

By Senator Clemens

27-00264A-14

2014962\_\_

1                                   A bill to be entitled  
2       An act relating to the medical use of cannabis;  
3       providing a short title; creating part XVII of ch.  
4       468, F.S.; creating s. 468.901, F.S.; providing a  
5       purpose; creating s. 468.902, F.S.; providing  
6       legislative findings and intent; creating s. 468.903,  
7       F.S.; defining terms; creating s. 468.904, F.S.;  
8       requiring the Department of Business and Professional  
9       Regulation to regulate the manufacture, cultivation,  
10      possession, wholesale distribution, dispensing,  
11      purchase, delivery, and sale of cannabis for medical  
12      use and the manufacture, possession, purchase, sale,  
13      use, and delivery of drug paraphernalia; providing  
14      that the department is responsible for the licensure  
15      and permitting of dispensaries and medical cannabis  
16      farms and the registration of owners, directors,  
17      officers, members, incorporators, employees, and  
18      agents of such farms and dispensaries; requiring the  
19      department to require medical cannabis farms and  
20      dispensaries to maintain certain records and  
21      information; requiring the department to develop and  
22      make available educational materials, conduct  
23      inspections, and revoke or suspend registrations,  
24      licenses, and permits; requiring the department to  
25      adopt certain rules; creating s. 468.905, F.S.;  
26      authorizing a medical cannabis farm to cultivate,  
27      sell, manufacture, or deliver, or possess with the  
28      intent to sell, manufacture, or deliver, cannabis and  
29      cannabis plants for wholesale in this state;

27-00264A-14

2014962\_\_

30 authorizing a medical cannabis farm to deliver,  
31 possess with intent to deliver, or manufacture with  
32 intent to deliver drug paraphernalia; requiring a  
33 medical cannabis farm to be permitted with the  
34 department before possessing, manufacturing,  
35 cultivating, delivering, distributing, and wholesaling  
36 cannabis, cannabis-based products, cannabis plants, or  
37 drug paraphernalia; requiring agricultural  
38 classification of land used as a medical cannabis  
39 farm; prohibiting a medical cannabis farm from  
40 conducting retail sales or transactions; requiring a  
41 medical cannabis farm to implement a security plan and  
42 maintain procedures in which cannabis and cannabis-  
43 based products are accessible only to authorized  
44 personnel; providing that the active ingredient in all  
45 cannabis-based products cultivated, manufactured, and  
46 wholesaled to a licensed dispensary in this state must  
47 be wholly derived from cannabis plants cultivated in  
48 this state, except for cannabis seeds and seedlings;  
49 providing that a medical cannabis farm is provided  
50 certain protections and is not deemed a public  
51 nuisance solely because its farm product includes the  
52 production of cannabis; creating s. 468.906, F.S.;

53 authorizing a dispensary to distribute, purchase, sell  
54 or deliver, or possess with the intent to sell or  
55 deliver cannabis, cannabis-based products, cannabis  
56 plants, and drug paraphernalia in order to dispense  
57 and sell to a qualifying patient or patient's  
58 caregiver and to purchase, distribute, deliver, or

27-00264A-14

2014962\_\_

59 possess with intent to deliver drug paraphernalia;  
60 requiring a dispensary to be licensed with the  
61 department before possessing, purchasing, delivering,  
62 distributing, or retailing cannabis, cannabis-based  
63 products, cannabis plants, or drug paraphernalia;  
64 requiring a dispensary to purchase cannabis, cannabis-  
65 based products, and cannabis plants from a medical  
66 cannabis farm that has a department-issued permit;  
67 prohibiting a dispensary from conducting wholesale  
68 sales or transactions; authorizing a dispensary to  
69 retail to a qualifying patient or patient's caregiver  
70 cannabis, cannabis-based products, cannabis plants, or  
71 drug paraphernalia if the qualifying patient or  
72 patient's caregiver meets certain conditions; limiting  
73 a certain amount of usable cannabis and number of  
74 cannabis plant seedlings that a qualifying patient and  
75 a patient's caregiver may purchase within a certain  
76 time period; requiring a dispensary to maintain  
77 certain records for a specified number of years;  
78 requiring a dispensary to implement a security plan;  
79 requiring a dispensary to make available educational  
80 materials; requiring a dispensary to prohibit a  
81 qualifying patient from administering or using, and  
82 prohibiting a caregiver from assisting a qualifying  
83 patient in administering or using, any form of  
84 cannabis while on the property of the dispensary;  
85 providing that a person who administers or uses, or  
86 assists another to administer or use, any form of  
87 cannabis on the property of a dispensary subjects the

27-00264A-14

2014962\_\_

88 dispensary to penalties; creating s. 468.907, F.S.;

89 requiring a person to register with the department if

90 he or she desires to be an owner, director, officer,

91 member, incorporator, agent, or employee of a medical

92 cannabis farm or dispensary; requiring the department

93 to establish certain registration fees and determine

94 if the registrant has certain felony convictions;

95 prohibiting the department from approving a registrant

96 as an owner, director, officer, member, incorporator,

97 agent, or employee of a medical cannabis farm or

98 dispensary if such registrant has certain felony

99 convictions; providing that a person who violates or

100 has violated this act may not be an owner, director,

101 officer, member, incorporator, agent, or employee of a

102 medical cannabis farm or dispensary; providing that

103 any prior authorization of such person shall be

104 immediately revoked; requiring the department to

105 suspend the license or permit of the medical cannabis

106 farm or dispensary until such person resigns or is

107 removed from such position; authorizing a registrant

108 to commence an action in a court of competent

109 jurisdiction to compel the department to perform

110 certain actions if the department fails to adopt rules

111 by a specified date; creating s. 468.908, F.S.;

112 prohibiting a person from operating a medical cannabis

113 farm except in accordance with part XVII of ch. 468,

114 F.S.; requiring an applicant for an initial permit or

115 for a renewal permit to operate a medical cannabis

116 farm to provide certain information in the

27-00264A-14

2014962\_\_

117 application; requiring the department to establish by  
118 rule application fees and permitting fees; providing  
119 maximum amounts for the fees; requiring a person who  
120 possesses, cultivates, manufactures, delivers,  
121 distributes, or wholesales cannabis, cannabis-based  
122 products, or cannabis plants at one or more locations  
123 to possess a current, valid permit for each location;  
124 authorizing an applicant for a permit to operate a  
125 medical cannabis farm to commence an action in a court  
126 of competent jurisdiction to compel the Department of  
127 Business and Professional Regulation to perform  
128 certain actions if the department fails to adopt rules  
129 by a specified date; creating s. 468.909, F.S.;

130 prohibiting a person from operating a dispensary in  
131 this state except in accordance with part XVII of ch.  
132 468, F.S.; requiring an applicant for an initial  
133 license or for a renewal license to operate a  
134 dispensary to provide certain information in the  
135 application; requiring the department to establish by  
136 rule application fees and licensure fees; providing  
137 maximum amounts for the fees; requiring a person who  
138 conducts the wholesale purchase or retail sale of drug  
139 paraphernalia or any form of cannabis at more than one  
140 location to possess a current, valid license for each  
141 location; authorizing an applicant for a license to  
142 operate a dispensary to commence an action in a court  
143 of competent jurisdiction to compel the department to  
144 perform certain actions if the department fails to  
145 adopt rules by a specified date; creating s. 468.910,

27-00264A-14

2014962\_\_

146 F.S.; providing requirements for submitting an  
147 application for a license or a permit; authorizing the  
148 department to require an applicant to furnish other  
149 information or data; creating s. 468.911, F.S.;

150 providing requirements for licenses and permits;  
151 authorizing the department to include other  
152 information on a license or permit; providing that a  
153 license or permit may not be issued, renewed, or  
154 allowed to remain in effect in certain circumstances;  
155 prohibiting a person from knowingly submitting or  
156 presenting to the department a false, fictitious, or  
157 misrepresented application, identification, document,  
158 information, statement, or data intended or likely to  
159 deceive the department in order to obtain a license or  
160 permit; creating s. 468.912, F.S.; authorizing the use  
161 of certain terms to designate a medical cannabis farm  
162 that has a department-issued permit or a licensed  
163 dispensary; requiring conspicuous display of a license  
164 or permit; providing specified dates for validity and  
165 expiration of licenses and permits; providing  
166 application procedures for obtaining initial and  
167 renewal licenses and permits; authorizing the  
168 department to seize all forms of cannabis and drug  
169 paraphernalia and dispose of them if the licensee or  
170 permittee fails to renew a license or permit;  
171 requiring funds collected from such disposal to be  
172 deposited in the Professional Regulation Trust Fund;  
173 providing the fee structure for reactivating an  
174 inactive license or permit; creating s. 468.913, F.S.;

27-00264A-14

2014962\_\_

175 requiring the reporting of a loss, theft, or  
176 unexplained shortage of cannabis, cannabis-based  
177 products, cannabis plants, or drug paraphernalia to  
178 the local law enforcement agency and the department;  
179 requiring an investigating law enforcement agency to  
180 forward a copy of its written report to the  
181 department; requiring the department to retain such  
182 reports; requiring any sheriff or law enforcement  
183 officer in this state to give immediate notice to the  
184 department of a theft, illegal use, or illegal  
185 possession of cannabis, cannabis-based product,  
186 cannabis plants, or drug paraphernalia and to forward  
187 a copy of his or her final written report to the  
188 department; creating s. 468.914, F.S.; authorizing the  
189 department to issue cease and desist orders and to  
190 impose administrative fines for violations of part  
191 XVII of ch. 468, F.S., and applicable department  
192 rules; authorizing the department to seek injunctive  
193 relief and to apply for temporary and permanent orders  
194 for certain violations; authorizing the department to  
195 revoke or suspend all licenses or permits held by a  
196 person; providing requirements for an order of  
197 suspension and an order of revocation; providing for  
198 application of an order of revocation or suspension to  
199 a newly issued permit or license; providing that a  
200 person whose permit or license has been suspended or  
201 revoked may not be issued a new permit or license  
202 under any other name or company name until the  
203 expiration of the suspension or revocation;

27-00264A-14

2014962\_\_

204 authorizing the department to revoke or suspend a  
205 license or permit for certain violations or acts;  
206 providing criminal penalties; providing that other  
207 lawful remedies are not affected; requiring that all  
208 fines, monetary penalties, and costs received by the  
209 department in connection with this part be deposited  
210 into the Professional Regulation Trust Fund of the  
211 Department of Business and Professional Regulation;  
212 creating s. 468.915, F.S.; requiring that all hearings  
213 and review of orders from the department be conducted  
214 in accordance with ch. 120, F.S.; creating s. 468.916,  
215 F.S.; prohibiting a county or municipality from  
216 creating or imposing an ordinance or rule that is  
217 inconsistent with the provisions contained in this act  
218 and the applicable department rules; creating s.  
219 468.917, F.S.; requiring that all moneys collected and  
220 deposited in the Professional Regulation Trust Fund be  
221 used by the department in the administration of part  
222 XVII of ch. 468, F.S.; requiring the department to  
223 maintain a separate account in the Professional  
224 Regulation Trust Fund for the Drugs, Devices, and  
225 Cosmetics program; creating s. 468.918, F.S.;  
226 requiring the Department of Business and Professional  
227 Regulation and the Department of Revenue to adopt  
228 rules by a specified date, including rules that  
229 specify persons who may legally possess cannabis for  
230 the purpose of teaching, research, or testing;  
231 requiring the fees collected by the departments to be  
232 applied first to the cost of administering the act;



27-00264A-14

2014962\_\_

233 authorizing a state resident to commence an action in  
234 a court of competent jurisdiction if the departments  
235 fail to adopt rules by a specified date; creating part  
236 III of ch. 499, F.S.; creating s. 499.802, F.S.;

237 defining terms; creating s. 499.803, F.S.; authorizing  
238 a qualifying patient to cultivate, possess, and  
239 administer cannabis for medical use and to possess and  
240 use drug paraphernalia for a specified purpose;

241 authorizing the patient's caregiver to cultivate,  
242 possess, and administer cannabis for medical use for a  
243 qualifying patient and to possess, deliver, and use  
244 drug paraphernalia for a specified purpose; providing  
245 that a registry identification card, or its  
246 equivalent, issued from another jurisdiction has the  
247 same force and effect as a registry identification  
248 card issued by the Department of Health; requiring a  
249 qualifying patient to present to a law enforcement  
250 officer a registry identification card to confirm that  
251 the patient may cultivate, possess, and administer  
252 cannabis for medical use and possess and use drug  
253 paraphernalia; requiring a patient's caregiver to  
254 present to a law enforcement officer a registry  
255 identification card to confirm that the caregiver may  
256 cultivate, possess, and administer cannabis for a  
257 qualifying patient and possess, deliver, and use drug  
258 paraphernalia; authorizing a qualifying patient or the  
259 patient's caregiver to purchase, possess, administer,  
260 or deliver cannabis, cannabis-based products, cannabis  
261 plants, and drug paraphernalia that is obtained only

27-00264A-14

2014962\_\_

262 from a dispensary or medical cannabis farm or to  
263 cultivate cannabis and cannabis plants for only the  
264 qualifying patient's possession and administration;  
265 authorizing a qualifying patient who is a minor to  
266 possess, use, or administer medical cannabis only in  
267 the presence of the minor's parent or legal guardian  
268 and only if the minor's parent or legal guardian signs  
269 a written statement; providing requirements for the  
270 written statement; providing a procedure for changing  
271 the patient's designation of a caregiver; providing a  
272 procedure for replacing a lost registry identification  
273 card; providing that a registration form to obtain a  
274 registry identification card is a registry  
275 identification card if the department fails to issue  
276 or deny the registration within a specified number of  
277 days; authorizing the department to revoke a  
278 cardholder's registry identification card; creating s.  
279 499.804, F.S.; requiring a person who seeks  
280 designation as a qualifying patient or the patient's  
281 caregiver to register with the department; authorizing  
282 the maximum number of qualifying patients a patient's  
283 caregiver may be connected to through the department's  
284 registration process; requiring a qualifying patient  
285 or the patient's caregiver to deliver or distribute  
286 cannabis in a labeled container or sealed package;  
287 prescribing the maximum amount of cannabis which a  
288 qualifying patient or the patient's caregiver may  
289 possess; requiring a cardholder to cultivate cannabis  
290 plants in certain venues that are out of the public

27-00264A-14

2014962\_\_

291 view; providing exceptions for delivering or  
292 distributing cannabis plants under certain  
293 circumstances; authorizing cannabis to be administered  
294 in certain medical treatment facilities under certain  
295 circumstances; prohibiting medical cannabis from being  
296 administered at a dispensary or in a public place,  
297 other than at a medical treatment facility; providing  
298 that the act does not allow a person to undertake a  
299 task under the influence of cannabis when doing so  
300 constitutes negligence or malpractice; providing that  
301 the medical use of cannabis does not create a defense  
302 to certain offenses; providing that evidence of a  
303 person's voluntary intoxication that results from the  
304 medical use of cannabis is not admissible in a  
305 judicial proceeding to show lack of specific intent or  
306 insanity; providing an exception; authorizing a person  
307 or entity to provide information about the existence  
308 or operation of a medical cannabis farm or dispensary  
309 to another person; prohibiting a law enforcement  
310 officer from further stopping or detaining a person  
311 stopped by the officer if that person is in compliance  
312 with the laws and rules regulating the medical use of  
313 cannabis or drug paraphernalia; creating s. 499.805,  
314 F.S.; authorizing a physician to prescribe, in  
315 writing, the medical use of cannabis under certain  
316 circumstances; providing requirements for the written  
317 prescription; providing that a physician is not  
318 subject to arrest, prosecution, penalty, disciplinary  
319 proceedings, or denial of a right or privilege for

27-00264A-14

2014962\_\_

320 advising a qualifying patient about the medical use of  
321 cannabis, recommending the medical use of cannabis,  
322 providing a written prescription for a patient's  
323 medical use of cannabis, or stating that, in the  
324 physician's professional opinion, the potential  
325 benefits of the medical use of cannabis likely  
326 outweigh the health risks for a patient; prohibiting a  
327 physician from having a professional office located at  
328 a medical cannabis farm or dispensary or receiving  
329 financial compensation from a medical cannabis farm or  
330 dispensary or its owners, directors, officers,  
331 members, incorporators, agents, or employees; creating  
332 s. 499.806, F.S.; providing that qualifying patients  
333 and their caregivers and certain nurse practitioners,  
334 registered nurses, pharmacists, and other persons are  
335 not subject to arrest, prosecution, penalty, or denial  
336 of any right or privilege as a result of the lawful  
337 applicable activity regarding the medical use of  
338 cannabis under certain circumstances; prohibiting a  
339 school, employer, or property owner from refusing to  
340 enroll, employ, or lease to or otherwise penalizing a  
341 person who is a cardholder; creating a presumption  
342 when a qualifying patient or the patient's caregiver  
343 is engaged in the medical use of cannabis under  
344 certain circumstances; authorizing the use of evidence  
345 to rebut that presumption; authorizing the patient's  
346 caregiver to be reimbursed for certain costs;  
347 providing that such reimbursement does not constitute  
348 the sale of a controlled substance under s. 893.13,

27-00264A-14

2014962\_\_

349 F.S.; providing that a qualifying patient's medical  
350 use of cannabis is equivalent to the use of any other  
351 medication used at the direction of a physician;  
352 providing that such use does not constitute the use of  
353 an illicit drug under s. 893.03, F.S.; providing that  
354 a person, cardholder, medical cannabis farm, or  
355 dispensary that cultivates, manufactures, possesses,  
356 administers, dispenses, distributes, or uses cannabis,  
357 or manufactures, possesses, distributes, or uses drug  
358 paraphernalia, in a manner not authorized by this act,  
359 is subject to criminal prosecution and sanctions under  
360 the Florida Comprehensive Drug Abuse Prevention and  
361 Control Act; providing that a person who makes a  
362 fraudulent representation to a law enforcement officer  
363 relating to certain activities involving medical use  
364 of cannabis or drug paraphernalia is subject to a  
365 criminal fine in addition to other penalties under  
366 law; creating s. 499.807, F.S.; providing additional  
367 defenses to a prosecution involving cannabis;  
368 authorizing the clerk of the court to assess a fee for  
369 dismissal of a criminal charge of possession, use, or  
370 administration of a legal amount of cannabis for  
371 medical use or drug paraphernalia under certain  
372 circumstances; authorizing a cardholder to assert the  
373 purpose for the medical use of cannabis in a motion to  
374 dismiss; providing that certain interests or rights to  
375 property related to a qualifying patient's medical use  
376 of cannabis may not be forfeited under the Florida  
377 Contraband Forfeiture Act under certain circumstances;

27-00264A-14

2014962\_\_

378 creating s. 499.808, F.S.; providing that the act does  
379 not require a governmental, private, or other health  
380 insurance provider or health care services plan to  
381 cover, or prohibit it from covering, a claim for  
382 reimbursement for the medical use of cannabis;  
383 creating s. 499.809, F.S.; prohibiting an employer,  
384 laboratory, employee assistance program, or alcohol  
385 and drug rehabilitation program and their agents from  
386 releasing certain information without written consent;  
387 providing requirements for written consent;  
388 prohibiting information regarding a qualifying patient  
389 or the patient's caregiver from being released or used  
390 in a criminal proceeding; providing that such  
391 information is inadmissible as evidence; authorizing  
392 the Department of Health and its employees to have  
393 access to information regarding a qualifying patient  
394 or the patient's caregiver under certain  
395 circumstances; creating s. 499.810, F.S.; requiring  
396 the department to adopt rules by a specified date;  
397 requiring the fees collected by the Department of  
398 Health to be applied first to the cost of  
399 administering part III of ch. 499; authorizing a state  
400 resident to commence an action in a court of competent  
401 jurisdiction if the departments fail to adopt rules by  
402 a specified date; conforming provisions to changes  
403 made by the act; authorizing the executive director of  
404 the Department of Revenue to adopt emergency rules;  
405 amending ss. 812.14, 893.03, 893.13, 893.1351,  
406 893.145, 893.147, and 921.0022, F.S.; providing an

27-00264A-14

2014962\_\_

407 effective date.

408  
409 Be It Enacted by the Legislature of the State of Florida:

410  
411 Section 1. This act may be cited as the "Cathy Jordan  
412 Medical Cannabis Act."

413 Section 2. Part XVII of chapter 468, Florida Statutes,  
414 consisting of sections 468.901-468.918, is created to read:

415 468.901 Purpose.—The purpose of part III of chapter 499 and  
416 this part is to:

417 (1) Make a distinction between the medical use and  
418 nonmedical use of cannabis and to protect qualifying patients,  
419 their prescribing physicians, their caregivers, and persons who  
420 lawfully engage in activities associated with the operation of a  
421 dispensary or a medical cannabis farm from arrest, criminal  
422 prosecution, property forfeiture, and other penalties if such  
423 patients, physicians, caregivers, and persons engage in the  
424 medical use of cannabis. Compassionate medical use of cannabis  
425 will also reduce state law enforcement costs, including, but not  
426 limited to, state prison costs, local jail costs, felony  
427 prosecution costs, court and probation costs, costs associated  
428 with felony and misdemeanor arrests, and alternative treatment  
429 costs by reducing the incidence of arrest and prosecution of  
430 nonviolent cannabis users and traffickers in the state.

431 (2) Provide consumer protection regarding the medical use  
432 of cannabis by regulating the cultivation, manufacturing,  
433 wholesale distribution, prescribing, and retailing of cannabis,  
434 cannabis-based products, cannabis plants, and drug paraphernalia  
435 in the state in order to:

27-00264A-14

2014962\_\_

436 (a) Safeguard the public health, safety, and welfare.

437 (b) Protect the public from being misled by unscrupulous  
438 and unauthorized persons or criminal activity.

439 (c) Ensure the highest degree of conduct on the part of  
440 owners, directors, officers, members, employees, and agents of  
441 medical cannabis farms and dispensaries.

442 (d) Ensure the availability of controlled distribution and  
443 use of high-quality cannabis, cannabis-based products, cannabis  
444 plants, and drug paraphernalia in this state for the benefit of  
445 a qualifying patient who is prescribed cannabis for medical use.

446 468.902 Legislative findings and intent.—

447 (1) The Legislature finds that:

448 (a) Modern medical research has discovered beneficial uses  
449 for cannabis in treating or alleviating pain, nausea, and other  
450 symptoms associated with certain qualifying medical conditions,  
451 as indicated by the National Academy of Sciences' Institute of  
452 Medicine (IOM) in its report dated March 1999, cited by the  
453 United States Department of Health and Human Services, which  
454 found that "there is substantial consensus among experts in the  
455 relevant disciplines on the scientific evidence about potential  
456 medical uses of marijuana."

457 (b) The prohibition against the use of cannabis has been in  
458 effect for many years and is rooted in outdated scientific  
459 evidence that does not make a reasonable distinction between its  
460 recreational use and beneficial medicinal use.

461 (c) Although federal law currently prohibits any use of  
462 marijuana and cannabis, the laws of Alaska, Arizona, California,  
463 Colorado, Connecticut, Delaware, District of Columbia, Hawaii,  
464 Illinois, Maine, Massachusetts, Michigan, Montana, Nevada, New



27-00264A-14

2014962\_\_

465 Hampshire, New Jersey, New Mexico, Oregon, Rhode Island,  
466 Vermont, and Washington allow the medical use of cannabis and  
467 the cultivation of marijuana as of January 2014. This state  
468 joins in this effort for the health, safety, and welfare of its  
469 residents through enacting the Cathy Jordan Medical Cannabis Act  
470 and creating license and permit regulations in this part.

471 (d) The medical use of cannabis offers a substantial  
472 benefit to the health, safety, and welfare of the residents of  
473 this state, and it is the intent of the Legislature that this  
474 part and part III of chapter 499 be liberally construed to make  
475 these benefits available to the residents of this state.

476 (e) The states are not required to enforce federal law or  
477 prosecute people for engaging in activities prohibited by  
478 federal law. Therefore, compliance with this part and part III  
479 of chapter 499 does not place this state in violation of federal  
480 law.

481 (2) The Tenth Amendment of the United States Constitution  
482 provides that powers not delegated to the Federal Government by  
483 the federal constitution, nor prohibited to the states, are  
484 reserved to the states or the people. Therefore, the Legislature  
485 may enact this part pursuant to its police power to enact  
486 legislation for the protection of the health of its residents.

487 (3) The provisions of this part and part III of chapter 499  
488 are cumulative and do not repeal or affect any power, duty, or  
489 authority of the Department of Business and Professional  
490 Regulation, the Department of Health, and the Department of  
491 Revenue under any other law of this state, except with respect  
492 to the regulation of cannabis as provided in this part and part  
493 III of chapter 499. If the provisions of this part or part III

27-00264A-14

2014962\_\_

494 of chapter 499 conflict with any other such law, the provisions  
495 of this part and part III of chapter 499 control.

496 468.903 Definitions.—As used in this part, unless the  
497 context clearly indicates otherwise, the term:

498 (1) "Administer" has the same meaning as provided in s.  
499 893.02.

500 (2) "Cannabis" has the same meaning as provided in s.  
501 893.02.

502 (3) "Cannabis-based product" means a product that contains  
503 cannabis or any of its derivatives, including, but not limited  
504 to, tonics, tinctures, balms, salves, lotions, sprays,  
505 ointments, teas, sodas, and pills.

506 (4) "Cannabis plant" has the same meaning as provided in s.  
507 893.135.

508 (5) "Cultivating" has the same meaning as provided in s.  
509 893.02.

510 (6) "Deliver" or "delivery" has the same meaning as  
511 provided in s. 893.02.

512 (7) "Department" means the Department of Business and  
513 Professional Regulation.

514 (8) "Dispensary" means a facility that is:

515 (a) Licensed by the department pursuant to this chapter;  
516 and

517 (b) Operated by an organization or business from or at  
518 which cannabis, cannabis-based products, and cannabis plants are  
519 delivered, purchased, possessed, or dispensed and drug  
520 paraphernalia are possessed, delivered, or distributed to a  
521 qualifying patient or the patient's caregiver.

522 (9) "Dispense" means the transfer of possession of cannabis

27-00264A-14

2014962\_\_

523 by a person who represents that it is his or her intention not  
524 to consume the cannabis but to transfer it to the ultimate  
525 consumer or user for its medical use in accordance with this  
526 part, part III of chapter 499, or department rule.

527 (10) "Distribute" has the same meaning as provided in s.  
528 893.02.

529 (11) "Drug paraphernalia" has the same meaning as provided  
530 in s. 893.145, is related to the medical use of cannabis, and is  
531 not deemed contraband that is subject to civil forfeiture.

532 (12) "Manufacture" means the production, preparation,  
533 propagation, compounding, conversion, or processing of cannabis,  
534 directly or indirectly, by extraction from substances of natural  
535 origin, independently by means of chemical synthesis, or by a  
536 combination of extraction and chemical synthesis, and includes  
537 the packaging or repackaging of the substance and the labeling  
538 or relabeling of its container.

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

540 (a) Is currently classified as agricultural pursuant to s.  
541 193.461 by the county property appraiser, a value adjustment  
542 board, a court of competent jurisdiction, or the board of county  
543 commissioners of the county in which the land is located, before  
544 application for a permit to use the land to cultivate cannabis  
545 plants is granted; and

546 (b) Is or will be used primarily for bona fide agricultural  
547 purposes as provided in s. 193.461.

548 (14) "Medical use" means the prescriptive use of any form  
549 of cannabis to treat a qualifying medical condition and the  
550 symptoms associated with that condition or to alleviate the side  
551 effects of a qualifying medical treatment.

27-00264A-14

2014962\_\_

- 552       (15) "Patient's caregiver" or "caregiver" means a person  
553 who is:
- 554       (a) Designated by a qualifying patient and registered with  
555 the Department of Health as the person authorized, on the  
556 qualifying patient's behalf, to cultivate, deliver, possess,  
557 purchase, and assist in the administration of cannabis; and
- 558       (b) At least 18 years of age.
- 559       (16) "Physician" means a person who is licensed under  
560 chapter 458 or chapter 459 and holds a valid federal controlled  
561 substance registry number.
- 562       (17) "Qualifying medical condition" means:
- 563       (a) Acquired immune deficiency syndrome (AIDS) or positive  
564 status for human immunodeficiency virus (HIV);
- 565       (b) Alzheimer's disease or agitation of Alzheimer's  
566 disease;
- 567       (c) Amyotrophic lateral sclerosis (ALS);
- 568       (d) Anorexia;
- 569       (e) Cachexia;
- 570       (f) Cancer;
- 571       (g) Chronic debilitating pain;
- 572       (h) Damage to the nervous tissue of the spinal cord with  
573 objective neurological indication of intractable spasticity;
- 574       (i) Decompensated cirrhosis;
- 575       (j) Epilepsy and other disorders characterized by seizures;
- 576       (k) Fibromyalgia;
- 577       (l) Glaucoma;
- 578       (m) Hepatitis C;
- 579       (n) Inflammatory bowel disease, including Crohn's disease;
- 580       (o) Multiple sclerosis and other disorders characterized by

27-00264A-14

2014962\_\_

- 581 muscle spasticity;
- 582 (p) Muscular dystrophy;
- 583 (q) Nail-patella syndrome;
- 584 (r) Neuroborreliosis;
- 585 (s) Organ transplantation;
- 586 (t) Painful peripheral neuropathy;
- 587 (u) Parkinson's disease;
- 588 (v) Persistent nausea or severe emesis;
- 589 (w) Post-traumatic stress disorder (PTSD); or
- 590 (x) Terminal illness, if the physician has determined a
- 591 prognosis of less than 12 months of life.
- 592 (18) "Qualifying medical treatment" means:
- 593 (a) Chemotherapy;
- 594 (b) Radiotherapy;
- 595 (c) The use of azidothymidine or protease inhibitors; or
- 596 (d) Treatment of a qualifying medical condition as
- 597 specified in subsection (17).
- 598 (19) "Qualifying patient" means a person who is a resident
- 599 of this state and registered with the Department of Health as a
- 600 person who has been diagnosed by a physician as having a
- 601 qualifying medical condition or undergoing a qualifying medical
- 602 treatment.
- 603 (20) "Registry identification card" means a nontransferable
- 604 document issued by the Department of Health which identifies a
- 605 person as a qualifying patient or a patient's caregiver.
- 606 (21) "Usable cannabis" means the dried flowers of the
- 607 cannabis plant, and any mixture or preparation of the flowers,
- 608 but does not include the seeds, stalks, and roots of the plant
- 609 and does not include the weight of any noncannabis ingredients

27-00264A-14

2014962\_\_

610 combined with cannabis and prepared for consumption as food or  
611 drink.

612 468.904 Department duties and responsibilities.-

613 (1) The department shall regulate the manufacture,  
614 cultivation, possession, wholesale distribution, dispensing,  
615 purchase, delivery, and sale of cannabis for medical use and the  
616 manufacture, possession, purchase, sale, use, and delivery of  
617 drug paraphernalia. The department is responsible for the  
618 licensure and permitting of dispensaries and medical cannabis  
619 farms in this state and for the requirements for, and approval  
620 of, the registration of each owner, director, officer,  
621 incorporator, member, employee, and agent of each such farm and  
622 dispensary.

623 (2) The department shall, subject to department rule,  
624 require each medical cannabis farm and each dispensary to  
625 maintain true, complete, and current records of:

626 (a) The name, address, home telephone number, and date of  
627 birth of each owner, director, officer, employee, incorporator,  
628 member, and agent; and

629 (b) Each transaction at a medical cannabis farm or  
630 dispensary, including:

631 1. The quantity of cannabis distributed or dispensed for  
632 each transaction;

633 2. A continuous inventory of the quantity of cannabis,  
634 cannabis plants, and drug paraphernalia at the medical cannabis  
635 farm or dispensary;

636 3. Records of the disposal and disposal method used for any  
637 cannabis, drug paraphernalia, cannabis-based product, or  
638 cannabis plant that was manufactured, cultivated, or acquired

27-00264A-14

2014962\_\_

639 but not sold or inventoried; and

640 4. Any other information required by the department.

641 (3) The department shall, subject to department rule:

642 (a) Develop and make available to each medical cannabis

643 farm, each dispensary, and the general public educational

644 materials about potential harmful drug interactions that could

645 occur from the concurrent medical use of cannabis with other

646 medical treatments;

647 (b) Inform the public and private hospitals, health care

648 providers, pharmacists, and duly licensed dispensaries in this

649 state of the medical use of cannabis to help avoid harmful drug

650 interactions;

651 (c) Conduct announced and unannounced inspections of

652 medical cannabis farms and dispensaries; and

653 (d) Revoke or suspend the registration, license, or permit

654 of a person, dispensary, or medical cannabis farm if the

655 department determines that the person, dispensary, or medical

656 cannabis farm has violated department rule, this part, or part

657 III of chapter 499.

658 (4) The department shall adopt rules that are necessary to

659 administer this section and that are in substantial conformity

660 with generally accepted standards of safety, including rules

661 that are reasonably necessary to protect the health, safety, and

662 welfare of the public and the persons who cultivate, deliver,

663 possess, manufacture, sell at wholesale, or retail cannabis,

664 cannabis-based products, cannabis plants, and drug

665 paraphernalia.

666 468.905 Medical cannabis farms.-

667 (1) Notwithstanding any other provision of law and in

27-00264A-14

2014962\_\_

668 accordance with this part, part III of chapter 499, and  
669 department rule, a medical cannabis farm may:

670 (a) Cultivate, manufacture, sell, or deliver, or possess  
671 with the intent to sell, manufacture, or deliver, cannabis,  
672 cannabis-based products, and cannabis plants for wholesale in  
673 this state for the purpose of distribution to a licensed  
674 dispensary in this state; and

675 (b) Deliver, possess with intent to deliver, or manufacture  
676 with intent to deliver drug paraphernalia.

677 (2) A medical cannabis farm must obtain a valid permit from  
678 the department before possessing, manufacturing, cultivating,  
679 delivering, and wholesaling cannabis, cannabis-based products,  
680 cannabis plants, and drug paraphernalia in accordance with this  
681 part, part III of chapter 499, and department rule.

682 (3) A person who applies to the department for a permit to  
683 operate a medical cannabis farm must use the land on which the  
684 farm will be located primarily for bona fide agricultural  
685 purposes and must obtain the agricultural classification  
686 pursuant to s. 193.461 from the county property appraiser, a  
687 value adjustment board, a court of competent jurisdiction, or  
688 the board of county commissioners of the county in which the  
689 land is located before applying for a medical cannabis farm  
690 permit.

691 (4) A medical cannabis farm shall implement a security plan  
692 to prevent the theft or diversion of all cannabis, cannabis-  
693 based products, and raw ingredients, including, but not limited  
694 to, cannabis plants; derivatives of cannabis plants; and  
695 seedlings and seeds, whether in ground or not in ground, visible  
696 or not visible to the public.



27-00264A-14

2014962\_\_

697       (5) A medical cannabis farm shall maintain procedures under  
698 which cannabis, cannabis-based products, and raw ingredients,  
699 including all cannabis plants; derivatives of cannabis plants;  
700 seedlings and seeds, whether in ground or not in ground, visible  
701 or not visible to the public, are accessible only to authorized  
702 personnel.

703       (6) The active ingredient in all cannabis and cannabis-  
704 based products that are cultivated, manufactured, and sold at  
705 wholesale to a licensed dispensary in this state must be wholly  
706 derived from cannabis plants that are cultivated in this state.  
707 However, such active ingredient may be wholly derived from  
708 cannabis seeds and seedlings that are cultivated in this state  
709 or outside this state.

710       (7) A medical cannabis farm is subject to the protections  
711 of s. 823.14 and is not deemed a public nuisance solely because  
712 its farm product includes the production of cannabis or any  
713 product derived from the cannabis plant.

714       468.906 Dispensaries.—

715       (1) Notwithstanding any other provision of law and in  
716 accordance with this part, part III of chapter 499, and  
717 department rule, a dispensary may distribute, purchase, sell, or  
718 deliver, or possess with the intent to sell or deliver, cannabis  
719 for medical use for the purpose of dispensing and selling to a  
720 qualifying patient or the patient's caregiver cannabis,  
721 cannabis-based products, and cannabis plants, and may purchase,  
722 distribute, or deliver, or possess with intent to deliver, drug  
723 paraphernalia.

724       (2) A dispensary must be licensed with the department  
725 before possessing, purchasing, delivering, distributing, or

27-00264A-14

2014962\_\_

726 retailing cannabis, cannabis-based products, cannabis plants, or  
727 drug paraphernalia. All cannabis, cannabis-based products,  
728 cannabis plants, and drug paraphernalia sold by, at, or through  
729 a licensed dispensary must be purchased from a medical cannabis  
730 farm that has a valid, department-issued permit.

731 (3) A dispensary may not conduct wholesale sales or  
732 transactions.

733 (4) A dispensary may sell at retail to a qualifying patient  
734 or the patient's caregiver cannabis, cannabis-based products,  
735 cannabis plants, or drug paraphernalia only if the qualifying  
736 patient or patient's caregiver is in possession of his or her  
737 valid registry identification card at the time and place of  
738 purchase.

739 (5) (a) A qualifying patient may not purchase within a 30-  
740 day period more than:

- 741 1. Two hundred and fifty grams of usable cannabis; and
- 742 2. Six cannabis plant seedlings.

743 (b) A patient's caregiver may not purchase within a 30-day  
744 period more than:

- 745 1. Two hundred and fifty grams of usable cannabis for each  
746 qualifying patient that the caregiver is connected to through  
747 the Department of Health's registration process as indicated on  
748 his or her valid registry identification card; and
- 749 2. Six cannabis plant seedlings for each qualifying patient  
750 that the caregiver is connected to through the Department of  
751 Health's registration process as indicated on his or her valid  
752 registry identification card.

753 (6) A dispensary shall maintain true, complete, and current  
754 records of the name and registry identification card number of

27-00264A-14

2014962\_\_

755 each qualifying patient and patient's caregiver who purchases  
756 cannabis, cannabis-based products, or cannabis plants, except  
757 for drug paraphernalia, subject to the confidentiality  
758 limitations in s. 499.809. The records maintained under this  
759 subsection shall be retained for 3 years and must include:

760 (a) The amount paid for the transaction for cannabis,  
761 cannabis-based product, or cannabis plants; and

762 (b) The registry identification card number of each  
763 purchaser of cannabis, cannabis-based product, or cannabis  
764 plant, subject to the confidentiality limitations in s. 499.809.

765 (7) A dispensary shall implement a security plan to prevent  
766 the theft or diversion of cannabis, including maintaining all  
767 cannabis in a secure, locked room that is accessible only by  
768 authorized persons.

769 (8) A dispensary shall make available to each qualifying  
770 patient and patient's caregiver educational materials developed  
771 and provided by the department which explain potential harmful  
772 drug interactions.

773 (9) A dispensary shall prohibit a qualifying patient from  
774 administering or using, and prohibit a patient's caregiver who  
775 assists a qualifying patient from administering or using, any  
776 form of cannabis while on the property of the dispensary. A  
777 person who violates this subsection subjects the dispensary to  
778 penalties prescribed by department rule, this part, and part III  
779 of chapter 499.

780 468.907 Owners, directors, officers, members,  
781 incorporators, agents, or employees of medical cannabis farms  
782 and dispensaries.-

783 (1) Before a person becomes an owner, director, officer,

27-00264A-14

2014962\_\_

784 member, incorporator, agent, or employee of a medical cannabis  
785 farm or dispensary, he or she must register with the department  
786 and pay the applicable registration fee. The department shall:

787 (a) Establish by rule the following fees:

788 1. Initial registration fee, which may not exceed \$1,000;

789 and

790 2. Renewal registration fee, which may not exceed \$1,000.

791 (b) Determine if the person was convicted within the last  
792 10 years of a drug-related felony or was convicted within the  
793 last 10 years of a nondrug-related felony for which the person  
794 has not been pardoned or has not had his or her civil rights  
795 restored. If a person has such a felony conviction, the  
796 department may not approve the person as an owner, director,  
797 officer, member, incorporator, agent, or employee of a medical  
798 cannabis farm or dispensary.

799 (2) A person who violates or has violated this part or part  
800 III of chapter 499 may not be an owner, director, officer,  
801 member, incorporator, agent, or employee of a medical cannabis  
802 farm or dispensary. Any prior registration or authorization of  
803 such person shall be immediately revoked, and the department  
804 shall suspend the permit or license of the medical cannabis farm  
805 or dispensary until the person resigns or is removed from the  
806 position of owner, director, officer, member, incorporator,  
807 agent, or employee.

808 (3) If the department fails to adopt these rules by January  
809 1, 2015, a registrant may commence an action in a court of  
810 competent jurisdiction to compel the department to perform the  
811 actions mandated under this section.

812 468.908 Medical cannabis farm permit.-

27-00264A-14

2014962\_\_

813 (1) A person may not operate a medical cannabis farm in  
814 this state except in accordance with this part.

815 (2) An applicant for an initial or renewal permit to  
816 operate a medical cannabis farm must address the following  
817 information in the permit application:

818 (a) Knowledge of state and federal laws relating to  
819 cannabis and the medical use of cannabis.

820 (b) The suitability of the proposed facility.

821 (c) The proposed staffing plan.

822 (d) The proposed security plan that has been assessed by  
823 the local law enforcement agency of the county or municipality  
824 in which the medical cannabis farm is located.

825 (e) The proposed cultivation plan.

826 (f) The proposed manufacturing plan.

827 (g) The proposed storage and inventory control plan.

828 (h) The proposed labeling plan.

829 (i) The proposed product safety plan.

830 (3) The department shall establish by rule the annual  
831 application fees and permit fees for a medical cannabis farm,  
832 which may not exceed the following amounts:

833 (a) Application fee, \$2,500.

834 (b) Initial permit fee, \$5,000.

835 (c) Application fee for renewing a permit, \$1,000.

836 (d) Renewal permit fee, \$5,000.

837 (4) A person who possesses, cultivates, manufactures,  
838 delivers, distributes, or wholesales cannabis, cannabis-based  
839 products, or cannabis plants at one or more locations must  
840 possess a current, valid permit for each location.

841 (5) If the department fails to adopt rules to administer

27-00264A-14

2014962\_\_

842 this section by January 1, 2015, a medical cannabis farm  
843 applicant may commence an action in a court of competent  
844 jurisdiction to compel the department to perform the actions  
845 mandated under this section.

846 468.909 Dispensary license.-

847 (1) A person or entity may not operate a dispensary in this  
848 state except in accordance with this part.

849 (2) An applicant for an initial or renewal license to  
850 operate a dispensary must address the following information in  
851 the license application:

852 (a) Knowledge of state and federal laws relating to  
853 cannabis and the medical use of cannabis.

854 (b) The suitability of the proposed facility.

855 (c) The proposed staffing plan.

856 (d) The proposed security plan that has been assessed by  
857 the local law enforcement agency of the county or municipality  
858 in which the dispensary is located.

859 (e) The proposed retail plan.

860 (f) The proposed marketing plan.

861 (g) The proposed storage and inventory control plan.

862 (h) The proposed labeling plan.

863 (i) The proposed product safety plan.

864 (3) The department shall establish by rule the annual  
865 application fees and license fees for a dispensary, which may  
866 not exceed the following amounts:

867 (a) Application fee, \$1,000.

868 (b) Initial license fee, \$5,000.

869 (c) Application fee for renewing a license, \$500.

870 (d) Renewal license fee, \$5,000.

27-00264A-14

2014962\_\_

871 (4) A person who conducts the wholesale purchase or retail  
872 sale of drug paraphernalia or any form of cannabis at or from  
873 more than one location must possess a current valid license for  
874 each location.

875 (5) If the department fails to adopt rules to administer  
876 this section by January 1, 2015, an applicant seeking to operate  
877 a dispensary may commence an action in a court of competent  
878 jurisdiction to compel the department to perform the actions  
879 mandated under this section.

880 468.910 Applications for licenses and permits.-

881 (1) An application for a license or permit required under  
882 this part must be filed in writing with the department. An  
883 application must include, at a minimum, the full name, date of  
884 birth, place of birth, social security number, physical  
885 description, residence address and telephone number, and  
886 business address and telephone number of the applicant. Each  
887 application must be accompanied by an accurate and current  
888 photograph of the applicant and a complete set of fingerprints  
889 of the applicant taken by an authorized law enforcement agency;  
890 however, a set of fingerprints is not required if the applicant  
891 has possessed a valid license or permit under this part during  
892 the previous licensing or permitting year and such license or  
893 permit has not lapsed or been suspended or revoked. If  
894 fingerprints are required, the department shall submit the set  
895 of fingerprints to the Department of Law Enforcement for state  
896 processing. If the application does not require a set of  
897 fingerprints, the department shall submit the name and other  
898 identifying data to the Department of Law Enforcement for  
899 processing. The application must be in a form to provide the

27-00264A-14

2014962\_\_

900 data and other information set forth in this subsection and must  
901 be sworn to by the applicant or, if the applicant is a  
902 corporation, by each officer and director of the corporation.  
903 The officers and directors applying on behalf of a corporation  
904 shall provide all of the required identifying data and  
905 information. This section does not preclude electronic filing of  
906 the application.

907 (2) The department may require an applicant to furnish  
908 other information or data not required by this section if the  
909 information or data are deemed necessary by the department.

910 468.911 Issuance of licenses and permits; prohibitions.-

911 (1) A license or permit issued by the department in  
912 accordance with this part must set forth, at a minimum, the full  
913 name, date of birth, and physical description of the licensee or  
914 permittee and have permanently affixed an accurate and current  
915 photograph of the licensee or permittee. A license or permit  
916 issued to a corporation must set forth the full name, date of  
917 birth, and physical description of the chief executive officer  
918 and have permanently affixed an accurate and current photograph  
919 of the chief executive officer. A license or permit must also  
920 contain a license number or permit number issued by the  
921 department.

922 (2) Other data or information may be included on the  
923 license or permit if deemed appropriate by the department.

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

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

928 (b) A person who has been convicted in this state or any



27-00264A-14

2014962\_\_

929 other state or federal jurisdiction for:

930 1. A drug-related felony; or

931 2. A nondrug-related felony for which the person has not  
932 been pardoned or has not had his or her civil rights restored;  
933 or

934 (c) A person who has been adjudicated mentally incompetent  
935 or adjudicated mentally defective and has not had his or her  
936 civil rights restored. As used in this paragraph, the phrase:

937 1. "Adjudicated mentally defective" has the same meaning as  
938 in s. 790.065.

939 2. "Adjudicated mentally incompetent" means a determination  
940 by a court that a person who, because of mental illness,  
941 intellectual disability, senility, excessive use of drugs or  
942 alcohol, or other mental incapacity, is incapable of managing  
943 his or her property or caring for himself or herself or both.

944 (4) A person may not knowingly withhold information or  
945 present to the department a false, fictitious, or misrepresented  
946 application, identification, document, information, statement,  
947 or data intended or likely to deceive the department for  
948 obtaining a license or permit.

949 468.912 License and permit to be displayed.-

950 (1) A medical cannabis farm that has a valid department-  
951 issued permit may use the term "medical cannabis farm" or  
952 "permitted medical cannabis farm," in connection with the  
953 permittee's name or place of business, to denote permitting  
954 under this part.

955 (2) A licensed dispensary may use the term "dispensary,"  
956 "licensed dispensary," or "licensed medical cannabis  
957 dispensary," in connection with the licensee's name or place of

27-00264A-14

2014962\_\_

958 business, to denote licensure under this part.

959 (3) A person who is issued a license or permit under this  
960 part shall keep such license or permit conspicuously displayed  
961 in his or her office, place of business, or place of employment  
962 and shall show such license or permit as required by any member  
963 or authorized representative of the department.

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

967 (5) A medical cannabis farm that has a department-issued  
968 permit or a licensed dispensary must renew its permit or license  
969 before its expiration date. If a renewal application and fee are  
970 not filed by the expiration date, the license or permit may be  
971 reinstated only if the licensee or permittee pays, within 30  
972 days after the date of expiration, a delinquent fee that may not  
973 exceed \$750 for a medical cannabis farm and \$500 for a  
974 dispensary, plus the required renewal and application fees. If a  
975 licensee or permittee fails to comply with the renewal  
976 requirements of this part, the department may seize all  
977 cannabis, cannabis-based products, cannabis plants, and drug  
978 paraphernalia and dispose of them in any manner deemed  
979 appropriate by the department by November 1 of the year the  
980 license or permit expires. Any funds collected from the disposal  
981 shall be placed in the Professional Regulation Trust Fund.

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

986 468.913 Reports of theft, illegal use, or illegal

27-00264A-14

2014962\_\_

987 possession.-

988 (1) A licensee or permittee who incurs a loss, theft, or  
989 unexplained shortage of cannabis, cannabis-based products,  
990 cannabis plants, or drug paraphernalia, or who has knowledge of  
991 a loss, theft, or unexplained shortage of cannabis, cannabis-  
992 based products, cannabis plants, or drug paraphernalia, shall,  
993 within 12 hours after the discovery, report such loss, theft, or  
994 unexplained shortage to the county sheriff or police chief of  
995 the jurisdiction in which the loss, theft, or unexplained  
996 shortage occurred. This loss, theft, or unexplained shortage  
997 shall also be reported to the department by the close of the  
998 next business day following the discovery.

999 (2) A law enforcement agency that investigates the causes  
1000 and circumstances of a loss, theft, or unexplained shortage of  
1001 cannabis, cannabis-based products, cannabis plants, or drug  
1002 paraphernalia shall forward a copy of its final written report  
1003 to the department. The department shall retain these reports in  
1004 the files of the affected licensee or permittee.

1005 (3) Any sheriff or law enforcement officer in this state  
1006 shall give immediate notice to the department of the theft,  
1007 illegal use, or illegal possession of cannabis, cannabis-based  
1008 products, cannabis plants, or drug paraphernalia and forward a  
1009 copy of his or her final written police report to the  
1010 department.

1011 468.914 Administrative relief; civil relief; penalties;  
1012 allocation and disposition of moneys collected.-

1013 (1) If the department has probable cause to believe that a  
1014 person not licensed or permitted by the department has engaged  
1015 in any activities governed by this part or a department rule

27-00264A-14

2014962\_\_

1016 adopted pursuant to this part, the department may:

1017 (a) Issue and deliver to such person a notice to cease and  
1018 desist from such violation. The issuance of a notice to cease  
1019 and desist does not constitute agency action for which a hearing  
1020 under ss. 120.569 and 120.57 may be sought. For the purpose of  
1021 enforcing a notice to cease and desist, the department may file  
1022 a proceeding seeking issuance of an injunction or a writ of  
1023 mandamus against a person who violates such notice. If the  
1024 department is required to seek enforcement of the notice to  
1025 cease and desist for penalty pursuant to s. 120.569, it is  
1026 entitled to collect its attorney fees and costs.

1027 (b) In addition to the remedy under paragraph (a), impose  
1028 by citation an administrative fine not to exceed \$5,000 for each  
1029 violation per day. Each day that a violation continues  
1030 constitutes a separate violation, and each separate violation is  
1031 subject to a separate fine. The department shall issue the  
1032 citation to the person, and the citation must contain the  
1033 person's name and any other information the department  
1034 determines to be necessary to identify the person, a brief  
1035 factual statement, the sections of the law allegedly violated,  
1036 and the fine imposed. If the person does not dispute the matter  
1037 in the citation or pay the fine within 30 days after the  
1038 citation is served, the citation becomes a final order of the  
1039 department. The department is entitled to recover the costs of  
1040 investigation and prosecution in addition to the fine levied  
1041 pursuant to the citation.

1042 (c) In addition to the administrative remedies under  
1043 paragraphs (a) and (b), seek injunctive relief in the Circuit  
1044 Court of Leon County and apply for temporary orders and

27-00264A-14

2014962\_\_

1045 permanent orders as the department deems necessary to restrain  
1046 such person from engaging in any activity under this part until  
1047 such person complies. The court may also award to the prevailing  
1048 party court costs and reasonable attorney fees and, if the  
1049 department prevails, may also award reasonable costs for  
1050 investigation and prosecution.

1051 (2) The department may revoke or suspend in accordance with  
1052 this subsection all of the licenses or permits held by a person.  
1053 An order of suspension must specify the duration of the  
1054 suspension, which may not exceed 1 year from the date of the  
1055 order. An order of revocation may be entered for a period not to  
1056 exceed 5 years. The order affects the revocation of all licenses  
1057 and permits held by the person. During such period, a license or  
1058 permit may not be issued to the person. If, during the period  
1059 between the beginning of a proceeding to revoke or suspend a  
1060 license or permit and the entry of an order of suspension or  
1061 revocation by the department, a new license or permit is issued  
1062 to the person, any order of suspension or revocation applies  
1063 with respect to the new license or permit. A person whose permit  
1064 or license has been suspended or revoked may not be issued a new  
1065 permit or license under any other name or company name until the  
1066 expiration of the suspension or revocation. In addition to the  
1067 administrative remedies and civil remedies under paragraphs  
1068 (1) (b) and (c) and the criminal penalties in subsection (3), the  
1069 department may revoke or suspend a license or permit if a person  
1070 does any of the following:

1071 (a) Violates this part or a department rule adopted  
1072 pursuant to this part.

1073 (b) Fails to pay an administrative fine within 30 days

27-00264A-14

2014962\_\_

1074 after a citation becomes a final order.

1075 (c) Knowingly makes or files a report that is false,  
1076 intentionally or negligently fails to file a report or record  
1077 required by state law, or willfully impedes or obstructs such  
1078 filing or induces another person to do so.

1079 (d) Pays or receives, directly or indirectly, a commission,  
1080 bonus, kickback, or rebate to or from, or who engages in any  
1081 split-fee arrangement in any form with, a physician,  
1082 organization, agency, or person for patients referred to a  
1083 provider of health care goods and services, including, but not  
1084 limited to, a hospital, nursing home, clinical laboratory,  
1085 ambulatory surgical center, or pharmacy.

1086 (3) (a) A licensee, a permittee, or any person who knowingly  
1087 withholds information or:

1088 1. Presents to the department a false, fictitious, or  
1089 misrepresented application, registration, identification,  
1090 document, information, statement, or data intended or likely to  
1091 deceive the department for the purpose of obtaining or renewing  
1092 a license or permit commits a misdemeanor of the first degree,  
1093 punishable as provided in s. 775.082 or s. 775.083.

1094 2. Makes a false or fictitious entry or a misrepresentation  
1095 upon any invoice, receipt, sales ticket, sales slip, or account  
1096 of inventories commits a misdemeanor of the first degree,  
1097 punishable as provided in s. 775.082 or s. 775.083.

1098 (b) A licensee who knowingly fails to maintain written  
1099 accounts of inventories or records of sales or transfers commits  
1100 a misdemeanor of the first degree, punishable as provided in s.  
1101 775.082 or s. 775.083.

1102 (c) A permittee who knowingly fails to maintain written

27-00264A-14

2014962\_\_

1103 inventories and records commits a misdemeanor of the first  
1104 degree, punishable as provided in s. 775.082 or s. 775.083.

1105 (d) A licensee or permittee who fails to report the loss,  
1106 theft, or unexplained shortage of cannabis, cannabis-based  
1107 products, cannabis plants, or drug paraphernalia commits a  
1108 misdemeanor of the first degree, punishable as provided in s.  
1109 775.082 or s. 775.083.

1110 (4) The provisions of this section are cumulative and do  
1111 not affect any other lawful remedy available to the state,  
1112 including administrative fines and injunctive relief.

1113 (5) All fines, monetary penalties, and costs received by  
1114 the department in connection with this part shall be deposited  
1115 into the Professional Regulation Trust Fund.

1116 468.915 Conduct of hearings; review of orders of the  
1117 department.—All hearings shall be conducted in accordance with  
1118 chapter 120. All reviews of orders of the department shall be in  
1119 accordance with chapter 120.

1120 468.916 County and municipal ordinances.—A county or  
1121 municipality in this state may create or impose an ordinance or  
1122 rule pertaining to the medical use of cannabis which is not  
1123 inconsistent with the provisions contained in this part, part  
1124 III of chapter 499, or applicable department rules.

1125 468.917 Collection of moneys.—All moneys collected under  
1126 this part and deposited into the Professional Regulation Trust  
1127 Fund shall be used by the department in the administration of  
1128 this part. The department shall maintain a separate account in  
1129 the Professional Regulation Trust Fund for the Drugs, Devices,  
1130 and Cosmetics program.

1131 468.918 Rules.—

27-00264A-14

2014962\_\_

1132 (1) By October 1, 2014, the department shall adopt rules to  
1133 administer this part, including rules that:

1134 (a) Create an application form and a procedure for  
1135 obtaining a permit to own or operate a medical cannabis farm.

1136 (b) Create an application form and a procedure for  
1137 obtaining a license to own or operate a dispensary.

1138 (c) Create a registration form and procedure for  
1139 registering as an owner, director, officer, member,  
1140 incorporator, employee, or agent.

1141 (d) Determine the registration fees to register as an  
1142 owner, director, officer, member, incorporator, employee, or  
1143 agent in accordance with s. 468.907.

1144 (e) Determine the licensing fees and permitting fees to own  
1145 or operate a dispensary or medical cannabis farm in accordance  
1146 with ss. 468.908 and 468.909.

1147 (f) Determine the appropriate signage, outdoor lighting,  
1148 security system, security plan, and theft prevention plan for  
1149 medical cannabis farms and dispensaries.

1150 (g) Determine the hours during which medical cannabis farms  
1151 and dispensaries may operate.

1152 (h) Establish the inspection and audit procedures and  
1153 recordkeeping requirements for medical cannabis farms and  
1154 dispensaries to ensure compliance with the rules of the  
1155 department.

1156 (i) Specify persons who may legally possess cannabis for  
1157 the purpose of teaching, research, or testing and create a form  
1158 to exempt the lawful possession of cannabis by those persons.

1159 (2) By January 1, 2015, the Department of Revenue shall  
1160 adopt rules that govern the manner in which:



27-00264A-14

2014962\_\_

1161 (a) Medical cannabis farms are subject to taxation and  
1162 reporting for the wholesale distribution of cannabis for medical  
1163 use.

1164 (b) Dispensaries are subject to taxation and reporting for  
1165 the retail distribution of cannabis for medical use.

1166 (3) The fees collected by the Department of Business and  
1167 Professional Regulation and the Department of Revenue pursuant  
1168 to this part shall be applied first toward the cost of  
1169 administering this part.

1170 (4) If the Department of Business and Professional  
1171 Regulation or the Department of Revenue fails to adopt rules to  
1172 administer this part by January 1, 2015, a resident of this  
1173 state may commence an action in a court of competent  
1174 jurisdiction to compel performance of the actions mandated under  
1175 this part.

1176 Section 3. Part III of chapter 499, Florida Statutes,  
1177 consisting of sections 499.802-499.810, is created to read:  
1178 499.802 Definitions.—As used in this part, unless the  
1179 context clearly indicates otherwise, the term:

1180 (1) "Administer" has the same meaning as in s. 893.02.

1181 (2) "Bona fide physician-patient relationship" means a  
1182 relationship between a physician and patient in which the  
1183 physician has:

1184 (a) Completed a full assessment of the patient's medical  
1185 history and current medical condition, including a personal  
1186 physical examination; and

1187 (b) Responsibility for the ongoing care and treatment of  
1188 the patient.

1189 (3) "Cannabis" has the same meaning as provided in s.

27-00264A-14

2014962\_\_

- 1190 893.02.
- 1191 (4) "Cannabis plant" has the same meaning as provided in s.
- 1192 893.135.
- 1193 (5) "Cardholder" means a qualifying patient, or the
- 1194 patient's caregiver, who has been issued and possesses a valid
- 1195 registry identification card.
- 1196 (6) "Cultivating" has the same meaning as in s. 893.02.
- 1197 (7) "Department" means the Department of Health.
- 1198 (8) "Dispensary" has the same meaning as provided in s.
- 1199 468.903.
- 1200 (9) "Dispense" has the same meaning as provided in s.
- 1201 468.903.
- 1202 (10) "Distribute" has the same meaning as provided in s.
- 1203 468.903.
- 1204 (11) "Drug paraphernalia" has the same meaning as provided
- 1205 in s. 468.903.
- 1206 (12) "Manufacture" has the same meaning as provided in s.
- 1207 468.903.
- 1208 (13) "Medical cannabis farm" has the same meaning as
- 1209 provided in s. 468.903.
- 1210 (14) "Medical treatment facility" means a facility that
- 1211 provides, as its primary purpose, human medical diagnostic
- 1212 services or nonsurgical human medical treatment. The term does
- 1213 not include an office maintained by a dentist or endodontist for
- 1214 the practice of dentistry or endodontics.
- 1215 (15) "Medical use" has the same meaning as provided in s.
- 1216 468.903.
- 1217 (16) "Patient's caregiver" or "caregiver" has the same
- 1218 meaning as provided in s. 468.903.

27-00264A-14

2014962\_\_

1219 (17) "Physician" has the same meaning as provided in s.  
1220 468.903.

1221 (18) "Qualifying medical condition" has the same meaning as  
1222 provided in s. 468.903.

1223 (19) "Qualifying medical treatment" has the same meaning as  
1224 provided in s. 468.903.

1225 (20) "Qualifying patient" has the same meaning as provided  
1226 in s. 468.903.

1227 (21) "Registry identification card" has the same meaning as  
1228 provided in s. 468.903.

1229 (22) "Usable cannabis" has the same meaning as provided in  
1230 s. 468.903.

1231 499.803 Cannabis for medical use.—

1232 (1) Notwithstanding any other provision of law, a  
1233 qualifying patient may cultivate, possess, and administer  
1234 cannabis for medical use and possess and use drug paraphernalia  
1235 in accordance with this part and department rule only after  
1236 obtaining a signed, written prescription from a physician in  
1237 accordance with s. 499.805 and a registry identification card  
1238 from the department.

1239 (2) Notwithstanding any other provision of law, a patient's  
1240 caregiver may cultivate, possess, and administer cannabis for a  
1241 qualifying patient and possess, deliver, and use drug  
1242 paraphernalia for the sole purpose of assisting in the  
1243 qualifying patient's medical use of cannabis in accordance with  
1244 this part and department rule only after obtaining a registry  
1245 identification card from the department.

1246 (3) A registry identification card, or its equivalent,  
1247 which is issued under the laws of another state, district,

27-00264A-14

2014962\_\_

1248 territory, commonwealth, or insular possession of the United  
1249 States and allows the medical use of cannabis by a visiting  
1250 qualifying patient or allows a person to assist with a visiting  
1251 qualifying patient's medical use of cannabis has the same force  
1252 and effect as a registry identification card issued by the  
1253 department.

1254 (4) A qualifying patient shall, upon demand, present to a  
1255 law enforcement officer his or her registry identification card  
1256 to confirm that he or she is authorized to cultivate, possess,  
1257 and administer cannabis for medical use and possess and use drug  
1258 paraphernalia in accordance with this part and department rule.

1259 (5) A patient's caregiver shall, upon demand, present to a  
1260 law enforcement officer his or her registry identification card  
1261 to confirm that he or she is authorized to cultivate, possess,  
1262 and administer cannabis for a qualifying patient and possess,  
1263 deliver, and use drug paraphernalia in accordance with this part  
1264 and department rule.

1265 (6) A qualifying patient or the patient's caregiver may:

1266 (a) Purchase, possess, administer, or deliver cannabis,  
1267 cannabis-based products, cannabis plants, and drug paraphernalia  
1268 obtained only from a dispensary or medical cannabis farm that is  
1269 issued a license or permit from the Department of Business and  
1270 Profession Regulation; or

1271 (b) Cultivate cannabis and cannabis plants for medical use  
1272 for only a qualifying patient's possession and administration.

1273 (7) A qualifying patient who is a minor may possess and  
1274 administer cannabis and cannabis-based products for medical use  
1275 and possess and use drug paraphernalia in accordance with this  
1276 part and department rule only:

27-00264A-14

2014962\_\_

1277 (a) In the presence of the minor's parent or legal  
1278 guardian; and

1279 (b) If the minor's parent or legal guardian has signed a  
1280 written statement affirming that the parent or legal guardian:

1281 1. Understands the minor's qualifying medical condition or  
1282 qualifying medical treatment;

1283 2. Understands the potential benefits and potential adverse  
1284 effects of the medical use of cannabis, generally and  
1285 specifically, in the case of the minor;

1286 3. Consents to the medical use of cannabis by the minor;  
1287 and

1288 4. Consents to the designation of, or designates, an  
1289 authorized person to serve as the minor's caregiver and to  
1290 control the medical use of cannabis by the minor.

1291 (8) If a qualifying patient who possesses a registry  
1292 identification card changes his or her designation of a  
1293 caregiver, the department shall issue a registry identification  
1294 card to the qualifying patient's new caregiver and:

1295 (a) Notify the qualifying patient's former caregiver within  
1296 10 days after the department has issued a registry  
1297 identification card to the qualifying patient's new caregiver.

1298 The registry identification card of the qualifying patient's  
1299 former caregiver expires 10 days after such notification by the  
1300 department; or

1301 (b) If the former caregiver remains connected through the  
1302 department's registration process to other qualifying patients,  
1303 issue a new registry identification card to the qualifying  
1304 patient's former caregiver which indicates an updated list of  
1305 qualifying patients to whom the caregiver remains connected

27-00264A-14

2014962\_\_

1306 through the department's registration process. The caregiver's  
1307 registry identification card that indicates the former  
1308 qualifying patient immediately expires upon the caregiver's  
1309 receipt of the new registry identification card.

1310 (9) If a cardholder loses his or her registry  
1311 identification card, he or she shall notify the department and  
1312 submit a \$25 fee within 10 days after reporting the lost card.  
1313 Within 5 days after being notified and receiving the \$25 fee,  
1314 the department shall issue a new registry identification card to  
1315 the cardholder.

1316 (10) If the department fails to act upon a request for a  
1317 registry identification card within 35 days after receiving the  
1318 registration form, the card is deemed granted, and the copy of  
1319 the registration form is deemed a valid registry identification  
1320 card.

1321 (11) If the department determines that a cardholder  
1322 willfully violates this part, the department may revoke the  
1323 cardholder's registry identification card as provided by rule.

1324 499.804 Restrictions on the use of cannabis for medical  
1325 use.-

1326 (1) A person who seeks designation as a qualifying patient  
1327 or the patient's caregiver must register with the department.

1328 (2) A patient's caregiver may be connected to up to three  
1329 qualifying patients through the department's registration  
1330 process as indicated on the caregiver's valid registry  
1331 identification card.

1332 (3) A qualifying patient or the patient's caregiver shall  
1333 deliver or distribute cannabis in a labeled container or sealed  
1334 package in a manner and method established by rule.

27-00264A-14

2014962\_\_

1335 (a) The maximum amount of cannabis which a qualifying  
1336 patient may possess at any given time is 250 grams of usable  
1337 cannabis, eight mature cannabis plants, and eight immature  
1338 cannabis plants.

1339 (b) The maximum amount of cannabis which a patient's  
1340 caregiver may possess at any given time is:

1341 1. The number of grams of usable cannabis determined by  
1342 multiplying by 250 the number of qualifying patients to whom the  
1343 caregiver is connected through the department's registration  
1344 process as indicated on the caregiver's valid registry  
1345 identification card.

1346 2. The number of mature cannabis plants determined by  
1347 multiplying by 8 the number of qualifying patients to whom the  
1348 caregiver is connected through the department's registration  
1349 process as indicated on the caregiver's valid registry  
1350 identification card.

1351 3. The number of immature cannabis plants determined by  
1352 multiplying by 8 the number of qualifying patients to whom the  
1353 caregiver is connected through the department's registration  
1354 process as indicated on the caregiver's valid registry  
1355 identification card.

1356 (4) If a cardholder cultivates his or her own cannabis for  
1357 medical use, the cardholder must do so in a room, greenhouse,  
1358 garden, or other enclosed area that is kept locked and out of  
1359 the public view. This subsection does not apply when the plants  
1360 are being delivered or distributed:

1361 (a) Because the cardholder is changing permanent residence  
1362 or temporary residence as defined in s. 775.21; or

1363 (b) To the property of the cardholder or, in the case of a

27-00264A-14

2014962\_\_

1364 caregiver, to the property of the caregiver's qualifying  
1365 patient.

1366 (5) Cannabis may be administered at a medical treatment  
1367 facility if allowed by the facility and if a qualifying patient  
1368 is receiving medical care for a qualifying medical condition or  
1369 treatment. Cannabis may not be administered by or to a  
1370 qualifying patient at a dispensary or in a public place.

1371 (6) This part does not allow a person to undertake a task  
1372 under the influence of cannabis when doing so constitutes  
1373 professional negligence or professional malpractice.

1374 (7) The medical use of cannabis as authorized under this  
1375 part and under department rule does not create a defense to an  
1376 offense proscribed by law which is not otherwise excepted in  
1377 this chapter or in chapter 468. Evidence of a person's voluntary  
1378 intoxication from the use of cannabis is not admissible in a  
1379 judicial proceeding to show that the person lacked the specific  
1380 intent to commit an offense or to show that the person was  
1381 insane at the time of the offense, except when the consumption  
1382 was pursuant to a lawful prescription issued to the person by a  
1383 physician.

1384 (8) Notwithstanding any other provision of law, a person or  
1385 entity may provide information about the existence or operations  
1386 of a medical cannabis farm or dispensary to another person  
1387 pursuant to this part.

1388 (9) A person who is stopped by a law enforcement officer  
1389 upon reasonable suspicion or probable cause that he or she is in  
1390 possession of cannabis may not be further detained or arrested  
1391 on this sole basis if the person is in compliance with this part  
1392 and department rule.



27-00264A-14

2014962\_\_

1393 499.805 Physicians; prescriptions for the medical use of  
1394 cannabis.—

1395 (1) A physician may prescribe the medical use of cannabis  
1396 to a qualifying patient if the physician:

1397 (a) Is in a bona fide physician-patient relationship with  
1398 the qualifying patient; and

1399 (b) Determines that the prescription is needed based on the  
1400 qualifying patient's medical history and current medical  
1401 condition and a review of other approved medications and  
1402 treatments that may provide the qualifying patient with relief  
1403 from a qualifying medical condition or its symptoms or the side  
1404 effects of a qualifying medical treatment.

1405 (2) If a physician prescribes cannabis for medical use to a  
1406 qualifying patient, the physician shall complete a written  
1407 prescription pursuant to s. 456.42 and include:

1408 (a) A statement that the qualifying patient may use  
1409 cannabis;

1410 (b) The physician's federal controlled substance registry  
1411 number; and

1412 (c) A statement that the prescription for the medical use  
1413 of cannabis is necessary.

1414 (3) A physician is not subject to arrest, prosecution, or  
1415 penalty, including, but not limited to, civil penalty or  
1416 disciplinary action by the department or by any other business  
1417 licensing board, occupational licensing board, or professional  
1418 licensing board, or subject to denial of any right or privilege,  
1419 solely for advising a patient about the medical use of cannabis,  
1420 prescribing the medical use of cannabis in accordance with this  
1421 part and department rule, providing a written prescription in

27-00264A-14

2014962\_\_

1422 accordance with this section, or stating that, in the  
1423 physician's professional opinion, the potential benefits of the  
1424 medical use of cannabis likely outweigh the health risks for a  
1425 patient.

1426 (4) A physician who recommends, advises, or prescribes  
1427 cannabis for medical use to a qualifying patient may not have a  
1428 professional office located at a medical cannabis farm or  
1429 dispensary or receive financial compensation for the  
1430 recommendation, advice, or prescription from a medical cannabis  
1431 farm or dispensary or an owner, director, officer, member,  
1432 incorporator, agent, or employee of such farm or dispensary.

1433 499.806 Arrest and prosecution.—

1434 (1) (a) A qualifying patient who has in his or her  
1435 possession a valid registry identification card is not subject  
1436 to arrest, prosecution, or penalty, including, but not limited  
1437 to, civil penalty or disciplinary action by a business licensing  
1438 board, occupational licensing board, or professional licensing  
1439 board, and may not be denied any right or privilege, for the  
1440 medical use of cannabis if the qualifying patient possesses an  
1441 amount of cannabis which does not exceed 250 grams of usable  
1442 cannabis, eight mature cannabis plants, and eight immature  
1443 cannabis plants.

1444 (b) A patient's caregiver who has in his or her possession  
1445 a valid registry identification card is not subject to arrest,  
1446 prosecution, or penalty, including, but not limited to, civil  
1447 penalty or disciplinary action by a business licensing board,  
1448 occupational licensing board, or professional licensing board,  
1449 and may not be denied any right or privilege, for assisting a  
1450 qualifying patient to whom he or she is connected through the

27-00264A-14

2014962\_\_

1451 department's registration process with the delivery or  
1452 distribution of cannabis if the patient's caregiver possesses an  
1453 amount of cannabis which does not exceed 250 grams of usable  
1454 cannabis, eight mature cannabis plants, or eight immature  
1455 cannabis plants for each qualifying patient to whom he or she is  
1456 connected through the department's registration process as  
1457 indicated on the caregiver's valid registry identification card.

1458 (c) A nurse practitioner, registered nurse, or pharmacist  
1459 is not subject to arrest, prosecution, or penalty, including,  
1460 but not limited to, civil penalty or disciplinary action by a  
1461 business licensing board, occupational licensing board, or  
1462 professional licensing board, and may not be denied any right or  
1463 privilege, solely for discussing with a patient the benefits or  
1464 health risks of cannabis or its interaction with other  
1465 substances.

1466 (d) A person is not subject to arrest or prosecution for  
1467 constructive possession, conspiracy, aiding and abetting, being  
1468 an accessory, or any other offense for being in the presence or  
1469 vicinity of the medical use of cannabis by a qualifying patient  
1470 or for assisting in, as the patient's caregiver, the medical use  
1471 of cannabis by a qualifying patient as allowed under this part.

1472 (2) A school, employer, or property owner may not refuse to  
1473 enroll, employ, or lease to or otherwise penalize a person  
1474 solely for his or her status as a cardholder.

1475 (3) A presumption is created that a qualifying patient or  
1476 the patient's caregiver is engaged in the medical use of  
1477 cannabis if the qualifying patient or the patient's caregiver is  
1478 in possession of a valid registry identification card and if the  
1479 number of cannabis plants or the amount of cannabis does not

27-00264A-14

2014962\_\_

1480 exceed the amount allowed under this section.

1481 (4) A presumption of the medical use or possession of  
1482 cannabis under this section may be rebutted by evidence that the  
1483 conduct related to cannabis was not intended to treat, or assist  
1484 with the treatment of, a qualifying medical condition or the  
1485 symptoms associated with that condition or to alleviate the side  
1486 effects of a qualifying medical treatment.

1487 (5) The patient's caregiver may be reimbursed for actual  
1488 costs associated with assisting a qualifying patient in his or  
1489 her medical use of cannabis. This reimbursement does not  
1490 constitute the sale of a controlled substance under s. 893.13.

1491 (6) For the purposes of medical care, a qualifying  
1492 patient's medical use of cannabis is equivalent to the use of  
1493 other medication used at the direction of a physician. Such use  
1494 does not constitute the use of an illicit drug under s. 893.03.

1495 (7) A person, cardholder, medical cannabis farm, or  
1496 dispensary that cultivates, manufactures, possesses,  
1497 administers, dispenses, distributes, or uses cannabis or  
1498 manufactures, possesses, distributes, or uses drug paraphernalia  
1499 in a manner not authorized by this part, part XVII of chapter  
1500 468, or department rule is subject to criminal prosecution and  
1501 sanctions under chapter 893.

1502 (8) A person who makes a fraudulent representation to a law  
1503 enforcement officer of any fact or circumstance relating to the  
1504 person's cultivation, manufacture, possession, administration,  
1505 dispensing, distribution, or authorized use of cannabis, or  
1506 possession or use of drug paraphernalia, to avoid arrest or  
1507 prosecution is subject to a criminal fine not to exceed \$1,000.  
1508 The imposition of the fine is in addition to penalties that may

27-00264A-14

2014962\_\_

1509 otherwise apply for the making of a false statement or for the  
1510 cultivation, manufacture, possession, administration,  
1511 dispensing, distribution, or unauthorized use of cannabis or  
1512 possession or use of drug paraphernalia.

1513 499.807 Defenses.—

1514 (1) The following circumstances may be raised as an  
1515 affirmative defense to a criminal charge of possession or  
1516 distribution of cannabis or possession with intent to distribute  
1517 cannabis:

1518 (a) The person charged with the offense is in possession of  
1519 a valid registry identification card;

1520 (b) The person charged with the offense is 18 years of age  
1521 or older; and

1522 (c)1. The possession or distribution, or possession with  
1523 intent to distribute, occurs at a medical facility that allows  
1524 the medical use of cannabis; or

1525 2. The possession, distribution, or possession with intent  
1526 to distribute occurs in a medical cannabis farm or dispensary.

1527 (2) Before, or at the time of, a cardholder's court  
1528 appearance for a criminal charge of possession or use of drug  
1529 paraphernalia, or for a criminal charge of possession, use, or  
1530 administration of a legal amount of cannabis for medical use,  
1531 the clerk of the court may dismiss the charge and assess a  
1532 dismissal fee of \$25 if the cardholder:

1533 (a) Upon demand by a law enforcement officer, was unable to  
1534 present to the law enforcement officer a registry identification  
1535 card to confirm that the cardholder may possess or use drug  
1536 paraphernalia or possess, use, or administer legal amounts of  
1537 cannabis for medical use; and

27-00264A-14

2014962\_\_

1538       (b) Before, or at the time of, the cardholder's court  
1539 appearance, produces in court or to the clerk of the court in  
1540 which the charge is pending the cardholder's registry  
1541 identification card that was valid at the time of the  
1542 cardholder's arrest.

1543       (3) Except as provided in subsections (1) and (2), a  
1544 cardholder may assert the purpose for the medical use of  
1545 cannabis as a defense to any prosecution involving cannabis, and  
1546 such defense is presumed valid if the evidence shows that:

1547       (a) The qualifying patient's physician has stated that, in  
1548 the physician's professional opinion, after having completed a  
1549 full assessment of the patient's medical history and current  
1550 medical condition made in the course of a bona fide physician-  
1551 patient relationship, the potential benefits of using cannabis  
1552 would likely outweigh the health risks for the qualifying  
1553 patient; and

1554       (b) The qualifying patient and the patient's caregiver, if  
1555 any, were collectively in possession of a quantity of cannabis  
1556 which was not more than that allowed under this part to ensure  
1557 the uninterrupted availability of cannabis for the purpose of  
1558 treating a qualifying medical condition and the symptoms  
1559 associated with that condition or alleviating the side effects  
1560 of a qualifying medical treatment.

1561       (4) A person may assert the purpose for the medical use of  
1562 cannabis in a motion to dismiss, and the charges shall be  
1563 dismissed following an evidentiary hearing if the person  
1564 presents the evidence specified in subsection (3).

1565       (5) The Florida Contraband Forfeiture Act, contained in ss.  
1566 932.701-932.706, does not apply to any interest in or right to

27-00264A-14

2014962\_\_

1567 property that is possessed, owned, or used in connection with  
1568 the medical use of cannabis or acts incidental to such use.

1569 499.808 Insurance.—This part does not require a  
1570 governmental, private, or other health insurance provider or  
1571 health care services plan to cover, or prohibit it from  
1572 covering, a claim for reimbursement for the medical use of  
1573 cannabis.

1574 499.809 Confidentiality.—

1575 (1) An employer, laboratory, employee assistance program,  
1576 or alcohol and drug rehabilitation program or its agents may not  
1577 release information obtained pursuant to this part in accordance  
1578 with s. 112.0455 without a written consent form signed  
1579 voluntarily by the qualifying patient or the patient's caregiver  
1580 unless such release is compelled by a hearing officer or a court  
1581 of competent jurisdiction pursuant to an appeal taken under this  
1582 part or is deemed appropriate by a business licensing board,  
1583 professional licensing board, or occupational licensing board in  
1584 a related disciplinary proceeding. The consent form must  
1585 contain, at a minimum:

1586 (a) The name of the person who is authorized to obtain the  
1587 information.

1588 (b) The purpose of the disclosure.

1589 (c) The precise information to be disclosed.

1590 (d) The duration of the consent.

1591 (e) The signature of the person authorizing release of the  
1592 information.

1593 (2) Information regarding a qualifying patient or the  
1594 patient's caregiver may not be released or used in a criminal  
1595 proceeding against the qualifying patient or the patient's

27-00264A-14

2014962\_\_

1596 caregiver. Information released contrary to this section is  
1597 inadmissible as evidence in a criminal proceeding.

1598 (3) This section does not prohibit the department or its  
1599 employees or agents from obtaining access to information  
1600 regarding a qualifying patient or the patient's caregiver if the  
1601 department or its employees and agents consult with legal  
1602 counsel in connection with actions brought under or related to  
1603 this part or if the information is relevant to the department's  
1604 defense in a civil or administrative proceeding.

1605 499.810 Rules.—

1606 (1) By October 1, 2014, the department shall adopt rules to  
1607 administer this part, including rules to:

1608 (a) Create a registration form, a procedure, and  
1609 eligibility requirements to obtain and renew a registry  
1610 identification card for a qualifying patient and the patient's  
1611 caregiver. The department shall, by rule, establish registration  
1612 and renewal fees that generate revenues sufficient to offset all  
1613 expenses of implementing and administering this part.

1614 (b) Adopt manufacturing practices with which medical  
1615 cannabis farms and dispensaries must comply in order to ensure  
1616 that cannabis sold by such farms and dispensaries is of  
1617 pharmaceutical grade.

1618 (c) Ensure that the labeling on cannabis sold by medical  
1619 cannabis farms and dispensaries provides sufficient information  
1620 for qualifying patients to be able to make informed choices  
1621 about grades and forms of cannabis for medical use.

1622 (d) Prescribe procedures and guidelines for the inspection  
1623 and auditing of dispensaries.

1624 (2) If the department fails to adopt rules to administer



27-00264A-14

2014962\_\_

1625 this part by January 1, 2015, a resident of this state may  
1626 commence an action in a court of competent jurisdiction to  
1627 compel performance of the actions mandated under this section.

1628 Section 4. Emergency rules.-

1629 (1) The executive director of the Department of Revenue is  
1630 authorized, and all conditions are deemed met, to adopt  
1631 emergency rules under ss. 120.536(1) and 120.54(4), Florida  
1632 Statutes, for the purpose of implementing this act.

1633 (2) Notwithstanding any other provision of law, the  
1634 emergency rules shall remain in effect for 6 months after  
1635 adoption and may be renewed during the pendency of procedures to  
1636 adopt permanent rules addressing the subject of the emergency  
1637 rules.

1638 Section 5. Subsection (6) of section 812.14, Florida  
1639 Statutes, is amended to read:

1640 812.14 Trespass and larceny with relation to utility  
1641 fixtures; theft of utility services.-

1642 (6) It is prima facie evidence of a person's intent to  
1643 violate subsection (5) if:

1644 (a) A controlled substance and materials for manufacturing  
1645 the controlled substance intended for sale or distribution to  
1646 another were found in a dwelling or structure;

1647 (b) Except as provided in this chapter, chapter 468, or  
1648 chapter 499 and notwithstanding s. 893.13, the dwelling or  
1649 structure has been visibly modified to accommodate the use of  
1650 equipment to grow marijuana indoors, including, but not limited  
1651 to, the installation of equipment to provide additional air  
1652 conditioning, equipment to provide high-wattage lighting, or  
1653 equipment for hydroponic cultivation; and

27-00264A-14

2014962\_\_

1654 (c) The person or entity that owned, leased, or subleased  
1655 the dwelling or structure knew of, or did so under such  
1656 circumstances as would induce a reasonable person to believe in,  
1657 the presence of a controlled substance and materials for  
1658 manufacturing a controlled substance in the dwelling or  
1659 structure, regardless of whether the person or entity was  
1660 involved in the manufacture or sale of a controlled substance or  
1661 was in actual possession of the dwelling or structure.

1662 Section 6. Paragraph (c) of subsection (1) of section  
1663 893.03, Florida Statutes, is amended to read:

1664 893.03 Standards and schedules.—The substances enumerated  
1665 in this section are controlled by this chapter. The controlled  
1666 substances listed or to be listed in Schedules I, II, III, IV,  
1667 and V are included by whatever official, common, usual,  
1668 chemical, or trade name designated. The provisions of this  
1669 section shall not be construed to include within any of the  
1670 schedules contained in this section any excluded drugs listed  
1671 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded  
1672 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical  
1673 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted  
1674 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt  
1675 Anabolic Steroid Products."

1676 (1) SCHEDULE I.—A substance in Schedule I has a high  
1677 potential for abuse and has no currently accepted medical use in  
1678 treatment in the United States and in its use under medical  
1679 supervision does not meet accepted safety standards. The  
1680 following substances are controlled in Schedule I:

1681 (c) Unless specifically excepted or unless listed in  
1682 another schedule, any material, compound, mixture, or

27-00264A-14

2014962\_\_

1683 preparation that contains any quantity of the following  
1684 hallucinogenic substances or that contains any of their salts,  
1685 isomers, including optical, positional, or geometric isomers,  
1686 and salts of isomers, if the existence of such salts, isomers,  
1687 and salts of isomers is possible within the specific chemical  
1688 designation:

- 1689 1. Alpha-ethyltryptamine.
- 1690 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-  
1691 methylaminorex).
- 1692 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 1693 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 1694 5. 4-Bromo-2,5-dimethoxyphenethylamine.
- 1695 6. Bufotenine.
- 1696 7. Cannabis, except as authorized in chapters 468 and 499.
- 1697 8. Cathinone.
- 1698 9. Diethyltryptamine.
- 1699 10. 2,5-Dimethoxyamphetamine.
- 1700 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 1701 12. Dimethyltryptamine.
- 1702 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine  
1703 analog of phencyclidine).
- 1704 14. N-Ethyl-3-piperidyl benzilate.
- 1705 15. N-ethylamphetamine.
- 1706 16. Fenethylamine.
- 1707 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 1708 18. Ibogaine.
- 1709 19. Lysergic acid diethylamide (LSD).
- 1710 20. Mescaline.
- 1711 21. Methcathinone.

27-00264A-14

2014962\_\_

- 1712 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 1713 23. 4-methoxyamphetamine.
- 1714 24. 4-methoxymethamphetamine.
- 1715 25. 4-Methyl-2,5-dimethoxyamphetamine.
- 1716 26. 3,4-Methylenedioxy-N-ethylamphetamine.
- 1717 27. 3,4-Methylenedioxyamphetamine.
- 1718 28. N-Methyl-3-piperidyl benzilate.
- 1719 29. N,N-dimethylamphetamine.
- 1720 30. Parahexyl.
- 1721 31. Peyote.
- 1722 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine  
1723 analog of phencyclidine).
- 1724 33. Psilocybin.
- 1725 34. Psilocyn.
- 1726 35. *Salvia divinorum*, except for any drug product approved  
1727 by the United States Food and Drug Administration which contains  
1728 *Salvia divinorum* or its isomers, esters, ethers, salts, and  
1729 salts of isomers, esters, and ethers, if the existence of such  
1730 isomers, esters, ethers, and salts is possible within the  
1731 specific chemical designation.
- 1732 36. Salvinorin A, except for any drug product approved by  
1733 the United States Food and Drug Administration which contains  
1734 Salvinorin A or its isomers, esters, ethers, salts, and salts of  
1735 isomers, esters, and ethers, if the existence of such isomers,  
1736 esters, ethers, and salts is possible within the specific  
1737 chemical designation.
- 1738 37. Tetrahydrocannabinols, except as authorized in chapters  
1739 468 and 499.
- 1740 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)

27-00264A-14

2014962\_\_

- 1741 (Thiophene analog of phencyclidine).
- 1742 39. 3,4,5-Trimethoxyamphetamine.
- 1743 40. 3,4-Methylenedioxymethcathinone.
- 1744 41. 3,4-Methylenedioxypyrovalerone (MDPV).
- 1745 42. Methylmethcathinone.
- 1746 43. Methoxymethcathinone.
- 1747 44. Fluoromethcathinone.
- 1748 45. Methylethcathinone.
- 1749 46. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
- 1750 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
- 1751 homologue.
- 1752 47. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
- 1753 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
- 1754 also known as HU-210.
- 1755 48. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.
- 1756 49. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.
- 1757 50. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole, also
- 1758 known as JWH-200.
- 1759 51. BZP (Benzylpiperazine).
- 1760 52. Fluorophenylpiperazine.
- 1761 53. Methylphenylpiperazine.
- 1762 54. Chlorophenylpiperazine.
- 1763 55. Methoxyphenylpiperazine.
- 1764 56. DBZP (1,4-dibenzylpiperazine).
- 1765 57. TFMPP (3-Trifluoromethylphenylpiperazine).
- 1766 58. MBDB (Methylbenzodioxolylbutanamine).
- 1767 59. 5-Hydroxy-alpha-methyltryptamine.
- 1768 60. 5-Hydroxy-N-methyltryptamine.
- 1769 61. 5-Methoxy-N-methyl-N-isopropyltryptamine.

27-00264A-14

2014962\_\_

- 1770 62. 5-Methoxy-alpha-methyltryptamine.
- 1771 63. Methyltryptamine.
- 1772 64. 5-Methoxy-N,N-dimethyltryptamine.
- 1773 65. 5-Methyl-N,N-dimethyltryptamine.
- 1774 66. Tyramine (4-Hydroxyphenethylamine).
- 1775 67. 5-Methoxy-N,N-Diisopropyltryptamine.
- 1776 68. DiPT (N,N-Diisopropyltryptamine).
- 1777 69. DPT (N,N-Dipropyltryptamine).
- 1778 70. 4-Hydroxy-N,N-diisopropyltryptamine.
- 1779 71. N,N-Diallyl-5-Methoxytryptamine.
- 1780 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
- 1781 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
- 1782 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 1783 75. 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).
- 1784 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 1785 77. 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).
- 1786 78. 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).
- 1787 79. 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine).
- 1788 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- 1789 81. Butylone (beta-keto-N-methylbenzodioxolylpropylamine).
- 1790 82. Ethcathinone.
- 1791 83. Ethylone (3,4-methylenedioxy-N-ethylcathinone).
- 1792 84. Naphyrone (naphthylpyrovalerone).
- 1793 85. N-N-Dimethyl-3,4-methylenedioxycathinone.
- 1794 86. N-N-Diethyl-3,4-methylenedioxycathinone.
- 1795 87. 3,4-methylenedioxy-propiofenone.
- 1796 88. 2-Bromo-3,4-Methylenedioxypropiofenone.
- 1797 89. 3,4-methylenedioxy-propiofenone-2-oxime.
- 1798 90. N-Acetyl-3,4-methylenedioxycathinone.

27-00264A-14

2014962\_\_

- 1799 91. N-Acetyl-N-Methyl-3,4-Methylenedioxcathinone.
- 1800 92. N-Acetyl-N-Ethyl-3,4-Methylenedioxcathinone.
- 1801 93. Bromomethcathinone.
- 1802 94. Buphedrone (alpha-methylamino-butyrophenone).
- 1803 95. Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
- 1804 96. Dimethylcathinone.
- 1805 97. Dimethylmethcathinone.
- 1806 98. Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).
- 1807 99. (MDPPP) 3,4-Methylenedioxy-alpha-
- 1808 pyrrolidinopropiophenone.
- 1809 100. (MDPBP) 3,4-Methylenedioxy-alpha-
- 1810 pyrrolidinobutiophenone.
- 1811 101. Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
- 1812 102. Methyl-alpha-pyrrolidinohexiophenone (MPHP).
- 1813 103. Benocyclidine (BCP) or
- 1814 benzothiophenylcyclohexylpiperidine (BTCP).
- 1815 104. Fluoromethylaminobutyrophenone (F-MABP).
- 1816 105. Methoxypyrrolidinobutyrophenone (MeO-PBP).
- 1817 106. Ethyl-pyrrolidinobutyrophenone (Et-PBP).
- 1818 107. 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).
- 1819 108. Methyleneethylaminobutyrophenone (Me-EABP).
- 1820 109. Methylamino-butyrophenone (MABP).
- 1821 110. Pyrrolidinopropiophenone (PPP).
- 1822 111. Pyrrolidinobutiophenone (PBP).
- 1823 112. Pyrrolidinovalerophenone (PVP).
- 1824 113. Methyl-alpha-pyrrolidinopropiophenone (MPPP).
- 1825 114. JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).
- 1826 115. JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-
- 1827 naphthalenylmethanone).

27-00264A-14

2014962\_\_

- 1828           116. JWH-019 (Naphthalen-1-yl-(1-hexylindol-3-  
1829 yl)methanone).
- 1830           117. JWH-020 (1-heptyl-3-(1-naphthoyl)indole).
- 1831           118. JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-  
1832 yl)methanone).
- 1833           119. JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-  
1834 yl)methanone).
- 1835           120. JWH-122 (1-pentyl-3-(4-methyl-1-naphthoyl)indole).
- 1836           121. JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-  
1837 tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)).
- 1838           122. JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-  
1839 indole).
- 1840           123. JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl)indole).
- 1841           124. JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-  
1842 yl)ethanone).
- 1843           125. JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-  
1844 yl)methanone).
- 1845           126. JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-  
1846 yl)ethanone).
- 1847           127. JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-  
1848 yl)ethanone).
- 1849           128. JWH-302 (1-pentyl-3-(3-methoxyphenylacetyl)indole).
- 1850           129. JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
- 1851           130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-  
1852 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-  
1853 ol).
- 1854           131. HU-308 ([ (1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-  
1855 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]  
1856 methanol).



27-00264A-14

2014962\_\_

- 1857 132. HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-  
1858 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-  
1859 1,4-dione).
- 1860 133. CB-13 (Naphthalen-1-yl-(4-pentyloxynaphthalen-1-  
1861 yl)methanone).
- 1862 134. CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-  
1863 undecanamide).
- 1864 135. CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-  
1865 undecanamide).
- 1866 136. CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-  
1867 hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol).
- 1868 137. AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-2-  
1869 iodophenyl)methanone).
- 1870 138. AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-  
1871 (naphthalen-1-yl)methanone).
- 1872 139. RCS-4 ((4-methoxyphenyl)(1-pentyl-1H-indol-3-  
1873 yl)methanone).
- 1874 140. RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-  
1875 methoxyphenylethanone).
- 1876 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-  
1877 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-  
1878 naphthalenylmethanone).
- 1879 142. WIN55,212-3 ([3S)-2,3-Dihydro-5-methyl-3-(4-  
1880 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-  
1881 naphthalenylmethanone).
- 1882 143. Pentedrone (2-(methylamino)-1-phenyl-1-pentanone).
- 1883 144. Fluoroamphetamine.
- 1884 145. Fluoromethamphetamine.
- 1885 146. Methoxetamine.

27-00264A-14

2014962\_\_

- 1886 147. Methiopropamine.
- 1887 148. 4-Methylbuphedrone (2-Methylamino-1-(4-
- 1888 methylphenyl)butan-1-one).
- 1889 149. APB ((2-aminopropyl)benzofuran).
- 1890 150. APDB ((2-aminopropyl)-2,3-dihydrobenzofuran).
- 1891 151. UR-144 ((1-pentyl-1H-indol-3-yl)(2,2,3,3-
- 1892 tetramethylcyclopropyl)methanone).
- 1893 152. XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-
- 1894 tetramethylcyclopropyl)methanone).
- 1895 153. (1-(5-chloropentyl)-1H-indol-3-yl)(2,2,3,3-
- 1896 tetramethylcyclopropyl)methanone.
- 1897 154. AKB48 (1-pentyl-N-tricyclo[3.3.1.1<sup>3,7</sup>]dec-1-yl-1H-
- 1898 indazole-3-carboxamide).
- 1899 155. AM-2233((2-iodophenyl)[1-[(1-methyl-2-
- 1900 piperidinyl)methyl]-1H-indol-3-yl]-methanone).
- 1901 156. STS-135 (1-(5-fluoropentyl)-N-tricyclo[3.3.1.1<sup>3,7</sup>]dec-
- 1902 1-yl-1H-indole-3-carboxamide).
- 1903 157. URB-597 ((3'-(aminocarbonyl)[1,1'-biphenyl]-3-yl)-
- 1904 cyclohexylcarbamate).
- 1905 158. URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid,
- 1906 cyclohexyl ester).
- 1907 159. URB-754 (6-methyl-2-[(4-methylphenyl)amino]-1-
- 1908 benzoxazin-4-one).
- 1909 160. 2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine).
- 1910 161. 2C-H (2-(2,5-Dimethoxyphenyl)ethanamine).
- 1911 162. 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine).
- 1912 163. 2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine).
- 1913 164. 25I-NBOMe (4-iodo-2,5-dimethoxy-N-[(2-
- 1914 methoxyphenyl)methyl]-benzeneethanamine).

27-00264A-14

2014962\_\_

1915           165. 3,4-Methylenedioxymethamphetamine (MDMA).  
 1916           166. PB-22 (1-pentyl-8-quinolinyl ester-1H-indole-3-  
 1917 carboxylic acid).  
 1918           167. 5-Fluoro PB-22 (8-quinolinyl ester-1-(5-fluoropentyl)-  
 1919 1H-indole-3-carboxylic acid).  
 1920           168. BB-22 (1-(cyclohexylmethyl)-8-quinolinyl ester-1H-  
 1921 indole-3-carboxylic acid).  
 1922           169. 5-Fluoro AKB48 (N-((3s,5s,7s)-adamantan-1-yl)-1-(5-  
 1923 fluoropentyl)-1H-indazole-3-carboxamide).  
 1924           Section 7. Subsections (1) through (6) of section 893.13,  
 1925 Florida Statutes, are amended to read:  
 1926           893.13 Prohibited acts; penalties.—  
 1927           (1) (a) Except as authorized by this chapter and chapters  
 1928 468 and ~~chapter~~ 499, a it is unlawful for any person may not to  
 1929 sell, manufacture, or deliver, or possess with intent to sell,  
 1930 manufacture, or deliver, a controlled substance. A ~~Any~~ person  
 1931 who violates this provision with respect to:  
 1932           1. A controlled substance named or described in s.  
 1933 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.,  
 1934 commits a felony of the second degree, punishable as provided in  
 1935 s. 775.082, s. 775.083, or s. 775.084.  
 1936           2. A controlled substance named or described in s.  
 1937 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,  
 1938 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of  
 1939 the third degree, punishable as provided in s. 775.082, s.  
 1940 775.083, or s. 775.084.  
 1941           3. A controlled substance named or described in s.  
 1942 893.03(5) commits a misdemeanor of the first degree, punishable  
 1943 as provided in s. 775.082 or s. 775.083.

27-00264A-14

2014962\_\_

1944 (b) Except as provided in this chapter and chapters 468 and  
1945 499, a person may not ~~it is unlawful to~~ sell or deliver in  
1946 excess of 10 grams of any substance named or described in s.  
1947 893.03(1)(a) or (1)(b), or any combination thereof, or any  
1948 mixture containing any such substance. A ~~Any~~ person who violates  
1949 this paragraph commits a felony of the first degree, punishable  
1950 as provided in s. 775.082, s. 775.083, or s. 775.084.

1951 (c) Except as authorized by this chapter and chapters 468  
1952 and 499, a ~~it is unlawful for any person~~ may not ~~to~~ sell,  
1953 manufacture, or deliver, or possess with intent to sell,  
1954 manufacture, or deliver, a controlled substance in, on, or  
1955 within 1,000 feet of the real property comprising a child care  
1956 facility as defined in s. 402.302 or a public or private  
1957 elementary, middle, or secondary school between the hours of 6  
1958 a.m. and 12 midnight, or at any time in, on, or within 1,000  
1959 feet of real property comprising a state, county, or municipal  
1960 park, a community center, or a publicly owned recreational  
1961 facility. For the purposes of this paragraph, the term  
1962 "community center" means a facility operated by a nonprofit  
1963 community-based organization for the provision of recreational,  
1964 social, or educational services to the public. A ~~Any~~ person who  
1965 violates this paragraph with respect to:

1966 1. A controlled substance named or described in s.  
1967 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
1968 commits a felony of the first degree, punishable as provided in  
1969 s. 775.082, s. 775.083, or s. 775.084. The defendant must be  
1970 sentenced to a minimum term of imprisonment of 3 calendar years  
1971 unless the offense was committed within 1,000 feet of the real  
1972 property comprising a child care facility as defined in s.

27-00264A-14

2014962\_\_

1973 402.302.

1974 2. A controlled substance named or described in s.  
 1975 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
 1976 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
 1977 the second degree, punishable as provided in s. 775.082, s.  
 1978 775.083, or s. 775.084.

1979 3. Any other controlled substance, except as lawfully sold,  
 1980 manufactured, or delivered, must be sentenced to pay a \$500 fine  
 1981 and to serve 100 hours of public service in addition to any  
 1982 other penalty prescribed by law.

1983  
 1984 This paragraph does not apply to a child care facility unless  
 1985 the owner or operator of the facility posts a sign that is not  
 1986 less than 2 square feet in size with a word legend identifying  
 1987 the facility as a licensed child care facility and that is  
 1988 posted on the property of the child care facility in a  
 1989 conspicuous place where the sign is reasonably visible to the  
 1990 public.

1991 (d) Except as authorized by this chapter and chapters 468  
 1992 and 499, ~~a it is unlawful for any person may not to~~ sell,  
 1993 manufacture, or deliver, or possess with intent to sell,  
 1994 manufacture, or deliver, a controlled substance in, on, or  
 1995 within 1,000 feet of the real property comprising a public or  
 1996 private college, university, or other postsecondary educational  
 1997 institution. A ~~Any~~ person who violates this paragraph with  
 1998 respect to:

1999 1. A controlled substance named or described in s.  
 2000 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
 2001 commits a felony of the first degree, punishable as provided in

27-00264A-14

2014962\_\_

2002 s. 775.082, s. 775.083, or s. 775.084.

2003 2. A controlled substance named or described in s.  
2004 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
2005 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
2006 the second degree, punishable as provided in s. 775.082, s.  
2007 775.083, or s. 775.084.

2008 3. Any other controlled substance, except as lawfully sold,  
2009 manufactured, or delivered, must be sentenced to pay a \$500 fine  
2010 and to serve 100 hours of public service in addition to any  
2011 other penalty prescribed by law.

2012 (e) Except as authorized by this chapter and chapters 468  
2013 and 499, ~~a it is unlawful for any person may not to~~ sell,  
2014 manufacture, or deliver, or possess with intent to sell,  
2015 manufacture, or deliver, a controlled substance not authorized  
2016 by law in, on, or within 1,000 feet of a physical place for  
2017 worship at which a church or religious organization regularly  
2018 conducts religious services or within 1,000 feet of a  
2019 convenience business as defined in s. 812.171. A ~~Any~~ person who  
2020 violates this paragraph with respect to:

2021 1. A controlled substance named or described in s.  
2022 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
2023 commits a felony of the first degree, punishable as provided in  
2024 s. 775.082, s. 775.083, or s. 775.084.

2025 2. A controlled substance named or described in s.  
2026 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
2027 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
2028 the second degree, punishable as provided in s. 775.082, s.  
2029 775.083, or s. 775.084.

2030 3. Any other controlled substance, except as lawfully sold,

27-00264A-14

2014962\_\_

2031 manufactured, or delivered, must be sentenced to pay a \$500 fine  
2032 and to serve 100 hours of public service in addition to any  
2033 other penalty prescribed by law.

2034 (f) Except as authorized by this chapter and chapters 468  
2035 and 499, ~~a it is unlawful for any person may not to~~ sell,  
2036 manufacture, or deliver, or possess with intent to sell,  
2037 manufacture, or deliver, a controlled substance in, on, or  
2038 within 1,000 feet of the real property comprising a public  
2039 housing facility at any time. For purposes of this section, the  
2040 term "real property comprising a public housing facility" means  
2041 real property, as defined in s. 421.03(12), of a public  
2042 corporation created as a housing authority pursuant to part I of  
2043 chapter 421. A ~~Any~~ person who violates this paragraph with  
2044 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 (g) Except as authorized by this chapter and chapters 468  
2059 and 499, ~~a it is unlawful for any person may not to~~ manufacture

27-00264A-14

2014962\_\_

2060 methamphetamine or phencyclidine, or possess any listed chemical  
2061 as defined in s. 893.033 in violation of s. 893.149 and with  
2062 intent to manufacture methamphetamine or phencyclidine. If any  
2063 person violates this paragraph and:

2064 1. The commission or attempted commission of the crime  
2065 occurs in a structure or conveyance where any child under 16  
2066 years of age is present, the person commits a felony of the  
2067 first degree, punishable as provided in s. 775.082, s. 775.083,  
2068 or s. 775.084. In addition, the defendant must be sentenced to a  
2069 minimum term of imprisonment of 5 calendar years.

2070 2. The commission of the crime causes any child under 16  
2071 years of age to suffer great bodily harm, the person commits a  
2072 felony of the first degree, punishable as provided in s.  
2073 775.082, s. 775.083, or s. 775.084. In addition, the defendant  
2074 must be sentenced to a minimum term of imprisonment of 10  
2075 calendar years.

2076 (h) Except as authorized by this chapter and chapters 468  
2077 and 499, ~~a it is unlawful for any person may not to~~ sell,  
2078 manufacture, or deliver, or possess with intent to sell,  
2079 manufacture, or deliver, a controlled substance in, on, or  
2080 within 1,000 feet of the real property comprising an assisted  
2081 living facility, as that term is used in chapter 429. A ~~Any~~  
2082 person who violates this paragraph with respect to:

2083 1. A controlled substance named or described in s.  
2084 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.  
2085 commits a felony of the first degree, punishable as provided in  
2086 s. 775.082, s. 775.083, or s. 775.084.

2087 2. A controlled substance named or described in s.  
2088 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,



27-00264A-14

2014962\_\_

2089 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of  
2090 the second degree, punishable as provided in s. 775.082, s.  
2091 775.083, or s. 775.084.

2092 (2) (a) Except as authorized by this chapter and chapters  
2093 468 and chapter 499, ~~a it is unlawful for any person may not to~~  
2094 purchase, or possess with intent to purchase, a controlled  
2095 substance. A ~~Any~~ person who violates this provision with respect  
2096 to:

2097 1. A controlled substance named or described in s.  
2098 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.,  
2099 commits a felony of the second degree, punishable as provided in  
2100 s. 775.082, s. 775.083, or s. 775.084.

2101 2. A controlled substance named or described in s.  
2102 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,  
2103 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of  
2104 the third degree, punishable as provided in s. 775.082, s.  
2105 775.083, or s. 775.084.

2106 3. A controlled substance named or described in s.  
2107 893.03(5) commits a misdemeanor of the first degree, punishable  
2108 as provided in s. 775.082 or s. 775.083.

2109 (b) Except as authorized ~~provided~~ in this chapter and  
2110 chapters 468 and 499, a person may not ~~it is unlawful to~~  
2111 purchase in excess of 10 grams of any substance named or  
2112 described in s. 893.03(1) (a) or (1) (b), or any combination  
2113 thereof, or any mixture containing any such substance. A ~~Any~~  
2114 person who violates this paragraph commits a felony of the first  
2115 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
2116 775.084.

2117 (3) Except as authorized in this chapter and chapters 468

27-00264A-14

2014962\_\_

2118 and 499, a ~~any~~ person who delivers, without consideration, not  
2119 more than 20 grams of cannabis, as defined in this chapter,  
2120 commits a misdemeanor of the first degree, punishable as  
2121 provided in s. 775.082 or s. 775.083. For the purposes of this  
2122 paragraph, "cannabis" does not include the resin extracted from  
2123 the plants of the genus *Cannabis* or any compound manufacture,  
2124 salt, derivative, mixture, or preparation of such resin.

2125 (4) Except as authorized by this chapter and chapters 468  
2126 and 499, a ~~it is unlawful for any~~ person 18 years of age or  
2127 older may not ~~to~~ deliver any controlled substance to a person  
2128 under the age of 18 years, except for an emancipated minor; ~~or~~  
2129 ~~to~~ use or hire a person under the age of 18 years as an agent or  
2130 employee in the sale or delivery of such a substance;; ~~or to~~ use  
2131 such person to assist in avoiding detection or apprehension for  
2132 a violation of this chapter. A ~~Any~~ person who violates this  
2133 provision with respect to:

2134 (a) A controlled substance named or described in s.  
2135 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
2136 commits a felony of the first degree, punishable as provided in  
2137 s. 775.082, s. 775.083, or s. 775.084.

2138 (b) A controlled substance named or described in s.  
2139 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
2140 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
2141 the second degree, punishable as provided in s. 775.082, s.  
2142 775.083, or s. 775.084.

2143  
2144 Imposition of sentence may not be suspended or deferred, nor  
2145 shall the person so convicted be placed on probation.

2146 (5) A ~~It is unlawful for any~~ person may not ~~to~~ bring into

27-00264A-14

2014962\_\_

2147 this state any controlled substance unless the possession of  
2148 such controlled substance is authorized by this chapter, chapter  
2149 468, or chapter 499 or unless such person is licensed to do so  
2150 by the appropriate federal agency. A ~~Any~~ person who violates  
2151 this provision with respect to:

2152 (a) A controlled substance named or described in s.  
2153 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
2154 commits a felony of the second degree, punishable as provided in  
2155 s. 775.082, s. 775.083, or s. 775.084.

2156 (b) A controlled substance named or described in s.  
2157 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
2158 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
2159 the third degree, punishable as provided in s. 775.082, s.  
2160 775.083, or s. 775.084.

2161 (c) A controlled substance named or described in s.  
2162 893.03(5) commits a misdemeanor of the first degree, punishable  
2163 as provided in s. 775.082 or s. 775.083.

2164 (6)(a) A ~~It is unlawful for any person~~ may not ~~to~~ be in  
2165 actual or constructive possession of a controlled substance  
2166 unless such controlled substance was lawfully obtained from a  
2167 practitioner or pursuant to a valid prescription or order of a  
2168 practitioner while acting in the course of his or her  
2169 professional practice or ~~to~~ be in actual or constructive  
2170 possession of a controlled substance except as otherwise  
2171 authorized by this chapter, chapter 468, or chapter 499. A ~~Any~~  
2172 person who violates this provision commits a felony of the third  
2173 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
2174 775.084.

2175 (b) Except as authorized in this chapter and chapters 468

27-00264A-14

2014962\_\_

2176 and 499, if the offense is the possession of not more than 20  
2177 grams of cannabis, as defined in this chapter, or 3 grams or  
2178 less of a controlled substance described in s. 893.03(1)(c)46.-  
2179 50., 114.-142., 151.-159., or 166.-169., the person commits a  
2180 misdemeanor of the first degree, punishable as provided in s.  
2181 775.082 or s. 775.083. For the purposes of this subsection,  
2182 "cannabis" does not include the resin extracted from the plants  
2183 of the genus *Cannabis*, or any compound manufacture, salt,  
2184 derivative, mixture, or preparation of such resin, and a  
2185 controlled substance described in s. 893.03(1)(c)46.-50., 114.-  
2186 142., 151.-159., or 166.-169., does not include the substance in  
2187 a powdered form.

2188 (c) Except as authorized ~~provided~~ in this chapter and  
2189 chapters 468 and 499, a person may not ~~it is unlawful to~~ possess  
2190 in excess of 10 grams of any substance named or described in s.  
2191 893.03(1)(a) or (1)(b), or any combination thereof, or any  
2192 mixture containing any such substance. A ~~Any~~ person who violates  
2193 this paragraph commits a felony of the first degree, punishable  
2194 as provided in s. 775.082, s. 775.083, or s. 775.084.

2195 (d) Notwithstanding any provision to the contrary of the  
2196 laws of this state relating to arrest, a law enforcement officer  
2197 may arrest without warrant any person who the officer has  
2198 probable cause to believe is violating the provisions of this  
2199 chapter and chapters 468 and 499 relating to possession of  
2200 cannabis.

2201 Section 8. Section 893.1351, Florida Statutes, is amended  
2202 to read:

2203 893.1351 Ownership, lease, rental, or possession for  
2204 trafficking in or manufacturing a controlled substance.-

27-00264A-14

2014962\_\_

2205           (1) Except as authorized in this chapter and chapters 468  
2206 and 499, a person may not own, lease, or rent any place,  
2207 structure, ~~or~~ part of such place or structure ~~thereof~~, trailer,  
2208 or other conveyance with the knowledge that the place,  
2209 structure, trailer, or conveyance will be used for the purpose  
2210 of:

2211           (a) Trafficking in a controlled substance, as provided in  
2212 s. 893.135;

2213           (b) Selling ~~for the sale of~~ a controlled substance, as  
2214 provided in s. 893.13; or ~~for the manufacture of~~

2215           (c) Manufacturing a controlled substance intended for sale  
2216 or distribution to another.

2217  
2218 A person who violates this subsection commits a felony of the  
2219 third degree, punishable as provided in s. 775.082, s. 775.083,  
2220 or s. 775.084.

2221           (2) Except as authorized in this chapter and chapters 468  
2222 and 499, a person may not knowingly be in actual or constructive  
2223 possession of any place, structure, ~~or~~ part of such place or  
2224 structure ~~thereof~~, trailer, or other conveyance with the  
2225 knowledge that the place, structure, or part thereof, trailer,  
2226 or conveyance will be used for the purpose of trafficking in a  
2227 controlled substance, as provided in s. 893.135; for the sale of  
2228 a controlled substance, as provided in s. 893.13; or for the  
2229 manufacture of a controlled substance intended for sale or  
2230 distribution to another. A person who violates this subsection  
2231 commits a felony of the second degree, punishable as provided in  
2232 s. 775.082, s. 775.083, or s. 775.084.

2233           (3) Except as authorized in this chapter and chapters 468

27-00264A-14

2014962\_\_

2234 and 499, a person who is in actual or constructive possession of  
2235 a place, structure, trailer, or conveyance with the knowledge  
2236 that the place, structure, trailer, or conveyance is being used  
2237 to manufacture a controlled substance intended for sale or  
2238 distribution to another and who knew or should have known that a  
2239 minor is present or resides in the place, structure, trailer, or  
2240 conveyance commits a felony of the first degree, punishable as  
2241 provided in s. 775.082, s. 775.083, or s. 775.084.

2242 (4) For the purposes of this section, proof of the  
2243 possession of 25 or more cannabis plants constitutes prima facie  
2244 evidence that the cannabis is intended for sale or distribution,  
2245 except as provided in this chapter and chapters 468 and 499.

2246 Section 9. Section 893.145, Florida Statutes, is amended to  
2247 read:

2248 893.145 "Drug paraphernalia" defined.—The term "drug  
2249 paraphernalia" means all equipment, products, and materials of  
2250 any kind which are used, intended for use, or designed for use  
2251 in planting, propagating, cultivating, growing, harvesting,  
2252 manufacturing, compounding, converting, producing, processing,  
2253 preparing, testing, analyzing, packaging, repackaging, storing,  
2254 containing, concealing, transporting, injecting, ingesting,  
2255 inhaling, or otherwise introducing into the human body a  
2256 controlled substance in violation of this chapter or s. 877.111.  
2257 Except as provided in this chapter and chapters 468 and 499,  
2258 drug paraphernalia is deemed to be contraband that is ~~which~~  
2259 ~~shall be~~ subject to civil forfeiture. The term includes, but is  
2260 not limited to:

2261 (1) Kits used, intended for use, or designed for use in the  
2262 planting, propagating, cultivating, growing, or harvesting of

27-00264A-14

2014962\_\_

2263 any species of plant which is a controlled substance or from  
2264 which a controlled substance can be derived.

2265 (2) Kits used, intended for use, or designed for use in  
2266 manufacturing, compounding, converting, producing, processing,  
2267 or preparing controlled substances.

2268 (3) Isomerization devices used, intended for use, or  
2269 designed for use in increasing the potency of any species of  
2270 plant which is a controlled substance.

2271 (4) Testing equipment used, intended for use, or designed  
2272 for use in identifying, or in analyzing the strength,  
2273 effectiveness, or purity of, controlled substances.

2274 (5) Scales and balances used, intended for use, or designed  
2275 for use in weighing or measuring controlled substances.

2276 (6) Diluents and adulterants, such as quinine  
2277 hydrochloride, mannitol, mannite, dextrose, and lactose, used,  
2278 intended for use, or designed for use in cutting controlled  
2279 substances.

2280 (7) Separation gins and sifters used, intended for use, or  
2281 designed for use in removing twigs and seeds from, or in  
2282 otherwise cleaning or refining, cannabis.

2283 (8) Blenders, bowls, containers, spoons, and mixing devices  
2284 used, intended for use, or designed for use in compounding  
2285 controlled substances.

2286 (9) Capsules, balloons, envelopes, and other containers  
2287 used, intended for use, or designed for use in packaging small  
2288 quantities of controlled substances.

2289 (10) Containers and other objects used, intended for use,  
2290 or designed for use in storing, concealing, or transporting  
2291 controlled substances.

27-00264A-14

2014962\_\_

2292 (11) Hypodermic syringes, needles, and other objects used,  
2293 intended for use, or designed for use in parenterally injecting  
2294 controlled substances into the human body.

2295 (12) Objects used, intended for use, or designed for use in  
2296 ingesting, inhaling, or otherwise introducing cannabis, cocaine,  
2297 hashish, hashish oil, or nitrous oxide into the human body, such  
2298 as:

2299 (a) Metal, wooden, acrylic, glass, stone, plastic, or  
2300 ceramic pipes, with or without screens, permanent screens,  
2301 hashish heads, or punctured metal bowls.

2302 (b) Water pipes.

2303 (c) Carburetion tubes and devices.

2304 (d) Smoking and carburetion masks.

2305 (e) Roach clips: meaning objects used to hold burning  
2306 material, such as a cannabis cigarette, that has become too  
2307 small or too short to be held in the hand.

2308 (f) Miniature cocaine spoons, and cocaine vials.

2309 (g) Chamber pipes.

2310 (h) Carburetor pipes.

2311 (i) Electric pipes.

2312 (j) Air-driven pipes.

2313 (k) Chillums.

2314 (l) Bongs.

2315 (m) Ice pipes or chillers.

2316 (n) A cartridge or canister, which means a small metal  
2317 device used to contain nitrous oxide.

2318 (o) A charger, sometimes referred to as a "cracker," which  
2319 means a small metal or plastic device that contains an interior  
2320 pin that may be used to expel nitrous oxide from a cartridge or



27-00264A-14

2014962\_\_

2321 container.

2322 (p) A charging bottle, which means a device that may be  
2323 used to expel nitrous oxide from a cartridge or canister.

2324 (q) A whip-it, which means a device that may be used to  
2325 expel nitrous oxide.

2326 (r) A tank.

2327 (s) A balloon.

2328 (t) A hose or tube.

2329 (u) A 2-liter-type soda bottle.

2330 (v) Duct tape.

2331 Section 10. Section 893.147, Florida Statutes, is amended  
2332 to read:

2333 893.147 Use, possession, manufacture, delivery,  
2334 transportation, advertisement, or retail sale of drug  
2335 paraphernalia.—

2336 (1) USE OR POSSESSION OF DRUG PARAPHERNALIA.—Except as  
2337 authorized in chapters 468 and 499, a ~~It is unlawful for any~~  
2338 ~~person may not~~ to use, or ~~to~~ possess with intent to use, drug  
2339 paraphernalia:

2340 (a) To plant, propagate, cultivate, grow, harvest,  
2341 manufacture, compound, convert, produce, process, prepare, test,  
2342 analyze, pack, repack, store, contain, or conceal a controlled  
2343 substance in violation of this chapter; or

2344 (b) To inject, ingest, inhale, or otherwise introduce into  
2345 the human body a controlled substance in violation of this  
2346 chapter.

2347

2348 A ~~Any~~ person who violates this subsection commits ~~is guilty of~~ a  
2349 misdemeanor of the first degree, punishable as provided in s.

27-00264A-14

2014962\_\_

2350 775.082 or s. 775.083.

2351 (2) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.—Except  
 2352 as authorized in chapters 468 and 499, a ~~It is unlawful for any~~  
 2353 person may not ~~to~~ deliver, possess with intent to deliver, or  
 2354 manufacture with intent to deliver drug paraphernalia, knowing,  
 2355 or under circumstances where one reasonably should know, that it  
 2356 will be used:

2357 (a) To plant, propagate, cultivate, grow, harvest,  
 2358 manufacture, compound, convert, produce, process, prepare, test,  
 2359 analyze, pack, repack, store, contain, or conceal a controlled  
 2360 substance in violation of this act; or

2361 (b) To inject, ingest, inhale, or otherwise introduce into  
 2362 the human body a controlled substance in violation of this act.

2363  
 2364 A ~~Any~~ person who violates this subsection commits ~~is guilty of~~ a  
 2365 felony of the third degree, punishable as provided in s.  
 2366 775.082, s. 775.083, or s. 775.084.

2367 (3) DELIVERY OF DRUG PARAPHERNALIA TO A MINOR.—

2368 (a) Except as authorized in chapters 468 and 499, a ~~Any~~  
 2369 person 18 years of age or over who violates subsection (2) by  
 2370 delivering drug paraphernalia to a person under 18 years of age  
 2371 commits ~~is guilty of~~ a felony of the second degree, punishable  
 2372 as provided in s. 775.082, s. 775.083, or s. 775.084.

2373 (b) A ~~It is unlawful for any person may not~~ ~~to~~ sell or  
 2374 otherwise deliver hypodermic syringes, needles, or other objects  
 2375 that ~~which~~ may be used, are intended for use, or are designed  
 2376 for use in parenterally injecting substances into the human body  
 2377 to any person under 18 years of age, except that hypodermic  
 2378 syringes, needles, or other such objects may be lawfully

27-00264A-14

2014962\_\_

2379 dispensed to a person under 18 years of age by a licensed  
 2380 practitioner, parent, or legal guardian, ~~or~~ by a pharmacist  
 2381 pursuant to a valid prescription, or in accordance with the  
 2382 medical use of cannabis as provided in chapters 468 and 499 for  
 2383 same. A ~~Any~~ person who violates ~~the provisions of~~ this paragraph  
 2384 commits ~~is guilty of~~ a misdemeanor of the first degree,  
 2385 punishable as provided in s. 775.082 or s. 775.083.

2386 (4) TRANSPORTATION OF DRUG PARAPHERNALIA. ~~Except as~~  
 2387 authorized in chapters 468 and 499, a person may not ~~It is~~  
 2388 ~~unlawful to~~ use, possess with the intent to use, or manufacture  
 2389 with the intent to use drug paraphernalia, knowing or under  
 2390 circumstances in which one reasonably should know that it will  
 2391 be used to transport:

- 2392 (a) A controlled substance in violation of this chapter; or  
 2393 (b) Contraband as defined in s. 932.701(2)(a)1.

2394  
 2395 A ~~Any~~ person who violates this subsection commits a felony of  
 2396 the third degree, punishable as provided in s. 775.082, s.  
 2397 775.083, or s. 775.084.

2398 (5) ADVERTISEMENT OF DRUG PARAPHERNALIA. ~~A person may not~~  
 2399 ~~It is unlawful for any person to~~ place in any newspaper,  
 2400 magazine, handbill, or other publication any advertisement,  
 2401 knowing, or under circumstances where one reasonably should  
 2402 know, that the purpose of the advertisement, in whole or in  
 2403 part, is to promote the sale of objects designed or intended for  
 2404 use as drug paraphernalia. A ~~Any~~ person who violates this  
 2405 subsection commits ~~is guilty of~~ a misdemeanor of the first  
 2406 degree, punishable as provided in s. 775.082 or s. 775.083.

2407 (6) RETAIL SALE OF DRUG PARAPHERNALIA. -

27-00264A-14

2014962\_\_

2408 (a) ~~It is unlawful for~~ A person may not ~~to~~ knowingly and  
 2409 willfully sell or offer for sale at retail any drug  
 2410 paraphernalia described in s. 893.145(12) (a)-(c) or (g)-(m),  
 2411 other than drug paraphernalia related to the medical use of  
 2412 cannabis or a pipe that is primarily made of briar, meerschaum,  
 2413 clay, or corn cob.

2414 (b) A person who violates paragraph (a) commits a  
 2415 misdemeanor of the first degree, punishable as provided in s.  
 2416 775.082 or s. 775.083, and, upon a second or subsequent  
 2417 violation, commits a felony of the third degree, punishable as  
 2418 provided in s. 775.082, s. 775.083, or s. 775.084.

2419 Section 11. Present subsection (3) of section 921.0022,  
 2420 Florida Statutes, is redesignated as subsection (4), a new  
 2421 subsection (3) is added to that section, and paragraphs (a),  
 2422 (b), (c), (e), (g), (h), and (i) of present subsection (3) of  
 2423 that section are amended, to read:

2424 921.0022 Criminal Punishment Code; offense severity ranking  
 2425 chart.-

2426 (3) As used in this section, the term "cannabis" does not  
 2427 include any form of cannabis that is cultivated, manufactured,  
 2428 possessed, and distributed in the form of cannabis in compliance  
 2429 with part XVII of chapter 468 or part III of chapter 499.

2430 (4) ~~(3)~~ OFFENSE SEVERITY RANKING CHART

2431 (a) LEVEL 1

2432

Florida	Felony	Description
Statute	Degree	Description
24.118(3) (a)	3rd	Counterfeit or altered state

27-00264A-14

2014962\_\_

2434			lottery ticket.
	212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
2435			
	212.15 (2) (b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
2436			
	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
2437			
	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
2438			
	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
2439			
	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
2440			
	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued <u>driver</u>

27-00264A-14

2014962\_\_

2441

~~driver's~~ license; possession  
of simulated identification.

322.212 (4)

3rd

Supply or aid in supplying  
unauthorized driver ~~driver's~~  
license or identification  
card.

2442

322.212 (5) (a)

3rd

False application for driver  
~~driver's~~ license or  
identification card.

2443

414.39 (2)

3rd

Unauthorized use,  
possession, forgery, or  
alteration of food  
assistance program, Medicaid  
ID, value greater than \$200.

2444

414.39 (3) (a)

3rd

Fraudulent misappropriation  
of public assistance funds  
by employee/official, value  
more than \$200.

2445

443.071 (1)

3rd

False statement or  
representation to obtain or  
increase reemployment  
assistance benefits.

2446

509.151 (1)

3rd

Defraud an innkeeper, food

27-00264A-14

2014962\_\_

			or lodging value greater than \$300.
2447	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
2448	562.27 (1)	3rd	Possess still or still apparatus.
2449	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
2450	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
2451	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
2452	815.04 (4) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
2453	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle

27-00264A-14

2014962\_\_

2454			services.
	817.569 (2)	3rd	Use of public record or public records information to facilitate commission of a felony.
2455			
	826.01	3rd	Bigamy.
2456			
	828.122 (3)	3rd	Fighting or baiting animals.
2457			
	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
2458			
	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
2459			
	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
2460			
	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.



27-00264A-14

2014962\_\_

2461	838.15 (2)	3rd	Commercial bribe receiving.
2462	838.16	3rd	Commercial bribery.
2463	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
2464	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
2465	849.01	3rd	Keeping gambling house.
2466	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.
2467	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
2468	849.25 (2)	3rd	Engaging in bookmaking.
2469	860.08	3rd	Interfere with a railroad signal.

27-00264A-14

2014962\_\_

2470

860.13(1)(a) 3rd Operate aircraft while under the influence.

2471

893.13(2)(a)2. 3rd Purchase of cannabis, except when authorized under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499.

2472

893.13(6)(a) 3rd Possession of cannabis (more than 20 grams), except when authorized under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499.

2473

934.03(1)(a) 3rd Intercepts, or procures any other person to intercept, any wire or oral communication.

2474

2475

(b) LEVEL 2

2476

Florida	Felony	
Statute	Degree	Description

2477

379.2431	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection
(1)(e)3.		

27-00264A-14

2014962\_\_

2478			Act.
	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
2479	403.413 (6) (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.
2480	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
2481	590.28 (1)	3rd	Intentional burning of lands.
2482	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
2483	787.04 (1)	3rd	In violation of court

27-00264A-14

2014962\_\_

2484	806.13 (1) (b) 3.	3rd	order, take, entice, etc., minor beyond state limits.
2485	810.061 (2)	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
2486	810.09 (2) (e)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
2487	812.014 (2) (c) 1.	3rd	Trespassing on posted commercial horticulture property.
2488	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
2489			Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.

	27-00264A-14		2014962__
	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
2490	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
2491	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
2492	817.52 (3)	3rd	Failure to redeliver hired vehicle.
2493	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
2494	817.60 (5)	3rd	Dealing in credit cards of another.
2495	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false

27-00264A-14

2014962\_\_

2496			card.
	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
2497			
	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
2498			
	831.01	3rd	Forgery.
2499			
	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
2500			
	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
2501			
	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
2502			
	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
2503			

27-00264A-14

2014962\_\_

2504  
2505  
2506  
2507  
2508  
2509  
2510

831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
843.08	3rd	Falsely impersonating an officer.
893.13 (2) (a) 2.	3rd	Purchase of any <u>drugs</u> 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) <del>drugs</del> other than cannabis.
893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia, <u>except when authorized under chapters 468 and 499.</u>

(c) LEVEL 3

27-00264A-14

2014962\_\_

	Florida Statute	Felony Degree	Description
2511	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
2512	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
2513	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
2514	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
2515	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
2516	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
2517			



27-00264A-14 2014962\_\_

2518

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

2519

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

2520

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

2521

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

2522

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

2523

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

379.2431 3rd Taking, disturbing, mutilating, destroying,  
(1)(e)5.

27-00264A-14

2014962\_\_

2524	379.2431 (1) (e) 6.	3rd	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.
2525	400.9935 (4)	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
2526	440.1051 (3)	3rd	Operating a clinic without a license or filing false license application or other required information.
2527	501.001 (2) (b)	2nd	False report of workers' compensation fraud or retaliation for making such a report.  Tampers with a consumer product or the container using materially false/misleading

27-00264A-14

2014962\_\_

2528			information.
	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
2529			
	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
2530			
	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
2531			
	697.08	3rd	Equity skimming.
2532			
	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
2533			
	796.05 (1)	3rd	Live on earnings of a prostitute.
2534			
	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
2535			

	27-00264A-14		2014962__
2536	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
2537	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
2538	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
2539	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
2540	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
2541	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
2542	817.233	3rd	Burning to defraud insurer.
	817.234	3rd	Unlawful solicitation of

	27-00264A-14		2014962__
	(8) (b) - (c)		persons involved in motor vehicle accidents.
2543	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
2544	817.236	3rd	Filing a false motor vehicle insurance application.
2545	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
2546	817.413 (2)	3rd	Sale of used goods as new.
2547	817.505 (4)	3rd	Patient brokering.
2548	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
2549	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.

27-00264A-14

2014962\_\_

2550

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

2551

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

2552

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

2553

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

2554

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

2555

893.13 (1) (a) 2. 3rd Sell, manufacture, or deliver cannabis, except when authorized under s. 893.03 (1) (c) 7. and (1) (c) 37. and chapters 468 and 499, ~~or other drugs~~ 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

27-00264A-14

2014962\_\_

2556

893.13(1)(d)2.

2nd

(4) ~~drugs~~).

Sell, manufacture, or deliver drugs 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), except when authorized under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499, ~~drugs~~ within 1,000 feet of university.

2557

893.13(1)(f)2.

2nd

Sell, manufacture, or deliver drugs 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), except when authorized under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499, ~~drugs~~ within 1,000 feet of public housing facility.

2558

27-00264A-14

2014962\_\_

893.13 (6) (a)	3rd	Possession of any controlled substance other than felony possession of cannabis <u>and possession of cannabis, except when authorized under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499.</u>
893.13 (7) (a) 8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.



27-00264A-14

2014962\_\_

2563

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.

2564

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.

2565

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

2566

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

27-00264A-14

2014962\_\_

2567			benefit for the practitioner.
2568	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
2569	944.47 (1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
2570	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
2571	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
2572	(e) LEVEL 5		
2573	Florida Statute	Felony Degree	Description
2574	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
2575	316.1935(4)(a)	2nd	Aggravated fleeing or

27-00264A-14

2014962\_\_

2576

322.34 (6)

3rd

eluding.

Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

2577

327.30 (5)

3rd

Vessel accidents involving personal injury; leaving scene.

2578

379.367 (4)

3rd

Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

2579

379.3671  
(2) (c) 3.

3rd

Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.

2580

381.0041 (11) (b)

3rd

Donate blood, plasma, or organs knowing HIV positive.

2581

440.10 (1) (g)

2nd

Failure to obtain

27-00264A-14

2014962\_\_

2582

440.105 (5)

2nd

workers' compensation coverage.

Unlawful solicitation for the purpose of making workers' compensation claims.

2583

440.381 (2)

2nd

Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

2584

624.401 (4) (b) 2.

2nd

Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

2585

626.902 (1) (c)

2nd

Representing an unauthorized insurer; repeat offender.

2586

790.01 (2)

3rd

Carrying a concealed firearm.

27-00264A-14

2014962\_\_

2587

790.162 2nd Threat to throw or discharge destructive device.

2588

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

2589

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

2590

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

2591

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

2592

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

2593

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

27-00264A-14

2014962\_\_

			structure or property.
2594	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
2595	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
2596	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
2597	812.131 (2) (b)	3rd	Robbery by sudden snatching.
2598	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
2599	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
2600	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.

27-00264A-14

2014962\_\_

2601

817.2341(1),  
(2) (a) & (3) (a)

3rd

Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.

2602

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.

2603

817.625(2) (b)

2nd

Second or subsequent fraudulent use of scanning device or reencoder.

2604

825.1025(4)

3rd

Lewd or lascivious exhibition in the

27-00264A-14

2014962\_\_

2605

presence of an elderly person or disabled adult.

827.071 (4)

2nd

Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

2606

827.071 (5)

3rd

Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

2607

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.

2608

843.01

3rd

Resist officer with violence to person; resist arrest with violence.

2609



27-00264A-14 2014962\_\_

2610	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
2611	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
2612	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
2613	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
2614	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 to join a criminal gang.
2614	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine <del>or</del> other <u>drugs under</u> s.

27-00264A-14

2014962\_\_

2615

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  
when authorized under s.  
893.03(1)(c)7. and  
(1)(c)37. and chapters  
468 and 499, or other  
drugs under ~~(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  
 facility, school, or  
 state, county, or  
 municipal park or  
 publicly owned  
 recreational facility or  
 community center.

2616

893.13(1)(d)1.

1st

Sell, manufacture, or  
 deliver cocaine ~~(or~~  
 other drugs under s.  
 893.03(1)(a), (1)(b),

27-00264A-14

2014962\_\_

2617

893.13(1)(e)2.

2nd

(1)(d), (2)(a), (2)(b),  
or (2)(c)4. ~~drugs~~  
within 1,000 feet of  
university.

2618

893.13(1)(f)1.

1st

Sell, manufacture, or  
deliver cannabis, except  
when authorized under s.  
893.03(1)(c)7. and  
(1)(c)37. and chapters  
468 and 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.

Sell, manufacture, or  
deliver cocaine ~~or~~  
other drugs under s.  
893.03(1)(a), (1)(b),  
(1)(d), or (2)(a),  
(2)(b), or (2)(c)4.  
~~drugs~~ within 1,000 feet

27-00264A-14

2014962\_\_

2619

893.13(4)(b)

2nd

of public housing  
facility.

2620

893.1351(1)

3rd

Ownership, lease, or  
rental for trafficking  
in or manufacturing of  
controlled substance.

2621

2622

(g) LEVEL 7

2623

Florida  
Statute

Felony  
Degree

Description

2624

316.027(1)(b)

1st

Accident involving death,  
failure to stop; leaving

27-00264A-14

2014962\_\_

			scene.
2625	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
2626	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.
2627	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
2628	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
2629	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
2630			

	27-00264A-14		2014962__
	409.920	2nd	Medicaid provider fraud;
	(2) (b) 1.b.		more than \$10,000, but less than \$50,000.
2631			
	456.065 (2)	3rd	Practicing a health care profession without a license.
2632			
	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
2633			
	458.327 (1)	3rd	Practicing medicine without a license.
2634			
	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
2635			
	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
2636			
	461.012 (1)	3rd	Practicing podiatric medicine without a license.
2637			
	462.17	3rd	Practicing naturopathy

27-00264A-14

2014962\_\_

			without a license.
2638	463.015 (1)	3rd	Practicing optometry without a license.
2639	464.016 (1)	3rd	Practicing nursing without a license.
2640	465.015 (2)	3rd	Practicing pharmacy without a license.
2641	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
2642	467.201	3rd	Practicing midwifery without a license.
2643	468.366	3rd	Delivering respiratory care services without a license.
2644	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
2645	483.901 (9)	3rd	Practicing medical physics without a license.
2646			

	27-00264A-14		2014962__
2647	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
2648	484.053	3rd	Dispensing hearing aids without a license.
2649	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.
2650	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.
2651	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
	655.50 (10) (b) 1.	3rd	Failure to report financial transactions



27-00264A-14

2014962\_\_

2652

775.21(10)(a)

3rd

exceeding \$300 but less than \$20,000 by financial institution.

Sexual predator; failure to register; failure to renew driver ~~driver's~~ license or identification card; other registration violations.

2653

775.21(10)(b)

3rd

Sexual predator working where children regularly congregate.

2654

775.21(10)(g)

3rd

Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

2655

782.051(3)

2nd

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

2656

782.07(1)

2nd

Killing of a human being by the act, procurement,

27-00264A-14

2014962\_\_

2657	782.071	2nd	<p>or culpable negligence of another (manslaughter).</p> <p>Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).</p>
2658	782.072	2nd	<p>Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).</p>
2659	784.045 (1) (a) 1.	2nd	<p>Aggravated battery; intentionally causing great bodily harm or disfigurement.</p>
2660	784.045 (1) (a) 2.	2nd	<p>Aggravated battery; using deadly weapon.</p>
2661	784.045 (1) (b)	2nd	<p>Aggravated battery; perpetrator aware victim pregnant.</p>
2662	784.048 (4)	3rd	<p>Aggravated stalking; violation of injunction or</p>

27-00264A-14

2014962\_\_

			court order.
2663	784.048 (7)	3rd	Aggravated stalking; violation of court order.
2664	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
2665	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
2666	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
2667	784.081 (1)	1st	Aggravated battery on specified official or employee.
2668	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
2669	784.083 (1)	1st	Aggravated battery on code inspector.
2670	787.06 (3) (a)	1st	Human trafficking using coercion for labor and

27-00264A-14

2014962\_\_

2671	787.06(3)(e)	1st	<p>services.</p> <p>Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.</p>
2672	790.07(4)	1st	<p>Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).</p>
2673	790.16(1)	1st	<p>Discharge of a machine gun under specified circumstances.</p>
2674	790.165(2)	2nd	<p>Manufacture, sell, possess, or deliver hoax bomb.</p>
2675	790.165(3)	2nd	<p>Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.</p>
2676			

27-00264A-14 2014962\_\_

2677	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
2678	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
2679	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
2680	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.
2681	796.03	2nd	Procuring any person under 16 years for prostitution.
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less

27-00264A-14

2014962\_\_

2682	800.04 (5) (c) 2.	2nd	than 12 years of age; offender less than 18 years.
2683	806.01 (2)	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
2684	810.02 (3) (a)	2nd	Maliciously damage structure by fire or explosive.
2685	810.02 (3) (b)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
2686	810.02 (3) (d)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
2687	810.02 (3) (e)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
			Burglary of authorized emergency vehicle.

27-00264A-14

2014962\_\_

2688

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.

2689

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

2690

812.014 (2) (b) 3.                      2nd                      Property stolen, emergency medical equipment; 2nd degree grand theft.

2691

812.014 (2) (b) 4.                      2nd                      Property stolen, law enforcement equipment from authorized emergency vehicle.

2692

812.0145 (2) (a)                      1st                      Theft from person 65 years of age or older; \$50,000 or more.

2693

812.019 (2)                      1st                      Stolen property;

27-00264A-14

2014962\_\_

			initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
2694	812.131 (2) (a)	2nd	Robbery by sudden snatching.
2695	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
2696	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
2697	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
2698	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
2699	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
2700	817.2341	1st	Making false entries of



27-00264A-14

2014962\_\_

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

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.

2701

817.535 (2) (a)

3rd

Filing false lien or other unauthorized document.

2702

825.102 (3) (b)

2nd

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

2703

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.

2704

827.03 (2) (b)

2nd

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

2705

827.04 (3)

3rd

Impregnation of a child

27-00264A-14

2014962\_\_

			under 16 years of age by person 21 years of age or older.
2706	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
2707	838.015	2nd	Bribery.
2708	838.016	2nd	Unlawful compensation or reward for official behavior.
2709	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
2710	838.22	2nd	Bid tampering.
2711	843.0855 (2)	3rd	Impersonation of a public officer or employee.
2712	843.0855 (3)	3rd	Unlawful simulation of legal process.
2713	843.0855 (4)	3rd	Intimidation of a public officer or employee.
2714			

	27-00264A-14		2014962__
	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
2715			
	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
2716			
	872.06	2nd	Abuse of a dead human body.
2717			
	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
2718			
	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
2719			
	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine <del>for</del> other drug prohibited under s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or

27-00264A-14

2014962\_\_

2720

893.13(1)(e)1.

1st

(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.

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.

2721

893.13(4)(a)

1st

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

2722

893.135(1)(a)1.

1st

Trafficking in cannabis, except when authorized under s. 893.03(1)(c)7. and (1)(c)37. and chapters

27-00264A-14

2014962\_\_

468 and 499, more than 25 lbs., less than 2,000 lbs.

2723

893.135  
(1) (b) 1.a.

1st

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

2724

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 under s. 893.03(1) (c) 7. and (1) (c) 37. and chapters 468 and 499.

2725

893.135 (1) (d) 1.

1st

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

2726

893.135 (1) (e) 1.

1st

Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.

2727

893.135 (1) (f) 1.

1st

Trafficking in amphetamine, more than 14

	27-00264A-14		2014962__
			grams, less than 28 grams.
2728	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
2729	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
2730	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4- Butanediol, 1 kilogram or more, less than 5 kilograms.
2731	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
2732	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
2733	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less

27-00264A-14

2014962\_\_

2734

896.104 (4) (a) 1.

3rd

than \$20,000.

Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

2735

943.0435 (4) (c)

2nd

Sexual offender vacating permanent residence; failure to comply with reporting requirements.

2736

943.0435 (8)

2nd

Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

2737

943.0435 (9) (a)

3rd

Sexual offender; failure to comply with reporting requirements.

2738

943.0435 (13)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

27-00264A-14

2014962\_\_

2739  
2740  
2741  
2742  
2743  
2744  
2745

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.



	27-00264A-14		2014962__
	985.4815 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2746			
	985.4815 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
2747			
2748	(h) LEVEL 8		
2749			
	Florida Statute	Felony Degree	Description
2750			
	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
2751			
	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
2752			
	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
2753			
	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.

27-00264A-14

2014962\_\_

2754

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

2755

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.

2756

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.

2757

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

2758

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

27-00264A-14

2014962\_\_

2759

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.

2760

782.051(2)

1st

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

2761

782.071(1)(b)

1st

Committing vehicular homicide and failing to render aid or give information.

2762

782.072(2)

1st

Committing vessel homicide and failing to render aid or give information.

27-00264A-14

2014962\_\_

2763

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

2764

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

2765

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.

2766

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

2767

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

2768

	27-00264A-14		2014962__
	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
2769			
	800.04 (4)	2nd	Lewd or lascivious battery.
2770			
	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
2771			
	810.02 (2) (a)	1st,PBL	Burglary with assault or battery.
2772			
	810.02 (2) (b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
2773			
	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
2774			
	812.014 (2) (a) 2.	1st	Property stolen; cargo

27-00264A-14

2014962\_\_

2775			valued at \$50,000 or more, grand theft in 1st degree.
2776	812.13 (2) (b)	1st	Robbery with a weapon.
2777	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
2778	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
2779	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
2780	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
	817.535 (5) (a)	2nd	Filing false lien or other unauthorized

27-00264A-14

2014962\_\_

2781	817.568 (6)	2nd	document; owner of the property incurs financial loss as a result of the false instrument.
2782	825.102 (2)	1st	Fraudulent use of personal identification information of an individual under the age of 18.
2783	825.1025 (2)	2nd	Aggravated abuse of an elderly person or disabled adult.
2784	825.103 (2) (a)	1st	Lewd or lascivious battery upon an elderly person or disabled adult.
2785	837.02 (2)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
2786			Perjury in official proceedings relating to prosecution of a capital felony.

27-00264A-14

2014962\_\_

2787	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
2788	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
2789	860.16	1st	Aircraft piracy.
2790	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).
2791	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
2792	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).



27-00264A-14 2014962\_\_

2793 893.135 (1) (a) 2. 1st Trafficking in cannabis, except when authorized under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499, more than 2,000 lbs., less than 10,000 lbs.

2794 893.135 (1) (b) 1.b. 1st Trafficking in cocaine, more than 200 grams, less than 400 grams.

2795 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 under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499.

2796 893.135 (1) (d) 1.b. 1st Trafficking in phencyclidine, more than 200 grams, less than 400 grams.

893.135 1st Trafficking in

	27-00264A-14		2014962__
	(1) (e) 1.b.		methaqualone, more than 5 kilograms, less than 25 kilograms.
2797	893.135	1st	Trafficking in
	(1) (f) 1.b.		amphetamine, more than 28 grams, less than 200 grams.
2798	893.135	1st	Trafficking in
	(1) (g) 1.b.		flunitrazepam, 14 grams or more, less than 28 grams.
2799	893.135	1st	Trafficking in gamma-
	(1) (h) 1.b.		hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
2800	893.135	1st	Trafficking in 1,4-
	(1) (j) 1.b.		Butanediol, 5 kilograms or more, less than 10 kilograms.
2801	893.135	1st	Trafficking in
	(1) (k) 2.b.		Phenethylamines, 200 grams or more, less than 400 grams.

27-00264A-14

2014962\_\_

2802

893.1351(3)

1st

Possession of a place used to manufacture controlled substance when minor is present or resides there, excluding cannabis and tetrahydrocannabinols, when excepted under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499.

2803

895.03(1)

1st

Use or invest proceeds derived from pattern of racketeering activity.

2804

895.03(2)

1st

Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

2805

895.03(3)

1st

Conduct or participate in any enterprise through pattern of racketeering activity.

2806

27-00264A-14 2014962\_\_

2807	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
2808	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.
2809	(i) LEVEL 9		
2810			
2811	Florida Statute	Felony Degree	Description
2812	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
2813	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
2813	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.

27-00264A-14

2014962\_\_

2814

499.0051(9)

1st

Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.

2815

560.123(8)(b)3.

1st

Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.

2816

560.125(5)(c)

1st

Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.

2817

655.50(10)(b)3.

1st

Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.

2818

775.0844

1st

Aggravated white collar crime.

2819

27-00264A-14

2014962\_\_

2820

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

2821

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.

2822

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

2823

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

2824

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

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

27-00264A-14

2014962\_\_

2825

commission of any  
felony.

787.01(1)(a)4.

1st,PBL

Kidnapping with intent  
to interfere with  
performance of any  
governmental or  
political function.

2826

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.

2827

787.06(3)(d)

1st

Human trafficking using  
coercion for commercial  
sexual activity of an  
unauthorized alien.

2828

787.06(3)(g)

1st,PBL

Human trafficking for  
commercial sexual  
activity of a child  
under the age of 18.

2829

787.06(4)

1st

Selling or buying of

27-00264A-14

2014962\_\_

2830	790.161	1st	minors into human trafficking.
2831	790.166 (2)	1st, PBL	Attempted capital destructive device offense.
2832	794.011 (2)	1st	Possessing, selling, using, or attempting to use a weapon of mass destruction.
2833	794.011 (2)	Life	Attempted sexual battery; victim less than 12 years of age.
2834	794.011 (4)	1st	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
2835	794.011 (8) (b)	1st	Sexual battery; victim 12 years or older, certain circumstances. Sexual battery; engage in sexual conduct with minor 12 to 18 years by



27-00264A-14

2014962\_\_

			person in familial or custodial authority.
2836	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
2837	796.035	1st	Selling or buying of minors into prostitution.
2838	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
2839	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
2840	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
2841	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
2842	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or

27-00264A-14

2014962\_\_

2843

817.535 (4) (a) 2.

1st

subsequent offense;  
property owner is a  
public officer or  
employee.

Filing false claim or  
other unauthorized  
document; defendant is  
incarcerated or under  
supervision.

2844

817.535 (5) (b)

1st

Filing false lien or  
other unauthorized  
document; second or  
subsequent offense;  
owner of the property  
incurs financial loss as  
a result of the false  
instrument.

2845

817.568 (7)

2nd,  
PBL

Fraudulent use of  
personal identification  
information of an  
individual under the age  
of 18 by his or her  
parent, legal guardian,  
or person exercising  
custodial authority.

2846

	27-00264A-14		2014962__
2847	827.03 (2) (a)	1st	Aggravated child abuse.
2848	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
2849	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
2850	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.
2851	893.135	1st	Attempted capital trafficking offense.
2852	893.135 (1) (a) 3.	1st	Trafficking in cannabis, <u>except when authorized under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499,</u> more than 10,000 lbs.

27-00264A-14

2014962\_\_

2853

893.135  
(1) (b) 1.c.

1st

Trafficking in cocaine,  
more than 400 grams,  
less than 150 kilograms.

2854

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 under s.  
893.03(1) (c) 7. and  
(1) (c) 37. and chapters  
468 and 499.

2855

893.135  
(1) (d) 1.c.

1st

Trafficking in  
phencyclidine, more than  
400 grams.

2856

893.135  
(1) (e) 1.c.

1st

Trafficking in  
methaqualone, more than  
25 kilograms.

2857

893.135  
(1) (f) 1.c.

1st

Trafficking in  
amphetamine, more than  
200 grams.

893.135  
(1) (h) 1.c.

1st

Trafficking in gamma-  
hydroxybutyric acid

27-00264A-14

2014962\_\_

(GHB), 10 kilograms or more.

2858

893.135  
(1) (j) 1.c.

1st

Trafficking in 1,4-Butanediol, 10 kilograms or more.

2859

893.135  
(1) (k) 2.c.

1st

Trafficking in Phenethylamines, 400 grams or more.

2860

896.101 (5) (c)

1st

Money laundering, financial instruments totaling or exceeding \$100,000.

2861

896.104 (4) (a) 3.

1st

Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

2862

2863

Section 12. This act shall take effect October 1, 2014.