such
2211 substance. Any person who violates this paragraph commits a
2212 felony of the first degree, punishable as provided in s.
2213 775.082, s. 775.083, or s. 775.084.

2214 (d) Notwithstanding any provision to the contrary of the
2215 laws of this state relating to arrest, a law enforcement officer
2216 may arrest without warrant any person who the officer has
2217 probable cause to believe is violating the provisions of this
2218 chapter and chapter 499 relating to possession of cannabis.

2219 Section 6. Section 893.1351, Florida Statutes, is amended
2220 to read:

2221 893.1351 Ownership, lease, rental, or possession for
2222 trafficking in or manufacturing a controlled substance.—

2223 (1) Except as provided by this chapter, chapter 468, and
2224 chapter 499, a person may not own, lease, or rent any place,
2225 structure, or part thereof, trailer, or other conveyance with
2226 the knowledge that the place, structure, trailer, or conveyance
2227 will be used for the purpose of trafficking in a controlled
2228 substance, as provided in s. 893.135; for the sale of a
2229 controlled substance, as provided in s. 893.13; or for the
2230 manufacture of a controlled substance intended for sale or
2231 distribution to another. A person who violates this subsection
2232 commits a felony of the third degree, punishable as provided in
2233 s. 775.082, s. 775.083, or s. 775.084.

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2234 (2) Except as provided by this chapter, chapter 468, and
2235 chapter 499, a person may not knowingly be in actual or
2236 constructive possession of any place, structure, or part
2237 thereof, trailer, or other conveyance with the knowledge that
2238 the place, structure, or part thereof, trailer, or conveyance
2239 will be used for the purpose of trafficking in a controlled
2240 substance, as provided in s. 893.135; for the sale of a
2241 controlled substance, as provided in s. 893.13; or for the
2242 manufacture of a controlled substance intended for sale or
2243 distribution to another. A person who violates this subsection
2244 commits a felony of the second degree, punishable as provided in
2245 s. 775.082, s. 775.083, or s. 775.084.

2246 (3) Except as provided by this chapter, chapter 468, and
2247 chapter 499, a person who is in actual or constructive
2248 possession of a place, structure, trailer, or conveyance with
2249 the knowledge that the place, structure, trailer, or conveyance
2250 is being used to manufacture a controlled substance intended for
2251 sale or distribution to another and who knew or should have
2252 known that a minor is present or resides in the place,
2253 structure, trailer, or conveyance commits a felony of the first
2254 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2255 775.084.

2256 (4) Except as provided by this chapter, chapter 468, and
2257 chapter 499, for the purposes of this section, proof of the
2258 possession of 25 or more cannabis plants constitutes prima facie
2259 evidence that the cannabis is intended for sale or distribution.

2260 Section 7. Section 893.145, Florida Statutes, is amended to
2261 read:

2262 893.145 "Drug paraphernalia" defined.—Except as provided in

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2263 this chapter, chapter 468, and chapter 499, the term "drug
2264 paraphernalia" means all equipment, products, and materials of
2265 any kind which are used, intended for use, or designed for use
2266 in planting, propagating, cultivating, growing, harvesting,
2267 manufacturing, compounding, converting, producing, processing,
2268 preparing, testing, analyzing, packaging, repackaging, storing,
2269 containing, concealing, transporting, injecting, ingesting,
2270 inhaling, or otherwise introducing into the human body a
2271 controlled substance in violation of this chapter or s. 877.111.
2272 Drug paraphernalia is deemed to be contraband which shall be
2273 subject to civil forfeiture. The term includes, but is not
2274 limited to:

2275 (1) Kits used, intended for use, or designed for use in the
2276 planting, propagating, cultivating, growing, or harvesting of
2277 any species of plant which is a controlled substance or from
2278 which a controlled substance can be derived.

2279 (2) Kits used, intended for use, or designed for use in
2280 manufacturing, compounding, converting, producing, processing,
2281 or preparing controlled substances.

2282 (3) Isomerization devices used, intended for use, or
2283 designed for use in increasing the potency of any species of
2284 plant which is a controlled substance.

2285 (4) Testing equipment used, intended for use, or designed
2286 for use in identifying, or in analyzing the strength,
2287 effectiveness, or purity of, controlled substances.

2288 (5) Scales and balances used, intended for use, or designed
2289 for use in weighing or measuring controlled substances.

2290 (6) Diluents and adulterants, such as quinine
2291 hydrochloride, mannitol, mannite, dextrose, and lactose, used,

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2292 intended for use, or designed for use in cutting controlled
2293 substances.

2294 (7) Separation gins and sifters used, intended for use, or
2295 designed for use in removing twigs and seeds from, or in
2296 otherwise cleaning or refining, cannabis.

2297 (8) Blenders, bowls, containers, spoons, and mixing devices
2298 used, intended for use, or designed for use in compounding
2299 controlled substances.

2300 (9) Capsules, balloons, envelopes, and other containers
2301 used, intended for use, or designed for use in packaging small
2302 quantities of controlled substances.

2303 (10) Containers and other objects used, intended for use,
2304 or designed for use in storing, concealing, or transporting
2305 controlled substances.

2306 (11) Hypodermic syringes, needles, and other objects used,
2307 intended for use, or designed for use in parenterally injecting
2308 controlled substances into the human body.

2309 (12) Objects used, intended for use, or designed for use in
2310 ingesting, inhaling, or otherwise introducing cannabis, cocaine,
2311 hashish, hashish oil, or nitrous oxide into the human body, such
2312 as:

2313 (a) Metal, wooden, acrylic, glass, stone, plastic, or
2314 ceramic pipes, with or without screens, permanent screens,
2315 hashish heads, or punctured metal bowls.

2316 (b) Water pipes.

2317 (c) Carburetion tubes and devices.

2318 (d) Smoking and carburetion masks.

2319 (e) Roach clips: meaning objects used to hold burning
2320 material, such as a cannabis cigarette, that has become too

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- 2321 small or too short to be held in the hand.
- 2322 (f) Miniature cocaine spoons, and cocaine vials.
- 2323 (g) Chamber pipes.
- 2324 (h) Carburetor pipes.
- 2325 (i) Electric pipes.
- 2326 (j) Air-driven pipes.
- 2327 (k) Chillums.
- 2328 (l) Bongs.
- 2329 (m) Ice pipes or chillers.
- 2330 (n) A cartridge or canister, which means a small metal
- 2331 device used to contain nitrous oxide.
- 2332 (o) A charger, sometimes referred to as a "cracker," which
- 2333 means a small metal or plastic device that contains an interior
- 2334 pin that may be used to expel nitrous oxide from a cartridge or
- 2335 container.
- 2336 (p) A charging bottle, which means a device that may be
- 2337 used to expel nitrous oxide from a cartridge or canister.
- 2338 (q) A whip-it, which means a device that may be used to
- 2339 expel nitrous oxide.
- 2340 (r) A tank.
- 2341 (s) A balloon.
- 2342 (t) A hose or tube.
- 2343 (u) A 2-liter-type soda bottle.
- 2344 (v) Duct tape.
- 2345 Section 8. Present subsection (3) of section 921.0022,
- 2346 Florida Statutes, is redesignated as subsection (4), a new
- 2347 subsection (3) is added to that section, and paragraphs (a),
- 2348 (b), (c), (e), (g), (h), and (i) of present subsection (3) of
- 2349 that section are amended, to read:

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2350 921.0022 Criminal Punishment Code; offense severity ranking
2351 chart.-

2352 (3) For the purpose of this section, the term "cannabis"
2353 does not include any form of cannabis which is cultivated,
2354 manufactured, possessed, and distributed in the form of medical
2355 cannabis in compliance with chapter 499.

2356 (4)~~(3)~~ OFFENSE SEVERITY RANKING CHART

2357 (a) LEVEL 1

2358

Florida	Felony	
Statute	Degree	Description

2359

24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
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2360

212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
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2361

212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
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2362

316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
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2363

319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
-----------	-----	--

2364

319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
--------------	-----	--

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2365

320.26(1)(a) 3rd Counterfeit, manufacture, or sell registration license plates or validation stickers.

2366

322.212 3rd Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
(1)(a)-(c)

2367

322.212(4) 3rd Supply or aid in supplying unauthorized driver's license or identification card.

2368

322.212(5)(a) 3rd False application for driver's license or identification card.

2369

414.39(2) 3rd Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than \$200.

2370

414.39(3)(a) 3rd Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.

2371

443.071(1) 3rd False statement or representation to obtain or increase reemployment assistance benefits.

2372

509.151(1) 3rd Defraud an innkeeper, food or lodging

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value greater than \$300.

2373

517.302 (1) 3rd Violation of the Florida Securities and Investor Protection Act.

2374

562.27 (1) 3rd Possess still or still apparatus.

2375

713.69 3rd Tenant removes property upon which lien has accrued, value more than \$50.

2376

812.014 (3) (c) 3rd Petit theft (3rd conviction); theft of any property not specified in subsection (2).

2377

812.081 (2) 3rd Unlawfully makes or causes to be made a reproduction of a trade secret.

2378

815.04 (4) (a) 3rd Offense against intellectual property (i.e., computer programs, data).

2379

817.52 (2) 3rd Hiring with intent to defraud, motor vehicle services.

2380

817.569 (2) 3rd Use of public record or public records information to facilitate commission of a felony.

2381

826.01 3rd Bigamy.

2382

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2383

828.122 (3) 3rd Fighting or baiting animals.

2384

831.04 (1) 3rd Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.

2385

831.31 (1) (a) 3rd Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03 (5) drugs.

2386

832.041 (1) 3rd Stopping payment with intent to defraud \$150 or more.

2387

832.05 (2) (b) & 3rd Knowing, making, issuing worthless checks
(4) (c) \$150 or more or obtaining property in return for worthless check \$150 or more.

2388

838.15 (2) 3rd Commercial bribe receiving.

2389

838.16 3rd Commercial bribery.

2390

843.18 3rd Fleeing by boat to elude a law enforcement officer.

2391

847.011 (1) (a) 3rd Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).

2392

849.01 3rd Keeping gambling house.

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2393	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
2394	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
2395	849.25(2)	3rd	Engaging in bookmaking.
2396	860.08	3rd	Interfere with a railroad signal.
2397	860.13(1)(a)	3rd	Operate aircraft while under the influence.
2398	893.13(2)(a)2.	3rd	Purchase of cannabis, <u>except as authorized by this chapter, chapter 468, and chapter 499.</u>
2399	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams), <u>except as authorized by this chapter, chapter 468, and chapter 499.</u>
2400	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
2401	(b) LEVEL 2		
2402			

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	Florida Statute	Felony Degree	Description
2403	379.2431 (1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
2404	379.2431 (1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
2405	403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
2406	517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
2407	590.28(1)	3rd	Intentional burning of lands.
2408	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
2409	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
2410	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more

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to public communication or any other
public service.

2411

810.061(2) 3rd Impairing or impeding telephone or power
to a dwelling; facilitating or
furthering burglary.

2412

810.09(2)(e) 3rd Trespassing on posted commercial
horticulture property.

2413

812.014(2)(c)1. 3rd Grand theft, 3rd degree; \$300 or more
but less than \$5,000.

2414

812.014(2)(d) 3rd Grand theft, 3rd degree; \$100 or more
but less than \$300, taken from
unenclosed curtilage of dwelling.

2415

812.015(7) 3rd Possession, use, or attempted use of an
antishoplifting or inventory control
device countermeasure.

2416

817.234(1)(a)2. 3rd False statement in support of insurance
claim.

2417

817.481(3)(a) 3rd Obtain credit or purchase with false,
expired, counterfeit, etc., credit card,
value over \$300.

2418

817.52(3) 3rd Failure to redeliver hired vehicle.

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2419

817.54 3rd With intent to defraud, obtain mortgage note, etc., by false representation.

2420

817.60 (5) 3rd Dealing in credit cards of another.

2421

817.60 (6) (a) 3rd Forgery; purchase goods, services with false card.

2422

817.61 3rd Fraudulent use of credit cards over \$100 or more within 6 months.

2423

826.04 3rd Knowingly marries or has sexual intercourse with person to whom related.

2424

831.01 3rd Forgery.

2425

831.02 3rd Uttering forged instrument; utters or publishes alteration with intent to defraud.

2426

831.07 3rd Forging bank bills, checks, drafts, or promissory notes.

2427

831.08 3rd Possessing 10 or more forged notes, bills, checks, or drafts.

2428

831.09 3rd Uttering forged notes, bills, checks, drafts, or promissory notes.

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2429

831.11 3rd Bringing into the state forged bank bills, checks, drafts, or notes.

2430

832.05(3)(a) 3rd Cashing or depositing item with intent to defraud.

2431

843.08 3rd Falsely impersonating an officer.

2432

893.13(2)(a)2. 3rd Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs other than cannabis.

2433

893.147(2) 3rd Manufacture or delivery of drug paraphernalia, except as authorized by this chapter, chapter 468, and chapter 499.

2434

(c) LEVEL 3

2436

Florida	Felony	
Statute	Degree	Description

2437

119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
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2438

316.066	3rd	Unlawfully obtaining or using confidential crash reports.
(3)(b)-(d)		

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2439

316.193 (2) (b) 3rd Felony DUI, 3rd conviction.

2440

316.1935 (2) 3rd Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

2441

319.30 (4) 3rd Possession by junkyard of motor vehicle with identification number plate removed.

2442

319.33 (1) (a) 3rd Alter or forge any certificate of title to a motor vehicle or mobile home.

2443

319.33 (1) (c) 3rd Procure or pass title on stolen vehicle.

2444

319.33 (4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

2445

327.35 (2) (b) 3rd Felony BUI.

2446

328.05 (2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

2447

328.07 (4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

2448

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2449

376.302 (5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

2450

379.2431 (1) (e) 5. 3rd Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

2451

379.2431 (1) (e) 6. 3rd Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

2452

400.9935 (4) 3rd Operating a clinic without a license or filing false license application or other required information.

2453

440.1051 (3) 3rd False report of workers' compensation fraud or retaliation for making such a report.

2454

501.001 (2) (b) 2nd Tampers with a consumer product or the container using materially false/misleading information.

624.401 (4) (a) 3rd Transacting insurance without a

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certificate of authority.

2455

624.401 (4) (b) 1. 3rd Transacting insurance without a certificate of authority; premium collected less than \$20,000.

2456

626.902 (1) (a) & 3rd Representing an unauthorized insurer.
(b)

2457

697.08 3rd Equity skimming.

2458

790.15 (3) 3rd Person directs another to discharge firearm from a vehicle.

2459

796.05 (1) 3rd Live on earnings of a prostitute.

2460

806.10 (1) 3rd Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

2461

806.10 (2) 3rd Interferes with or assaults firefighter in performance of duty.

2462

810.09 (2) (c) 3rd Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.

2463

812.014 (2) (c) 2. 3rd Grand theft; \$5,000 or more but less than \$10,000.

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2464

812.0145(2)(c) 3rd Theft from person 65 years of age or older; \$300 or more but less than \$10,000.

2465

815.04(4)(b) 2nd Computer offense devised to defraud or obtain property.

2466

817.034(4)(a)3. 3rd Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.

2467

817.233 3rd Burning to defraud insurer.

2468

817.234 3rd Unlawful solicitation of persons
(8)(b)-(c) involved in motor vehicle accidents.

2469

817.234(11)(a) 3rd Insurance fraud; property value less than \$20,000.

2470

817.236 3rd Filing a false motor vehicle insurance application.

2471

817.2361 3rd Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

2472

817.413(2) 3rd Sale of used goods as new.

2473

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2474

817.505 (4) 3rd Patient brokering.

2475

828.12 (2) 3rd Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

2476

831.28 (2) (a) 3rd Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.

2477

831.29 2nd Possession of instruments for counterfeiting drivers' licenses or identification cards.

2478

838.021 (3) (b) 3rd Threatens unlawful harm to public servant.

2479

843.19 3rd Injure, disable, or kill police dog or horse.

2480

860.15 (3) 3rd Overcharging for repairs and parts.

2481

870.01 (2) 3rd Riot; inciting or encouraging.

893.13 (1) (a) 2. 3rd Sell, manufacture, or deliver cannabis, except as authorized by this chapter, chapter 468, and chapter 499 (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7.,

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(2) (c) 8., (2) (c) 9., (3), or (4) drugs).

2482

893.13(1)(d)2. 2nd

Sell, manufacture, or deliver s.
 893.03(1)(c), (2)(c)1., (2)(c)2.,
 (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,
 (2)(c)8., (2)(c)9., (3), or (4) drugs,
except as authorized by this chapter,
chapter 468, and chapter 499, within
 1,000 feet of university.

2483

893.13(1)(f)2. 2nd

Sell, manufacture, or deliver s.
 893.03(1)(c), (2)(c)1., (2)(c)2.,
 (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,
 (2)(c)8., (2)(c)9., (3), or (4) drugs
 within 1,000 feet of public housing
 facility.

2484

893.13(6)(a) 3rd

Possession of any controlled substance
 other than felony possession of cannabis
and possession of cannabis as authorized
by this chapter and chapter 499.

2485

893.13(7)(a)8. 3rd

Withhold information from practitioner
 regarding previous receipt of or
 prescription for a controlled substance.

2486

893.13(7)(a)9. 3rd

Obtain or attempt to obtain controlled
 substance by fraud, forgery,
 misrepresentation, etc.

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2487

893.13(7)(a)10. 3rd Affix false or forged label to package of controlled substance.

2488

893.13(7)(a)11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.

2489

893.13(8)(a)1. 3rd Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

2490

893.13(8)(a)2. 3rd Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

2491

893.13(8)(a)3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.

2492

893.13(8)(a)4. 3rd Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary

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benefit for the practitioner.

2493

918.13(1)(a) 3rd Alter, destroy, or conceal investigation evidence.

2494

944.47 3rd Introduce contraband to correctional facility.
(1)(a)1.-2.

2495

944.47(1)(c) 2nd Possess contraband while upon the grounds of a correctional institution.

2496

985.721 3rd Escapes from a juvenile facility (secure detention or residential commitment facility).

2497

2498 (e) LEVEL 5

2499

Florida	Felony	
Statute	Degree	Description

2500

316.027(1)(a) 3rd Accidents involving personal injuries, failure to stop; leaving scene.

2501

316.1935(4)(a) 2nd Aggravated fleeing or eluding.

2502

322.34(6) 3rd Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

2503

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2504

327.30 (5) 3rd Vessel accidents involving personal injury; leaving scene.

2505

379.367 (4) 3rd Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

2506

379.3671 (2) (c) 3. 3rd Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.

2507

381.0041 (11) (b) 3rd Donate blood, plasma, or organs knowing HIV positive.

2508

440.10 (1) (g) 2nd Failure to obtain workers' compensation coverage.

2509

440.105 (5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

2510

440.381 (2) 2nd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

624.401 (4) (b) 2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than

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2511

\$100,000.

2512

626.902 (1) (c) 2nd Representing an unauthorized insurer;
repeat offender.

2513

790.01 (2) 3rd Carrying a concealed firearm.

2514

790.162 2nd Threat to throw or discharge
destructive device.

2515

790.163 (1) 2nd False report of deadly explosive or
weapon of mass destruction.

2516

790.221 (1) 2nd Possession of short-barreled shotgun or
machine gun.

2517

790.23 2nd Felons in possession of firearms,
ammunition, or electronic weapons or
devices.

2518

800.04 (6) (c) 3rd Lewd or lascivious conduct; offender
less than 18 years.

2519

800.04 (7) (b) 2nd Lewd or lascivious exhibition; offender
18 years or older.

806.111 (1) 3rd Possess, manufacture, or dispense fire
bomb with intent to damage any
structure or property.

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2520

812.0145(2)(b) 2nd Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

2521

812.015(8) 3rd Retail theft; property stolen is valued at \$300 or more and one or more specified acts.

2522

812.019(1) 2nd Stolen property; dealing in or trafficking in.

2523

812.131(2)(b) 3rd Robbery by sudden snatching.

2524

812.16(2) 3rd Owning, operating, or conducting a chop shop.

2525

817.034(4)(a)2. 2nd Communications fraud, value \$20,000 to \$50,000.

2526

817.234(11)(b) 2nd Insurance fraud; property value \$20,000 or more but less than \$100,000.

2527

817.2341(1), 3rd Filing false financial statements, (2)(a) & (3)(a) making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.

2528

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	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.
2529	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
2530	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
2531	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
2532	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
2533	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
2534			

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2535

843.01 3rd Resist officer with violence to person;
resist arrest with violence.

2536

847.0135(5)(b) 2nd Lewd or lascivious exhibition using
computer; offender 18 years or older.

2537

847.0137 3rd Transmission of pornography by
(2) & (3) electronic device or equipment.

2538

847.0138 3rd Transmission of material harmful to
(2) & (3) minors to a minor by electronic device
or equipment.

2539

874.05(2) 2nd Encouraging or recruiting another to
join a criminal gang; second or
subsequent offense.

2540

893.13(1)(a)1. 2nd Sell, manufacture, or deliver cocaine
(or other s. 893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or (2)(c)4.
drugs).

893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis,
except as authorized by this chapter,
chapter 468, and chapter 499, (or other
s. 893.03(1)(c), (2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9., (3), or (4) drugs)
within 1,000 feet of a child care

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facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

2541

893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.

2542

893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis, except as authorized by this chapter, chapter 468, and chapter 499, or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

2543

893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.

2544

893.13(4)(b) 2nd Deliver to minor cannabis, except as authorized by this chapter, chapter 468, and chapter 499 (or other s.

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893.03(1)(c), (2)(c)1., (2)(c)2.,
 (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,
 (2)(c)8., (2)(c)9., (3), or (4) drugs).

2545

893.1351(1) 3rd Ownership, lease, or rental for
 trafficking in or manufacturing of
 controlled substance.

2546

2547 (g) LEVEL 7

2548

Florida	Felony	
Statute	Degree	Description

2549

316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
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2550

316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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2551

316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
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2552

327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
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2553

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2554

402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

2555

409.920 3rd Medicaid provider fraud; \$10,000 or less.
(2) (b) 1.a.

2556

409.920 2nd Medicaid provider fraud; more than \$10,000, but less than \$50,000.
(2) (b) 1.b.

2557

456.065(2) 3rd Practicing a health care profession without a license.

2558

456.065(2) 2nd Practicing a health care profession without a license which results in serious bodily injury.

2559

458.327(1) 3rd Practicing medicine without a license.

2560

459.013(1) 3rd Practicing osteopathic medicine without a license.

2561

460.411(1) 3rd Practicing chiropractic medicine without a license.

2562

461.012(1) 3rd Practicing podiatric medicine without a license.

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2563
2564
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2573

462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.
465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901 (9)	3rd	Practicing medical physics without a license.
484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.

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	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
2574	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
2575	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
2576	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
2577	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
2578	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
2579	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator;

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2580

harbor or conceal a sexual predator.

782.051 (3)

2nd

Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

2581

782.07 (1)

2nd

Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

2582

782.071

2nd

Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).

2583

782.072

2nd

Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

2584

784.045 (1) (a) 1.

2nd

Aggravated battery; intentionally causing great bodily harm or disfigurement.

2585

784.045 (1) (a) 2.

2nd

Aggravated battery; using deadly weapon.

2586

784.045 (1) (b)

2nd

Aggravated battery; perpetrator aware victim pregnant.

2587

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2588

784.048 (4) 3rd Aggravated stalking; violation of injunction or court order.

2589

784.048 (7) 3rd Aggravated stalking; violation of court order.

2590

784.07 (2) (d) 1st Aggravated battery on law enforcement officer.

2591

784.074 (1) (a) 1st Aggravated battery on sexually violent predators facility staff.

2592

784.08 (2) (a) 1st Aggravated battery on a person 65 years of age or older.

2593

784.081 (1) 1st Aggravated battery on specified official or employee.

2594

784.082 (1) 1st Aggravated battery by detained person on visitor or other detainee.

2595

784.083 (1) 1st Aggravated battery on code inspector.

2596

787.06 (3) (a) 1st Human trafficking using coercion for labor and services.

787.06 (3) (e) 1st Human trafficking using coercion for labor and services by the transfer or transport of any individual from

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2597

outside Florida to within the state.

790.07(4)

1st

Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

2598

790.16(1)

1st

Discharge of a machine gun under specified circumstances.

2599

790.165(2)

2nd

Manufacture, sell, possess, or deliver hoax bomb.

2600

790.165(3)

2nd

Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

2601

790.166(3)

2nd

Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

2602

790.166(4)

2nd

Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

2603

790.23

1st, PBL

Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

2604

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2605

794.08(4) 3rd Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

2606

796.03 2nd Procuring any person under 16 years for prostitution.

2607

800.04(5)(c)1. 2nd Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

2608

800.04(5)(c)2. 2nd Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.

2609

806.01(2) 2nd Maliciously damage structure by fire or explosive.

2610

810.02(3)(a) 2nd Burglary of occupied dwelling; unarmed; no assault or battery.

2611

810.02(3)(b) 2nd Burglary of unoccupied dwelling; unarmed; no assault or battery.

2612

810.02(3)(d) 2nd Burglary of occupied conveyance; unarmed; no assault or battery.

810.02(3)(e) 2nd Burglary of authorized emergency

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2613

vehicle.

812.014 (2) (a) 1. 1st

Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.

2614

812.014 (2) (b) 2. 2nd

Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.

2615

812.014 (2) (b) 3. 2nd

Property stolen, emergency medical equipment; 2nd degree grand theft.

2616

812.014 (2) (b) 4. 2nd

Property stolen, law enforcement equipment from authorized emergency vehicle.

2617

812.0145 (2) (a) 1st

Theft from person 65 years of age or older; \$50,000 or more.

2618

812.019 (2) 1st

Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

2619

812.131 (2) (a) 2nd

Robbery by sudden snatching.

2620

812.133 (2) (b) 1st

Carjacking; no firearm, deadly weapon,

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2621

or other weapon.

817.234 (8) (a)

2nd

Solicitation of motor vehicle accident victims with intent to defraud.

2622

817.234 (9)

2nd

Organizing, planning, or participating in an intentional motor vehicle collision.

2623

817.234 (11) (c)

1st

Insurance fraud; property value \$100,000 or more.

2624

817.2341
(2) (b) &
(3) (b)

1st

Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

2625

825.102 (3) (b)

2nd

Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

2626

825.103 (2) (b)

2nd

Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.

2627

827.03 (2) (b)

2nd

Neglect of a child causing great bodily harm, disability, or disfigurement.

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2628

827.04 (3) 3rd Impregnation of a child under 16 years of age by person 21 years of age or older.

2629

837.05 (2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

2630

838.015 2nd Bribery.

2631

838.016 2nd Unlawful compensation or reward for official behavior.

2632

838.021 (3) (a) 2nd Unlawful harm to a public servant.

2633

838.22 2nd Bid tampering.

2634

847.0135 (3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.

2635

847.0135 (4) 2nd Traveling to meet a minor to commit an unlawful sex act.

2636

872.06 2nd Abuse of a dead human body.

2637

874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related

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2638

activity.

893.13(1)(c)1. 1st

Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

2639

893.13(1)(e)1. 1st

Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.

2640

893.13(4)(a) 1st

Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

2641

893.135(1)(a)1. 1st

Trafficking in cannabis, except as authorized by this chapter, chapter 468, and chapter 499, more than 25 lbs., less than 2,000 lbs.

2642

893.135 (1)(b)1.a. 1st

Trafficking in cocaine, more than 28 grams, less than 200 grams.

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2643

893.135 (1) (c) 1.a. 1st Trafficking in illegal drugs, more than 4 grams, less than 14 grams, excluding cannabis and tetrahydrocannabinols, when excepted by this chapter or chapter 499.

2644

893.135 (1) (d) 1. 1st Trafficking in phencyclidine, more than 28 grams, less than 200 grams.

2645

893.135 (1) (e) 1. 1st Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.

2646

893.135 (1) (f) 1. 1st Trafficking in amphetamine, more than 14 grams, less than 28 grams.

2647

893.135 (1) (g) 1.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

2648

893.135 (1) (h) 1.a. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

2649

893.135 (1) (j) 1.a. 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

2650

893.135 (1) (k) 2.a. 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

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2651

893.1351(2) 2nd Possession of place for trafficking in or manufacturing of controlled substance.

2652

896.101(5)(a) 3rd Money laundering, financial transactions exceeding \$300 but less than \$20,000.

2653

896.104(4)(a)1. 3rd Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

2654

943.0435(4)(c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.

2655

943.0435(8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

2656

943.0435(9)(a) 3rd Sexual offender; failure to comply with reporting requirements.

2657

943.0435(13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

2658

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2659
2660
2661
2662
2663
2664
2665
2666

943.0435(14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

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2667 (h) LEVEL 8

2668

Florida	Felony	
Statute	Degree	Description

2669

316.193	2nd	DUI manslaughter.
(3) (c) 3.a.		

2670

316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
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2671

327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
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2672

499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
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2673

499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
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2674

560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
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2675

560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
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2676

655.50 (10) (b) 2. 2nd Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

2677

777.03 (2) (a) 1st Accessory after the fact, capital felony.

2678

782.04 (4) 2nd Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.

2679

782.051 (2) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).

2680

782.071 (1) (b) 1st Committing vehicular homicide and failing to render aid or give information.

2681

782.072 (2) 1st Committing vessel homicide and failing to render aid or give information.

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2682

787.06(3)(b) 1st Human trafficking using coercion for commercial sexual activity.

2683

787.06(3)(c) 1st Human trafficking using coercion for labor and services of an unauthorized alien.

2684

787.06(3)(f) 1st Human trafficking using coercion for commercial sexual activity by the transfer or transport of any individual from outside Florida to within the state.

2685

790.161(3) 1st Discharging a destructive device which results in bodily harm or property damage.

2686

794.011(5) 2nd Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.

2687

794.08(3) 2nd Female genital mutilation, removal of a victim younger than 18 years of age from this state.

2688

800.04(4) 2nd Lewd or lascivious battery.

2689

806.01(1) 1st Maliciously damage dwelling or

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structure by fire or explosive,
believing person in structure.

2690

810.02 (2) (a) 1st,PBL Burglary with assault or battery.

2691

810.02 (2) (b) 1st,PBL Burglary; armed with explosives or
dangerous weapon.

2692

810.02 (2) (c) 1st Burglary of a dwelling or structure
causing structural damage or \$1,000 or
more property damage.

2693

812.014 (2) (a) 2. 1st Property stolen; cargo valued at
\$50,000 or more, grand theft in 1st
degree.

2694

812.13 (2) (b) 1st Robbery with a weapon.

2695

812.135 (2) (c) 1st Home-invasion robbery, no firearm,
deadly weapon, or other weapon.

2696

817.568 (6) 2nd Fraudulent use of personal
identification information of an
individual under the age of 18.

2697

825.102 (2) 1st Aggravated abuse of an elderly person
or disabled adult.

2698

825.1025 (2) 2nd Lewd or lascivious battery upon an

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2699

elderly person or disabled adult.

825.103 (2) (a)

1st

Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.

2700

837.02 (2)

2nd

Perjury in official proceedings relating to prosecution of a capital felony.

2701

837.021 (2)

2nd

Making contradictory statements in official proceedings relating to prosecution of a capital felony.

2702

860.121 (2) (c)

1st

Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

2703

860.16

1st

Aircraft piracy.

2704

893.13 (1) (b)

1st

Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).

2705

893.13 (2) (b)

1st

Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).

2706

893.13 (6) (c)

1st

Possess in excess of 10 grams of any

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substance specified in s. 893.03(1) (a) or (b).

2707

893.135 (1) (a) 2. 1st Trafficking in cannabis, except as authorized by this chapter, chapter 468, and chapter 499, more than 2,000 lbs., less than 10,000 lbs.

2708

893.135 (1) (b) 1.b. 1st Trafficking in cocaine, more than 200 grams, less than 400 grams.

2709

893.135 (1) (c) 1.b. 1st Trafficking in illegal drugs, more than 14 grams, less than 28 grams, excluding cannabis and tetrahydrocannabinols, when excepted by this chapter or chapter 499.

2710

893.135 (1) (d) 1.b. 1st Trafficking in phencyclidine, more than 200 grams, less than 400 grams.

2711

893.135 (1) (e) 1.b. 1st Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.

2712

893.135 (1) (f) 1.b. 1st Trafficking in amphetamine, more than 28 grams, less than 200 grams.

2713

893.135 (1) (g) 1.b. 1st Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.

2714

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2715

893.135 (1) (h) 1.b. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.

2716

893.135 (1) (j) 1.b. 1st Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.

2717

893.135 (1) (k) 2.b. 1st Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.

2718

893.1351(3) 1st Possession of a place used to manufacture controlled substance when minor is present or resides there.

2719

895.03(1) 1st Use or invest proceeds derived from pattern of racketeering activity.

2720

895.03(2) 1st Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

2721

895.03(3) 1st Conduct or participate in any enterprise through pattern of racketeering activity.

896.101(5)(b) 2nd Money laundering, financial transactions totaling or exceeding

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\$20,000, but less than \$100,000.

2722

896.104 (4) (a) 2. 2nd Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

2723

2724 (i) LEVEL 9

2725

Florida	Felony	
Statute	Degree	Description

2726

316.193 1st DUI manslaughter; failing to render aid or give information.

(3) (c) 3.b.

2727

327.35 (3) (c) 3.b. 1st BUI manslaughter; failing to render aid or give information.

2728

409.920 1st Medicaid provider fraud; \$50,000 or more.

(2) (b) 1.c.

2729

499.0051 (9) 1st Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.

2730

560.123 (8) (b) 3. 1st Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.

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2731

560.125 (5) (c) 1st Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.

2732

655.50 (10) (b) 3. 1st Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.

2733

775.0844 1st Aggravated white collar crime.

2734

782.04 (1) 1st Attempt, conspire, or solicit to commit premeditated murder.

2735

782.04 (3) 1st, PBL Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.

2736

782.051 (1) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3).

2737

782.07 (2) 1st Aggravated manslaughter of an elderly person or disabled adult.

2738

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2739

787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or reward
or as a shield or hostage.

2740

787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or
facilitate commission of any felony.

2741

787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere
with performance of any governmental
or political function.

2742

787.02(3)(a) 1st False imprisonment; child under age
13; perpetrator also commits
aggravated child abuse, sexual
battery, or lewd or lascivious
battery, molestation, conduct, or
exhibition.

2743

787.06(3)(d) 1st Human trafficking using coercion for
commercial sexual activity of an
unauthorized alien.

2744

787.06(3)(g) 1st,PBL Human trafficking for commercial
sexual activity of a child under the
age of 18.

2745

787.06(4) 1st Selling or buying of minors into human
trafficking.

790.161 1st Attempted capital destructive device

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2746

offense.

790.166 (2)

1st, PBL

Possessing, selling, using, or attempting to use a weapon of mass destruction.

2747

794.011 (2)

1st

Attempted sexual battery; victim less than 12 years of age.

2748

794.011 (2)

Life

Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.

2749

794.011 (4)

1st

Sexual battery; victim 12 years or older, certain circumstances.

2750

794.011 (8) (b)

1st

Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.

2751

794.08 (2)

1st

Female genital mutilation; victim younger than 18 years of age.

2752

796.035

1st

Selling or buying of minors into prostitution.

2753

800.04 (5) (b)

Life

Lewd or lascivious molestation; victim less than 12 years; offender 18 years

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2754

or older.

812.13 (2) (a) 1st,PBL Robbery with firearm or other deadly
weapon.

2755

812.133 (2) (a) 1st,PBL Carjacking; firearm or other deadly
weapon.

2756

812.135 (2) (b) 1st Home-invasion robbery with weapon.

2757

817.568 (7) 2nd, Fraudulent use of personal
PBL identification information of an
individual under the age of 18 by his
or her parent, legal guardian, or
person exercising custodial authority.

2758

827.03 (2) (a) 1st Aggravated child abuse.

2759

847.0145 (1) 1st Selling, or otherwise transferring
custody or control, of a minor.

2760

847.0145 (2) 1st Purchasing, or otherwise obtaining
custody or control, of a minor.

2761

859.01 1st Poisoning or introducing bacteria,
radioactive materials, viruses, or
chemical compounds into food, drink,
medicine, or water with intent to kill
or injure another person.

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2762

893.135 1st Attempted capital trafficking offense.

2763

893.135 (1) (a) 3. 1st Trafficking in cannabis, except as authorized by this chapter, chapter 468 and chapter 499, more than 10,000 lbs.

2764

893.135 (1) (b) 1.c. 1st Trafficking in cocaine, more than 400 grams, less than 150 kilograms.

2765

893.135 (1) (c) 1.c. 1st Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms, excluding cannabis and tetrahydrocannabinols, when excepted by this chapter, chapter 468, or chapter 499.

2766

893.135 (1) (d) 1.c. 1st Trafficking in phencyclidine, more than 400 grams.

2767

893.135 (1) (e) 1.c. 1st Trafficking in methaqualone, more than 25 kilograms.

2768

893.135 (1) (f) 1.c. 1st Trafficking in amphetamine, more than 200 grams.

2769

893.135 (1) (h) 1.c. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.

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2770

893.135 1st Trafficking in 1,4-Butanediol, 10
 (1) (j) 1.c. kilograms or more.

2771

893.135 1st Trafficking in Phenethylamines, 400
 (1) (k) 2.c. grams or more.

2772

896.101 (5) (c) 1st Money laundering, financial
 instruments totaling or exceeding
 \$100,000.

2773

896.104 (4) (a) 3. 1st Structuring transactions to evade
 reporting or registration
 requirements, financial transactions
 totaling or exceeding \$100,000.

2774

2775

Section 9. If any provision of this act or its application
to any person or circumstance is held invalid, the invalidity
does not affect other provisions or applications of the act
which can be given effect without the invalid provision or
application, and to this end the provisions of this act are
severable.

2780

2781

Section 10. This act shall take effect July 1, 2013.