



208140

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

Senator Clemens moved the following:

1 **Senate Substitute for Amendment (369986) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. This act may be cited as the "Cathy Jordan
7 Medical Cannabis Act."

8 Section 2. Section 381.986, Florida Statutes, is repealed.

9 Section 3. Part XVII of chapter 468, Florida Statutes,
10 consisting of sections 468.901-468.918, is created to read:

11 468.901 Purpose.—The purpose of part IV of chapter 499 and



208140

12 this part is to:

13 (1) Make a distinction between the medical use and
14 nonmedical use of cannabis and to protect qualifying patients,
15 their prescribing physicians, their caregivers, and persons who
16 lawfully engage in activities associated with the operation of a
17 dispensary or a medical cannabis farm from arrest, criminal
18 prosecution, property forfeiture, and other penalties if such
19 patients, physicians, caregivers, and persons engage in the
20 medical use of cannabis. Compassionate medical use of cannabis
21 will also reduce state law enforcement costs, including, but not
22 limited to, state prison costs, local jail costs, felony
23 prosecution costs, court and probation costs, costs associated
24 with felony and misdemeanor arrests, and alternative treatment
25 costs by reducing the incidence of arrest and prosecution of
26 nonviolent cannabis users and traffickers in the state.

27 (2) Provide consumer protection regarding the medical use
28 of cannabis by regulating the cultivation, manufacturing,
29 wholesale distribution, prescribing, and retailing of cannabis,
30 cannabis-based products, cannabis plants, and drug paraphernalia
31 in the state in order to:

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

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

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

38 (d) Ensure the availability of controlled distribution and
39 use of high-quality cannabis, cannabis-based products, cannabis
40 plants, and drug paraphernalia in this state for the benefit of



208140

41 a qualifying patient who is prescribed cannabis for medical use.

42 468.902 Legislative findings and intent.—

43 (1) The Legislature finds that:

44 (a) Modern medical research has discovered beneficial uses
45 for cannabis in treating or alleviating pain, nausea, and other
46 symptoms associated with certain qualifying medical conditions,
47 as indicated by the National Academy of Sciences' Institute of
48 Medicine (IOM) in its report dated March 1999, cited by the
49 United States Department of Health and Human Services, which
50 found that "there is substantial consensus among experts in the
51 relevant disciplines on the scientific evidence about potential
52 medical uses of marijuana."

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

57 (c) Although federal law currently prohibits any use of
58 marijuana and cannabis, the laws of Alaska, Arizona, California,
59 Colorado, Connecticut, Delaware, District of Columbia, Hawaii,
60 Illinois, Maine, Massachusetts, Michigan, Montana, Nevada, New
61 Hampshire, New Jersey, New Mexico, Oregon, Rhode Island,
62 Vermont, and Washington allow the medical use of cannabis and
63 the cultivation of marijuana as of January 2014. This state
64 joins in this effort for the health, safety, and welfare of its
65 residents through enacting the Cathy Jordan Medical Cannabis Act
66 and creating license and permit regulations in this part.

67 (d) The medical use of cannabis offers a substantial
68 benefit to the health, safety, and welfare of the residents of
69 this state, and it is the intent of the Legislature that this



208140

70 part and part III of chapter 499 be liberally construed to make
71 these benefits available to the residents of this state.

72 (e) The states are not required to enforce federal law or
73 prosecute people for engaging in activities prohibited by
74 federal law. Therefore, compliance with this part and part III
75 of chapter 499 does not place this state in violation of federal
76 law.

77 (2) The Tenth Amendment of the United States Constitution
78 provides that powers not delegated to the Federal Government by
79 the federal constitution, nor prohibited to the states, are
80 reserved to the states or the people. Therefore, the Legislature
81 may enact this part pursuant to its police power to enact
82 legislation for the protection of the health of its residents.

83 (3) The provisions of this part and part III of chapter 499
84 are cumulative and do not repeal or affect any power, duty, or
85 authority of the Department of Business and Professional
86 Regulation, the Department of Health, and the Department of
87 Revenue under any other law of this state, except with respect
88 to the regulation of cannabis as provided in this part and part
89 III of chapter 499. If the provisions of this part or part III
90 of chapter 499 conflict with any other such law, the provisions
91 of this part and part III of chapter 499 control.

92 468.903 Definitions.—As used in this part, unless the
93 context clearly indicates otherwise, the term:

94 (1) "Administer" has the same meaning as provided in s.
95 893.02.

96 (2) "Cannabis" has the same meaning as provided in s.
97 893.02.

98 (3) "Cannabis-based product" means a product that contains



208140

99 cannabis or any of its derivatives, including, but not limited
100 to, tonics, tinctures, balms, salves, lotions, sprays,
101 ointments, teas, sodas, and pills.

102 (4) "Cannabis plant" has the same meaning as provided in s.
103 893.135.

104 (5) "Cultivating" has the same meaning as provided in s.
105 893.02.

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

108 (7) "Department" means the Department of Business and
109 Professional Regulation.

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

111 (a) Licensed by the department pursuant to this chapter;
112 and

113 (b) Operated by an organization or business from or at
114 which cannabis, cannabis-based products, and cannabis plants are
115 delivered, purchased, possessed, or dispensed and drug
116 paraphernalia are possessed, delivered, or distributed to a
117 qualifying patient or the patient's caregiver.

118 (9) "Dispense" means the transfer of possession of cannabis
119 by a person who represents that it is his or her intention not
120 to consume the cannabis but to transfer it to the ultimate
121 consumer or user for its medical use in accordance with this
122 part, part III of chapter 499, or department rule.

123 (10) "Distribute" has the same meaning as provided in s.
124 893.02.

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



208140

128 (12) "Manufacture" means the production, preparation,
129 propagation, compounding, conversion, or processing of cannabis,
130 directly or indirectly, by extraction from substances of natural
131 origin, independently by means of chemical synthesis, or by a
132 combination of extraction and chemical synthesis, and includes
133 the packaging or repackaging of the substance and the labeling
134 or relabeling of its container.

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

136 (a) Is currently classified as agricultural pursuant to s.
137 193.461 by the county property appraiser, a value adjustment
138 board, a court of competent jurisdiction, or the board of county
139 commissioners of the county in which the land is located, before
140 application for a permit to use the land to cultivate cannabis
141 plants is granted; and

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

144 (14) "Medical use" means the prescriptive use of any form
145 of cannabis to treat a qualifying medical condition and the
146 symptoms associated with that condition or to alleviate the side
147 effects of a qualifying medical treatment.

148 (15) "Patient's caregiver" or "caregiver" means a person
149 who is:

150 (a) Designated by a qualifying patient and registered with
151 the Department of Health as the person authorized, on the
152 qualifying patient's behalf, to cultivate, deliver, possess,
153 purchase, and assist in the administration of cannabis; and

154 (b) At least 18 years of age.

155 (16) "Physician" means a person who is licensed under
156 chapter 458 or chapter 459 and holds a valid federal controlled



208140

- 157 substance registry number.
- 158 (17) "Qualifying medical condition" means:
- 159 (a) Acquired immune deficiency syndrome (AIDS) or positive
- 160 status for human immunodeficiency virus (HIV);
- 161 (b) Alzheimer's disease or agitation of Alzheimer's
- 162 disease;
- 163 (c) Amyotrophic lateral sclerosis (ALS);
- 164 (d) Anorexia;
- 165 (e) Cachexia;
- 166 (f) Cancer;
- 167 (g) Chronic debilitating pain;
- 168 (h) Damage to the nervous tissue of the spinal cord with
- 169 objective neurological indication of intractable spasticity;
- 170 (i) Decompensated cirrhosis;
- 171 (j) Epilepsy and other disorders characterized by seizures;
- 172 (k) Fibromyalgia;
- 173 (l) Glaucoma;
- 174 (m) Hepatitis C;
- 175 (n) Inflammatory bowel disease, including Crohn's disease;
- 176 (o) Multiple sclerosis and other disorders characterized by
- 177 muscle spasticity;
- 178 (p) Muscular dystrophy;
- 179 (q) Nail-patella syndrome;
- 180 (r) Neuroborreliosis;
- 181 (s) Organ transplantation;
- 182 (t) Painful peripheral neuropathy;
- 183 (u) Parkinson's disease;
- 184 (v) Persistent nausea or severe emesis;
- 185 (w) Post-traumatic stress disorder (PTSD); or



208140

186 (x) Terminal illness, if the physician has determined a
187 prognosis of less than 12 months of life.

188 (18) "Qualifying medical treatment" means:

189 (a) Chemotherapy;

190 (b) Radiotherapy;

191 (c) The use of azidothymidine or protease inhibitors; or

192 (d) Treatment of a qualifying medical condition as

193 specified in subsection (17).

194 (19) "Qualifying patient" means a person who is a resident
195 of this state and registered with the Department of Health as a
196 person who has been diagnosed by a physician as having a
197 qualifying medical condition or undergoing a qualifying medical
198 treatment.

199 (20) "Registry identification card" means a nontransferable
200 document issued by the Department of Health which identifies a
201 person as a qualifying patient or a patient's caregiver.

202 (21) "Usable cannabis" means the dried flowers of the
203 cannabis plant, and any mixture or preparation of the flowers,
204 but does not include the seeds, stalks, and roots of the plant
205 and does not include the weight of any noncannabis ingredients
206 combined with cannabis and prepared for consumption as food or
207 drink.

208 468.904 Department duties and responsibilities.-

209 (1) The department shall regulate the manufacture,
210 cultivation, possession, wholesale distribution, dispensing,
211 purchase, delivery, and sale of cannabis for medical use and the
212 manufacture, possession, purchase, sale, use, and delivery of
213 drug paraphernalia. The department is responsible for the
214 licensure and permitting of dispensaries and medical cannabis



208140

215 farms in this state and for the requirements for, and approval
216 of, the registration of each owner, director, officer,
217 incorporator, member, employee, and agent of each such farm and
218 dispensary.

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

222 (a) The name, address, home telephone number, and date of
223 birth of each owner, director, officer, employee, incorporator,
224 member, and agent; and

225 (b) Each transaction at a medical cannabis farm or
226 dispensary, including:

227 1. The quantity of cannabis distributed or dispensed for
228 each transaction;

229 2. A continuous inventory of the quantity of cannabis,
230 cannabis plants, and drug paraphernalia at the medical cannabis
231 farm or dispensary;

232 3. Records of the disposal and disposal method used for any
233 cannabis, drug paraphernalia, cannabis-based product, or
234 cannabis plant that was manufactured, cultivated, or acquired
235 but not sold or inventoried; and

236 4. Any other information required by the department.

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

238 (a) Develop and make available to each medical cannabis
239 farm, each dispensary, and the general public educational
240 materials about potential harmful drug interactions that could
241 occur from the concurrent medical use of cannabis with other
242 medical treatments;

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



208140

244 providers, pharmacists, and duly licensed dispensaries in this
245 state of the medical use of cannabis to help avoid harmful drug
246 interactions;

247 (c) Conduct announced and unannounced inspections of
248 medical cannabis farms and dispensaries; and

249 (d) Revoke or suspend the registration, license, or permit
250 of a person, dispensary, or medical cannabis farm if the
251 department determines that the person, dispensary, or medical
252 cannabis farm has violated department rule, this part, or part
253 III of chapter 499.

254 (4) The department shall adopt rules that are necessary to
255 administer this section and that are in substantial conformity
256 with generally accepted standards of safety, including rules
257 that are reasonably necessary to protect the health, safety, and
258 welfare of the public and the persons who cultivate, deliver,
259 possess, manufacture, sell at wholesale, or retail cannabis,
260 cannabis-based products, cannabis plants, and drug
261 paraphernalia.

262 468.905 Medical cannabis farms.-

263 (1) Notwithstanding any other provision of law and in
264 accordance with this part, part III of chapter 499, and
265 department rule, a medical cannabis farm may:

266 (a) Cultivate, manufacture, sell, or deliver, or possess
267 with the intent to sell, manufacture, or deliver, cannabis,
268 cannabis-based products, and cannabis plants for wholesale in
269 this state for the purpose of distribution to a licensed
270 dispensary in this state; and

271 (b) Deliver, possess with intent to deliver, or manufacture
272 with intent to deliver drug paraphernalia.



208140

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

278 (3) A person who applies to the department for a permit to
279 operate a medical cannabis farm must use the land on which the
280 farm will be located primarily for bona fide agricultural
281 purposes and must obtain the agricultural classification
282 pursuant to s. 193.461 from the county property appraiser, a
283 value adjustment board, a court of competent jurisdiction, or
284 the board of county commissioners of the county in which the
285 land is located before applying for a medical cannabis farm
286 permit.

287 (4) A medical cannabis farm shall implement a security plan
288 to prevent the theft or diversion of all cannabis, cannabis-
289 based products, and raw ingredients, including, but not limited
290 to, cannabis plants; derivatives of cannabis plants; and
291 seedlings and seeds, whether in ground or not in ground, visible
292 or not visible to the public.

293 (5) A medical cannabis farm shall maintain procedures under
294 which cannabis, cannabis-based products, and raw ingredients,
295 including all cannabis plants; derivatives of cannabis plants;
296 seedlings and seeds, whether in ground or not in ground, visible
297 or not visible to the public, are accessible only to authorized
298 personnel.

299 (6) The active ingredient in all cannabis and cannabis-
300 based products that are cultivated, manufactured, and sold at
301 wholesale to a licensed dispensary in this state must be wholly



208140

302 derived from cannabis plants that are cultivated in this state.
303 However, such active ingredient may be wholly derived from
304 cannabis seeds and seedlings that are cultivated in this state
305 or outside this state.

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

310 468.906 Dispensaries.—

311 (1) Notwithstanding any other provision of law and in
312 accordance with this part, part III of chapter 499, and
313 department rule, a dispensary may distribute, purchase, sell, or
314 deliver, or possess with the intent to sell or deliver, cannabis
315 for medical use for the purpose of dispensing and selling to a
316 qualifying patient or the patient's caregiver cannabis,
317 cannabis-based products, and cannabis plants, and may purchase,
318 distribute, or deliver, or possess with intent to deliver, drug
319 paraphernalia.

320 (2) A dispensary must be licensed with the department
321 before possessing, purchasing, delivering, distributing, or
322 retailing cannabis, cannabis-based products, cannabis plants, or
323 drug paraphernalia. All cannabis, cannabis-based products,
324 cannabis plants, and drug paraphernalia sold by, at, or through
325 a licensed dispensary must be purchased from a medical cannabis
326 farm that has a valid, department-issued permit.

327 (3) A dispensary may not conduct wholesale sales or
328 transactions.

329 (4) A dispensary may sell at retail to a qualifying patient
330 or the patient's caregiver cannabis, cannabis-based products,



208140

331 cannabis plants, or drug paraphernalia only if the qualifying
332 patient or patient's caregiver is in possession of his or her
333 valid registry identification card at the time and place of
334 purchase.

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

337 1. Two hundred and fifty grams of usable cannabis; and

338 2. Six cannabis plant seedlings.

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

341 1. Two hundred and fifty grams of usable cannabis for each
342 qualifying patient that the caregiver is connected to through
343 the Department of Health's registration process as indicated on
344 his or her valid registry identification card; and

345 2. Six cannabis plant seedlings for each qualifying patient
346 that the caregiver is connected to through the Department of
347 Health's registration process as indicated on his or her valid
348 registry identification card.

349 (6) A dispensary shall maintain true, complete, and current
350 records of the name and registry identification card number of
351 each qualifying patient and patient's caregiver who purchases
352 cannabis, cannabis-based products, or cannabis plants, except
353 for drug paraphernalia, subject to the confidentiality
354 limitations in s. 499.958. The records maintained under this
355 subsection shall be retained for 3 years and must include:

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

358 (b) The registry identification card number of each
359 purchaser of cannabis, cannabis-based product, or cannabis



208140

360 plant, subject to the confidentiality limitations in s. 499.958.

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

365 (8) A dispensary shall make available to each qualifying
366 patient and patient's caregiver educational materials developed
367 and provided by the department which explain potential harmful
368 drug interactions.

369 (9) A dispensary shall prohibit a qualifying patient from
370 administering or using, and prohibit a patient's caregiver who
371 assists a qualifying patient from administering or using, any
372 form of cannabis while on the property of the dispensary. A
373 person who violates this subsection subjects the dispensary to
374 penalties prescribed by department rule, this part, and part III
375 of chapter 499.

376 468.907 Owners, directors, officers, members,
377 incorporators, agents, or employees of medical cannabis farms
378 and dispensaries.-

379 (1) Before a person becomes an owner, director, officer,
380 member, incorporator, agent, or employee of a medical cannabis
381 farm or dispensary, he or she must register with the department
382 and pay the applicable registration fee. The department shall:

383 (a) Establish by rule the following fees:

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

385 and

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

387 (b) Determine if the person was convicted within the last
388 10 years of a drug-related felony or was convicted within the



208140

389 last 10 years of a nondrug-related felony for which the person
390 has not been pardoned or has not had his or her civil rights
391 restored. If a person has such a felony conviction, the
392 department may not approve the person as an owner, director,
393 officer, member, incorporator, agent, or employee of a medical
394 cannabis farm or dispensary.

395 (2) A person who violates or has violated this part or part
396 III of chapter 499 may not be an owner, director, officer,
397 member, incorporator, agent, or employee of a medical cannabis
398 farm or dispensary. Any prior registration or authorization of
399 such person shall be immediately revoked, and the department
400 shall suspend the permit or license of the medical cannabis farm
401 or dispensary until the person resigns or is removed from the
402 position of owner, director, officer, member, incorporator,
403 agent, or employee.

404 (3) If the department fails to adopt these rules by January
405 1, 2017, a registrant may commence an action in a court of
406 competent jurisdiction to compel the department to perform the
407 actions mandated under this section.

408 468.908 Medical cannabis farm permit.—

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

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

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

416 (b) The suitability of the proposed facility.

417 (c) The proposed staffing plan.



208140

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

421 (e) The proposed cultivation plan.

422 (f) The proposed manufacturing plan.

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

424 (h) The proposed labeling plan.

425 (i) The proposed product safety plan.

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

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

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

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

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

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

437 (5) If the department fails to adopt rules to administer
438 this section by January 1, 2017, a medical cannabis farm
439 applicant may commence an action in a court of competent
440 jurisdiction to compel the department to perform the actions
441 mandated under this section.

442 468.909 Dispensary license.-

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

445 (2) An applicant for an initial or renewal license to
446 operate a dispensary must address the following information in



208140

447 the license application:
448 (a) Knowledge of state and federal laws relating to
449 cannabis and the medical use of cannabis.
450 (b) The suitability of the proposed facility.
451 (c) The proposed staffing plan.
452 (d) The proposed security plan that has been assessed by
453 the local law enforcement agency of the county or municipality
454 in which the dispensary is located.
455 (e) The proposed retail plan.
456 (f) The proposed marketing plan.
457 (g) The proposed storage and inventory control plan.
458 (h) The proposed labeling plan.
459 (i) The proposed product safety plan.
460 (3) The department shall establish by rule the annual
461 application fees and license fees for a dispensary, which may
462 not exceed the following amounts:
463 (a) Application fee, \$1,000.
464 (b) Initial license fee, \$5,000.
465 (c) Application fee for renewing a license, \$500.
466 (d) Renewal license fee, \$5,000.
467 (4) A person who conducts the wholesale purchase or retail
468 sale of drug paraphernalia or any form of cannabis at or from
469 more than one location must possess a current valid license for
470 each location.
471 (5) If the department fails to adopt rules to administer
472 this section by January 1, 2017, an applicant seeking to operate
473 a dispensary may commence an action in a court of competent
474 jurisdiction to compel the department to perform the actions
475 mandated under this section.



208140

476 468.910 Applications for licenses and permits.-

477 (1) An application for a license or permit required under
478 this part must be filed in writing with the department. An
479 application must include, at a minimum, the full name, date of
480 birth, place of birth, social security number, physical
481 description, residence address and telephone number, and
482 business address and telephone number of the applicant. Each
483 application must be accompanied by an accurate and current
484 photograph of the applicant and a complete set of fingerprints
485 of the applicant taken by an authorized law enforcement agency;
486 however, a set of fingerprints is not required if the applicant
487 has possessed a valid license or permit under this part during
488 the previous licensing or permitting year and such license or
489 permit has not lapsed or been suspended or revoked. If
490 fingerprints are required, the department shall submit the set
491 of fingerprints to the Department of Law Enforcement for state
492 processing. If the application does not require a set of
493 fingerprints, the department shall submit the name and other
494 identifying data to the Department of Law Enforcement for
495 processing. The application must be in a form to provide the
496 data and other information set forth in this subsection and must
497 be sworn to by the applicant or, if the applicant is a
498 corporation, by each officer and director of the corporation.
499 The officers and directors applying on behalf of a corporation
500 shall provide all of the required identifying data and
501 information. This section does not preclude electronic filing of
502 the application.

503 (2) The department may require an applicant to furnish
504 other information or data not required by this section if the



208140

505 information or data are deemed necessary by the department.

506 468.911 Issuance of licenses and permits; prohibitions.-

507 (1) A license or permit issued by the department in
508 accordance with this part must set forth, at a minimum, the full
509 name, date of birth, and physical description of the licensee or
510 permittee and have permanently affixed an accurate and current
511 photograph of the licensee or permittee. A license or permit
512 issued to a corporation must set forth the full name, date of
513 birth, and physical description of the chief executive officer
514 and have permanently affixed an accurate and current photograph
515 of the chief executive officer. A license or permit must also
516 contain a license number or permit number issued by the
517 department.

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

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

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

524 (b) A person who has been convicted in this state or any
525 other state or federal jurisdiction for:

526 1. A drug-related felony; or

527 2. A nondrug-related felony for which the person has not
528 been pardoned or has not had his or her civil rights restored;
529 or

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

533 1. "Adjudicated mentally defective" has the same meaning as



208140

534 in s. 790.065.

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

540 (4) A person may not knowingly withhold information or
541 present to the department a false, fictitious, or misrepresented
542 application, identification, document, information, statement,
543 or data intended or likely to deceive the department for
544 obtaining a license or permit.

545 468.912 License and permit to be displayed.-

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

551 (2) A licensed dispensary may use the term "dispensary,"
552 "licensed dispensary," or "licensed medical cannabis
553 dispensary," in connection with the licensee's name or place of
554 business, to denote licensure under this part.

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

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



208140

563 (5) A medical cannabis farm that has a department-issued
564 permit or a licensed dispensary must renew its permit or license
565 before its expiration date. If a renewal application and fee are
566 not filed by the expiration date, the license or permit may be
567 reinstated only if the licensee or permittee pays, within 30
568 days after the date of expiration, a delinquent fee that may not
569 exceed \$750 for a medical cannabis farm and \$500 for a
570 dispensary, plus the required renewal and application fees. If a
571 licensee or permittee fails to comply with the renewal
572 requirements of this part, the department may seize all
573 cannabis, cannabis-based products, cannabis plants, and drug
574 paraphernalia and dispose of them in any manner deemed
575 appropriate by the department by November 1 of the year the
576 license or permit expires. Any funds collected from the disposal
577 shall be placed in the Professional Regulation Trust Fund.

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

582 468.913 Reports of theft, illegal use, or illegal
583 possession.-

584 (1) A licensee or permittee who incurs a loss, theft, or
585 unexplained shortage of cannabis, cannabis-based products,
586 cannabis plants, or drug paraphernalia, or who has knowledge of
587 a loss, theft, or unexplained shortage of cannabis, cannabis-
588 based products, cannabis plants, or drug paraphernalia, shall,
589 within 12 hours after the discovery, report such loss, theft, or
590 unexplained shortage to the county sheriff or police chief of
591 the jurisdiction in which the loss, theft, or unexplained



208140

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

595 (2) A law enforcement agency that investigates the causes
596 and circumstances of a loss, theft, or unexplained shortage of
597 cannabis, cannabis-based products, cannabis plants, or drug
598 paraphernalia shall forward a copy of its final written report
599 to the department. The department shall retain these reports in
600 the files of the affected licensee or permittee.

601 (3) Any sheriff or law enforcement officer in this state
602 shall give immediate notice to the department of the theft,
603 illegal use, or illegal possession of cannabis, cannabis-based
604 products, cannabis plants, or drug paraphernalia and forward a
605 copy of his or her final written police report to the
606 department.

607 468.914 Administrative relief; civil relief; penalties;
608 allocation and disposition of moneys collected.-

609 (1) If the department has probable cause to believe that a
610 person not licensed or permitted by the department has engaged
611 in any activities governed by this part or a department rule
612 adopted pursuant to this part, the department may:

613 (a) Issue and deliver to such person a notice to cease and
614 desist from such violation. The issuance of a notice to cease
615 and desist does not constitute agency action for which a hearing
616 under ss. 120.569 and 120.57 may be sought. For the purpose of
617 enforcing a notice to cease and desist, the department may file
618 a proceeding seeking issuance of an injunction or a writ of
619 mandamus against a person who violates such notice. If the
620 department is required to seek enforcement of the notice to



208140

621 cease and desist for penalty pursuant to s. 120.569, it is
622 entitled to collect its attorney fees and costs.

623 (b) In addition to the remedy under paragraph (a), impose
624 by citation an administrative fine not to exceed \$5,000 for each
625 violation per day. Each day that a violation continues
626 constitutes a separate violation, and each separate violation is
627 subject to a separate fine. The department shall issue the
628 citation to the person, and the citation must contain the
629 person's name and any other information the department
630 determines to be necessary to identify the person, a brief
631 factual statement, the sections of the law allegedly violated,
632 and the fine imposed. If the person does not dispute the matter
633 in the citation or pay the fine within 30 days after the
634 citation is served, the citation becomes a final order of the
635 department. The department is entitled to recover the costs of
636 investigation and prosecution in addition to the fine levied
637 pursuant to the citation.

638 (c) In addition to the administrative remedies under
639 paragraphs (a) and (b), seek injunctive relief in the Circuit
640 Court of Leon County and apply for temporary orders and
641 permanent orders as the department deems necessary to restrain
642 such person from engaging in any activity under this part until
643 such person complies. The court may also award to the prevailing
644 party court costs and reasonable attorney fees and, if the
645 department prevails, may also award reasonable costs for
646 investigation and prosecution.

647 (2) The department may revoke or suspend in accordance with
648 this subsection all of the licenses or permits held by a person.
649 An order of suspension must specify the duration of the



208140

650 suspension, which may not exceed 1 year from the date of the
651 order. An order of revocation may be entered for a period not to
652 exceed 5 years. The order affects the revocation of all licenses
653 and permits held by the person. During such period, a license or
654 permit may not be issued to the person. If, during the period
655 between the beginning of a proceeding to revoke or suspend a
656 license or permit and the entry of an order of suspension or
657 revocation by the department, a new license or permit is issued
658 to the person, any order of suspension or revocation applies
659 with respect to the new license or permit. A person whose permit
660 or license has been suspended or revoked may not be issued a new
661 permit or license under any other name or company name until the
662 expiration of the suspension or revocation. In addition to the
663 administrative remedies and civil remedies under paragraphs
664 (1)(b) and (c) and the criminal penalties in subsection (3), the
665 department may revoke or suspend a license or permit if a person
666 does any of the following:

667 (a) Violates this part or a department rule adopted
668 pursuant to this part.

669 (b) Fails to pay an administrative fine within 30 days
670 after a citation becomes a final order.

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

675 (d) Pays or receives, directly or indirectly, a commission,
676 bonus, kickback, or rebate to or from, or who engages in any
677 split-fee arrangement in any form with, a physician,
678 organization, agency, or person for patients referred to a



208140

679 provider of health care goods and services, including, but not
680 limited to, a hospital, nursing home, clinical laboratory,
681 ambulatory surgical center, or pharmacy.

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

684 1. Presents to the department a false, fictitious, or
685 misrepresented application, registration, identification,
686 document, information, statement, or data intended or likely to
687 deceive the department for the purpose of obtaining or renewing
688 a license or permit commits a misdemeanor of the first degree,
689 punishable as provided in s. 775.082 or s. 775.083.

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

694 (b) A licensee who knowingly fails to maintain written
695 accounts of inventories or records of sales or transfers commits
696 a misdemeanor of the first degree, punishable as provided in s.
697 775.082 or s. 775.083.

698 (c) A permittee who knowingly fails to maintain written
699 inventories and records commits a misdemeanor of the first
700 degree, punishable as provided in s. 775.082 or s. 775.083.

701 (d) A licensee or permittee who fails to report the loss,
702 theft, or unexplained shortage of cannabis, cannabis-based
703 products, cannabis plants, or drug paraphernalia commits a
704 misdemeanor of the first degree, punishable as provided in s.
705 775.082 or s. 775.083.

706 (4) The provisions of this section are cumulative and do
707 not affect any other lawful remedy available to the state,



208140

708 including administrative fines and injunctive relief.
709 (5) All fines, monetary penalties, and costs received by
710 the department in connection with this part shall be deposited
711 into the Professional Regulation Trust Fund.
712 468.915 Conduct of hearings; review of orders of the
713 department.—All hearings shall be conducted in accordance with
714 chapter 120. All reviews of orders of the department shall be in
715 accordance with chapter 120.
716 468.916 County and municipal ordinances.—A county or
717 municipality in this state may create or impose an ordinance or
718 rule pertaining to the medical use of cannabis which is not
719 inconsistent with the provisions contained in this part, part
720 III of chapter 499, or applicable department rules.
721 468.917 Collection of moneys.—All moneys collected under
722 this part and deposited into the Professional Regulation Trust
723 Fund shall be used by the department in the administration of
724 this part. The department shall maintain a separate account in
725 the Professional Regulation Trust Fund for the Drugs, Devices,
726 and Cosmetics program.
727 468.918 Rules.—
728 (1) By October 1, 2016, the department shall adopt rules to
729 administer this part, including rules that:
730 (a) Create an application form and a procedure for
731 obtaining a permit to own or operate a medical cannabis farm.
732 (b) Create an application form and a procedure for
733 obtaining a license to own or operate a dispensary.
734 (c) Create a registration form and procedure for
735 registering as an owner, director, officer, member,
736 incorporator, employee, or agent.



208140

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

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

743 (f) Determine the appropriate signage, outdoor lighting,
744 security system, security plan, and theft prevention plan for
745 medical cannabis farms and dispensaries.

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

748 (h) Establish the inspection and audit procedures and
749 recordkeeping requirements for medical cannabis farms and
750 dispensaries to ensure compliance with the rules of the
751 department.

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

755 (2) By January 1, 2017, the Department of Revenue shall
756 adopt rules that govern the manner in which:

757 (a) Medical cannabis farms are subject to taxation and
758 reporting for the wholesale distribution of cannabis for medical
759 use.

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

762 (3) The fees collected by the Department of Business and
763 Professional Regulation and the Department of Revenue pursuant
764 to this part shall be applied first toward the cost of
765 administering this part.



208140

766 (4) If the Department of Business and Professional
767 Regulation or the Department of Revenue fails to adopt rules to
768 administer this part by January 1, 2017, a resident of this
769 state may commence an action in a court of competent
770 jurisdiction to compel performance of the actions mandated under
771 this part.

772 Section 4. Part IV of chapter 499, Florida Statutes,
773 consisting of sections 499.951-499.959, is created to read:

774 499.951 Definitions.—As used in this part, unless the
775 context clearly indicates otherwise, the term:

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

777 (2) "Bona fide physician-patient relationship" means a
778 relationship between a physician and patient in which the
779 physician has:

780 (a) Completed a full assessment of the patient's medical
781 history and current medical condition, including a personal
782 physical examination; and

783 (b) Responsibility for the ongoing care and treatment of
784 the patient.

785 (3) "Cannabis" has the same meaning as provided in s.
786 893.02.

787 (4) "Cannabis plant" has the same meaning as provided in s.
788 893.135.

789 (5) "Cardholder" means a qualifying patient, or the
790 patient's caregiver, who has been issued and possesses a valid
791 registry identification card.

792 (6) "Cultivating" has the same meaning as in s. 893.02.

793 (7) "Department" means the Department of Health.

794 (8) "Dispensary" has the same meaning as provided in s.



208140

- 795 468.903.
796 (9) "Dispense" has the same meaning as provided in s.
797 468.903.
798 (10) "Distribute" has the same meaning as provided in s.
799 468.903.
800 (11) "Drug paraphernalia" has the same meaning as provided
801 in s. 468.903.
802 (12) "Manufacture" has the same meaning as provided in s.
803 468.903.
804 (13) "Medical cannabis farm" has the same meaning as
805 provided in s. 468.903.
806 (14) "Medical treatment facility" means a facility that
807 provides, as its primary purpose, human medical diagnostic
808 services or nonsurgical human medical treatment. The term does
809 not include an office maintained by a dentist or endodontist for
810 the practice of dentistry or endodontics.
811 (15) "Medical use" has the same meaning as provided in s.
812 468.903.
813 (16) "Patient's caregiver" or "caregiver" has the same
814 meaning as provided in s. 468.903.
815 (17) "Physician" has the same meaning as provided in s.
816 468.903.
817 (18) "Qualifying medical condition" has the same meaning as
818 provided in s. 468.903.
819 (19) "Qualifying medical treatment" has the same meaning as
820 provided in s. 468.903.
821 (20) "Qualifying patient" has the same meaning as provided
822 in s. 468.903.
823 (21) "Registry identification card" has the same meaning as



208140

824 provided in s. 468.903.

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

827 499.952 Cannabis for medical use.-

828 (1) Notwithstanding any other provision of law, a
829 qualifying patient may cultivate, possess, and administer
830 cannabis for medical use and possess and use drug paraphernalia
831 in accordance with this part and department rule only after
832 obtaining a signed, written prescription from a physician in
833 accordance with s. 499.954 and a registry identification card
834 from the department.

835 (2) Notwithstanding any other provision of law, a patient's
836 caregiver may cultivate, possess, and administer cannabis for a
837 qualifying patient and possess, deliver, and use drug
838 paraphernalia for the sole purpose of assisting in the
839 qualifying patient's medical use of cannabis in accordance with
840 this part and department rule only after obtaining a registry
841 identification card from the department.

842 (3) A registry identification card, or its equivalent,
843 which is issued under the laws of another state, district,
844 territory, commonwealth, or insular possession of the United
845 States and allows the medical use of cannabis by a visiting
846 qualifying patient or allows a person to assist with a visiting
847 qualifying patient's medical use of cannabis has the same force
848 and effect as a registry identification card issued by the
849 department.

850 (4) A qualifying patient shall, upon demand, present to a
851 law enforcement officer his or her registry identification card
852 to confirm that he or she is authorized to cultivate, possess,



208140

853 and administer cannabis for medical use and possess and use drug
854 paraphernalia in accordance with this part and department rule.

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

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

862 (a) Purchase, possess, administer, or deliver cannabis,
863 cannabis-based products, cannabis plants, and drug paraphernalia
864 obtained only from a dispensary or medical cannabis farm that is
865 issued a license or permit from the Department of Business and
866 Profession Regulation; or

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

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

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

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

877 1. Understands the minor's qualifying medical condition or
878 qualifying medical treatment;

879 2. Understands the potential benefits and potential adverse
880 effects of the medical use of cannabis, generally and
881 specifically, in the case of the minor;



882 3. Consents to the medical use of cannabis by the minor;
883 and
884 4. Consents to the designation of, or designates, an
885 authorized person to serve as the minor's caregiver and to
886 control the medical use of cannabis by the minor.
887 (8) If a qualifying patient who possesses a registry
888 identification card changes his or her designation of a
889 caregiver, the department shall issue a registry identification
890 card to the qualifying patient's new caregiver and:
891 (a) Notify the qualifying patient's former caregiver within
892 10 days after the department has issued a registry
893 identification card to the qualifying patient's new caregiver.
894 The registry identification card of the qualifying patient's
895 former caregiver expires 10 days after such notification by the
896 department; or
897 (b) If the former caregiver remains connected through the
898 department's registration process to other qualifying patients,
899 issue a new registry identification card to the qualifying
900 patient's former caregiver which indicates an updated list of
901 qualifying patients to whom the caregiver remains connected
902 through the department's registration process. The caregiver's
903 registry identification card that indicates the former
904 qualifying patient immediately expires upon the caregiver's
905 receipt of the new registry identification card.
906 (9) If a cardholder loses his or her registry
907 identification card, he or she shall notify the department and
908 submit a \$25 fee within 10 days after reporting the lost card.
909 Within 5 days after being notified and receiving the \$25 fee,
910 the department shall issue a new registry identification card to



208140

911 the cardholder.

912 (10) If the department fails to act upon a request for a
913 registry identification card within 35 days after receiving the
914 registration form, the card is deemed granted, and the copy of
915 the registration form is deemed a valid registry identification
916 card.

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

920 499.953 Restrictions on the use of cannabis for medical
921 use.-

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

924 (2) A patient's caregiver may be connected to up to three
925 qualifying patients through the department's registration
926 process as indicated on the caregiver's valid registry
927 identification card.

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

931 (a) The maximum amount of cannabis which a qualifying
932 patient may possess at any given time is 250 grams of usable
933 cannabis, eight mature cannabis plants, and eight immature
934 cannabis plants.

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

937 1. The number of grams of usable cannabis determined by
938 multiplying by 250 the number of qualifying patients to whom the
939 caregiver is connected through the department's registration



208140

940 process as indicated on the caregiver's valid registry
941 identification card.

942 2. The number of mature cannabis plants determined by
943 multiplying by 8 the number of qualifying patients to whom the
944 caregiver is connected through the department's registration
945 process as indicated on the caregiver's valid registry
946 identification card.

947 3. The number of immature cannabis plants determined by
948 multiplying by 8 the number of qualifying patients to whom the
949 caregiver is connected through the department's registration
950 process as indicated on the caregiver's valid registry
951 identification card.

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

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

959 (b) To the property of the cardholder or, in the case of a
960 caregiver, to the property of the caregiver's qualifying
961 patient.

962 (5) Cannabis may be administered at a medical treatment
963 facility if allowed by the facility and if a qualifying patient
964 is receiving medical care for a qualifying medical condition or
965 treatment. Cannabis may not be administered by or to a
966 qualifying patient at a dispensary or in a public place.

967 (6) This part does not allow a person to undertake a task
968 under the influence of cannabis when doing so constitutes



208140

969 professional negligence or professional malpractice.

970 (7) The medical use of cannabis as authorized under this
971 part and under department rule does not create a defense to an
972 offense proscribed by law which is not otherwise excepted in
973 this chapter or in chapter 468. Evidence of a person's voluntary
974 intoxication from the use of cannabis is not admissible in a
975 judicial proceeding to show that the person lacked the specific
976 intent to commit an offense or to show that the person was
977 insane at the time of the offense, except when the consumption
978 was pursuant to a lawful prescription issued to the person by a
979 physician.

980 (8) Notwithstanding any other provision of law, a person or
981 entity may provide information about the existence or operations
982 of a medical cannabis farm or dispensary to another person
983 pursuant to this part.

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

989 499.954 Physicians; prescriptions for the medical use of
990 cannabis.—

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

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

995 (b) Determines that the prescription is needed based on the
996 qualifying patient's medical history and current medical
997 condition and a review of other approved medications and



208140

998 treatments that may provide the qualifying patient with relief
999 from a qualifying medical condition or its symptoms or the side
1000 effects of a qualifying medical treatment.

1001 (2) If a physician prescribes cannabis for medical use to a
1002 qualifying patient, the physician shall complete a written
1003 prescription pursuant to s. 456.42 and include:

1004 (a) A statement that the qualifying patient may use
1005 cannabis;

1006 (b) The physician's federal controlled substance registry
1007 number; and

1008 (c) A statement that the prescription for the medical use
1009 of cannabis is necessary.

1010 (3) A physician is not subject to arrest, prosecution, or
1011 penalty, including, but not limited to, civil penalty or
1012 disciplinary action by the department or by any other business
1013 licensing board, occupational licensing board, or professional
1014 licensing board, or subject to denial of any right or privilege,
1015 solely for advising a patient about the medical use of cannabis,
1016 prescribing the medical use of cannabis in accordance with this
1017 part and department rule, providing a written prescription in
1018 accordance with this section, or stating that, in the
1019 physician's professional opinion, the potential benefits of the
1020 medical use of cannabis likely outweigh the health risks for a
1021 patient.

1022 (4) A physician who recommends, advises, or prescribes
1023 cannabis for medical use to a qualifying patient may not have a
1024 professional office located at a medical cannabis farm or
1025 dispensary or receive financial compensation for the
1026 recommendation, advice, or prescription from a medical cannabis



208140

1027 farm or dispensary or an owner, director, officer, member,
1028 incorporator, agent, or employee of such farm or dispensary.

1029 499.955 Arrest and prosecution.—

1030 (1) (a) A qualifying patient who has in his or her
1031 possession a valid registry identification card is not subject
1032 to arrest, prosecution, or penalty, including, but not limited
1033 to, civil penalty or disciplinary action by a business licensing
1034 board, occupational licensing board, or professional licensing
1035 board, and may not be denied any right or privilege, for the
1036 medical use of cannabis if the qualifying patient possesses an
1037 amount of cannabis which does not exceed 250 grams of usable
1038 cannabis, eight mature cannabis plants, and eight immature
1039 cannabis plants.

1040 (b) A patient's caregiver who has in his or her possession
1041 a valid registry identification card is not subject to arrest,
1042 prosecution, or penalty, including, but not limited to, civil
1043 penalty or disciplinary action by a business licensing board,
1044 occupational licensing board, or professional licensing board,
1045 and may not be denied any right or privilege, for assisting a
1046 qualifying patient to whom he or she is connected through the
1047 department's registration process with the delivery or
1048 distribution of cannabis if the patient's caregiver possesses an
1049 amount of cannabis which does not exceed 250 grams of usable
1050 cannabis, eight mature cannabis plants, or eight immature
1051 cannabis plants for each qualifying patient to whom he or she is
1052 connected through the department's registration process as
1053 indicated on the caregiver's valid registry identification card.

1054 (c) A nurse practitioner, registered nurse, or pharmacist
1055 is not subject to arrest, prosecution, or penalty, including,



208140

1056 but not limited to, civil penalty or disciplinary action by a
1057 business licensing board, occupational licensing board, or
1058 professional licensing board, and may not be denied any right or
1059 privilege, solely for discussing with a patient the benefits or
1060 health risks of cannabis or its interaction with other
1061 substances.

1062 (d) A person is not subject to arrest or prosecution for
1063 constructive possession, conspiracy, aiding and abetting, being
1064 an accessory, or any other offense for being in the presence or
1065 vicinity of the medical use of cannabis by a qualifying patient
1066 or for assisting in, as the patient's caregiver, the medical use
1067 of cannabis by a qualifying patient as allowed under this part.

1068 (2) A school, employer, or property owner may not refuse to
1069 enroll, employ, or lease to or otherwise penalize a person
1070 solely for his or her status as a cardholder.

1071 (3) A presumption is created that a qualifying patient or
1072 the patient's caregiver is engaged in the medical use of
1073 cannabis if the qualifying patient or the patient's caregiver is
1074 in possession of a valid registry identification card and if the
1075 number of cannabis plants or the amount of cannabis does not
1076 exceed the amount allowed under this section.

1077 (4) A presumption of the medical use or possession of
1078 cannabis under this section may be rebutted by evidence that the
1079 conduct related to cannabis was not intended to treat, or assist
1080 with the treatment of, a qualifying medical condition or the
1081 symptoms associated with that condition or to alleviate the side
1082 effects of a qualifying medical treatment.

1083 (5) The patient's caregiver may be reimbursed for actual
1084 costs associated with assisting a qualifying patient in his or



208140

1085 her medical use of cannabis. This reimbursement does not
1086 constitute the sale of a controlled substance under s. 893.13.

1087 (6) For the purposes of medical care, a qualifying
1088 patient's medical use of cannabis is equivalent to the use of
1089 other medication used at the direction of a physician. Such use
1090 does not constitute the use of an illicit drug under s. 893.03.

1091 (7) A person, cardholder, medical cannabis farm, or
1092 dispensary that cultivates, manufactures, possesses,
1093 administers, dispenses, distributes, or uses cannabis or
1094 manufactures, possesses, distributes, or uses drug paraphernalia
1095 in a manner not authorized by this part, part XVII of chapter
1096 468, or department rule is subject to criminal prosecution and
1097 sanctions under chapter 893.

1098 (8) A person who makes a fraudulent representation to a law
1099 enforcement officer of any fact or circumstance relating to the
1100 person's cultivation, manufacture, possession, administration,
1101 dispensing, distribution, or authorized use of cannabis, or
1102 possession or use of drug paraphernalia, to avoid arrest or
1103 prosecution is subject to a criminal fine not to exceed \$1,000.
1104 The imposition of the fine is in addition to penalties that may
1105 otherwise apply for the making of a false statement or for the
1106 cultivation, manufacture, possession, administration,
1107 dispensing, distribution, or unauthorized use of cannabis or
1108 possession or use of drug paraphernalia.

1109 499.956 Defenses.—

1110 (1) The following circumstances may be raised as an
1111 affirmative defense to a criminal charge of possession or
1112 distribution of cannabis or possession with intent to distribute
1113 cannabis:



208140

1114 (a) The person charged with the offense is in possession of
1115 a valid registry identification card;

1116 (b) The person charged with the offense is 18 years of age
1117 or older; and

1118 (c)1. The possession or distribution, or possession with
1119 intent to distribute, occurs at a medical facility that allows
1120 the medical use of cannabis; or

1121 2. The possession, distribution, or possession with intent
1122 to distribute occurs in a medical cannabis farm or dispensary.

1123 (2) Before, or at the time of, a cardholder's court
1124 appearance for a criminal charge of possession or use of drug
1125 paraphernalia, or for a criminal charge of possession, use, or
1126 administration of a legal amount of cannabis for medical use,
1127 the clerk of the court may dismiss the charge and assess a
1128 dismissal fee of \$25 if the cardholder:

1129 (a) Upon demand by a law enforcement officer, was unable to
1130 present to the law enforcement officer a registry identification
1131 card to confirm that the cardholder may possess or use drug
1132 paraphernalia or possess, use, or administer legal amounts of
1133 cannabis for medical use; and

1134 (b) Before, or at the time of, the cardholder's court
1135 appearance, produces in court or to the clerk of the court in
1136 which the charge is pending the cardholder's registry
1137 identification card that was valid at the time of the
1138 cardholder's arrest.

1139 (3) Except as provided in subsections (1) and (2), a
1140 cardholder may assert the purpose for the medical use of
1141 cannabis as a defense to any prosecution involving cannabis, and
1142 such defense is presumed valid if the evidence shows that:



208140

1143 (a) The qualifying patient's physician has stated that, in
1144 the physician's professional opinion, after having completed a
1145 full assessment of the patient's medical history and current
1146 medical condition made in the course of a bona fide physician-
1147 patient relationship, the potential benefits of using cannabis
1148 would likely outweigh the health risks for the qualifying
1149 patient; and

1150 (b) The qualifying patient and the patient's caregiver, if
1151 any, were collectively in possession of a quantity of cannabis
1152 which was not more than that allowed under this part to ensure
1153 the uninterrupted availability of cannabis for the purpose of
1154 treating a qualifying medical condition and the symptoms
1155 associated with that condition or alleviating the side effects
1156 of a qualifying medical treatment.

1157 (4) A person may assert the purpose for the medical use of
1158 cannabis in a motion to dismiss, and the charges shall be
1159 dismissed following an evidentiary hearing if the person
1160 presents the evidence specified in subsection (3).

1161 (5) The Florida Contraband Forfeiture Act, contained in ss.
1162 932.701-932.706, does not apply to any interest in or right to
1163 property that is possessed, owned, or used in connection with
1164 the medical use of cannabis or acts incidental to such use.

1165 499.957 Insurance.—This part does not require a
1166 governmental, private, or other health insurance provider or
1167 health care services plan to cover, or prohibit it from
1168 covering, a claim for reimbursement for the medical use of
1169 cannabis.

1170 499.958 Confidentiality.—

1171 (1) An employer, laboratory, employee assistance program,



208140

1172 or alcohol and drug rehabilitation program or its agents may not
1173 release information obtained pursuant to this part in accordance
1174 with s. 112.0455 without a written consent form signed
1175 voluntarily by the qualifying patient or the patient's caregiver
1176 unless such release is compelled by a hearing officer or a court
1177 of competent jurisdiction pursuant to an appeal taken under this
1178 part or is deemed appropriate by a business licensing board,
1179 professional licensing board, or occupational licensing board in
1180 a related disciplinary proceeding. The consent form must
1181 contain, at a minimum:

1182 (a) The name of the person who is authorized to obtain the
1183 information.

1184 (b) The purpose of the disclosure.

1185 (c) The precise information to be disclosed.

1186 (d) The duration of the consent.

1187 (e) The signature of the person authorizing release of the
1188 information.

1189 (2) Information regarding a qualifying patient or the
1190 patient's caregiver may not be released or used in a criminal
1191 proceeding against the qualifying patient or the patient's
1192 caregiver. Information released contrary to this section is
1193 inadmissible as evidence in a criminal proceeding.

1194 (3) This section does not prohibit the department or its
1195 employees or agents from obtaining access to information
1196 regarding a qualifying patient or the patient's caregiver if the
1197 department or its employees and agents consult with legal
1198 counsel in connection with actions brought under or related to
1199 this part or if the information is relevant to the department's
1200 defense in a civil or administrative proceeding.



208140

1201 499.959 Rules.-
1202 (1) By October 1, 2016, the department shall adopt rules to
1203 administer this part, including rules to:
1204 (a) Create a registration form, a procedure, and
1205 eligibility requirements to obtain and renew a registry
1206 identification card for a qualifying patient and the patient's
1207 caregiver. The department shall, by rule, establish registration
1208 and renewal fees that generate revenues sufficient to offset all
1209 expenses of implementing and administering this part.
1210 (b) Adopt manufacturing practices with which medical
1211 cannabis farms and dispensaries must comply in order to ensure
1212 that cannabis sold by such farms and dispensaries is of
1213 pharmaceutical grade.
1214 (c) Ensure that the labeling on cannabis sold by medical
1215 cannabis farms and dispensaries provides sufficient information
1216 for qualifying patients to be able to make informed choices
1217 about grades and forms of cannabis for medical use.
1218 (d) Prescribe procedures and guidelines for the inspection
1219 and auditing of dispensaries.
1220 (2) If the department fails to adopt rules to administer
1221 this part by January 1, 2017, a resident of this state may
1222 commence an action in a court of competent jurisdiction to
1223 compel performance of the actions mandated under this section.
1224 Section 5. Emergency rules.-
1225 (1) The executive director of the Department of Revenue is
1226 authorized, and all conditions are deemed met, to adopt
1227 emergency rules under ss. 120.536(1) and 120.54(4), Florida
1228 Statutes, for the purpose of implementing this act.
1229 (2) Notwithstanding any other provision of law, the



208140

1230 emergency rules shall remain in effect for 6 months after
1231 adoption and may be renewed during the pendency of procedures to
1232 adopt permanent rules addressing the subject of the emergency
1233 rules.

1234 Section 6. Subsections (1) and (2), and paragraphs (a),
1235 (b), (c), and (e) of subsection (3) of section 381.987, Florida
1236 Statutes, are amended to read:

1237 381.987 Public records exemption for personal identifying
1238 information in the compassionate use registry.—

1239 (1) A patient's personal identifying information held by
1240 the department in the compassionate use registry established
1241 under chapter 468 s. 381.986, including, but not limited to, the
1242 patient's name, address, telephone number, and government-issued
1243 identification number, and all information pertaining to the
1244 physician's order for low-THC cannabis and the dispensing
1245 thereof are confidential and exempt from s. 119.07(1) and s.
1246 24(a), Art. I of the State Constitution.

1247 (2) A physician's identifying information held by the
1248 department in the compassionate use registry established under
1249 chapter 468 s. 381.986, including, but not limited to, the
1250 physician's name, address, telephone number, government-issued
1251 identification number, and Drug Enforcement Administration
1252 number, and all information pertaining to the physician's order
1253 for low-THC cannabis and the dispensing thereof are confidential
1254 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1255 Constitution.

1256 (3) The department shall allow access to the registry,
1257 including access to confidential and exempt information, to:

1258 (a) A law enforcement agency that is investigating a



208140

1259 violation of law regarding cannabis in which the subject of the
1260 investigation claims an exception established under chapter 499
1261 ~~s. 381.986~~.

1262 (b) A dispensary ~~dispensing organization~~ approved by the
1263 department pursuant to chapter 468 ~~s. 381.986~~ which is
1264 attempting to verify the authenticity of a physician's order for
1265 low-THC cannabis, including whether the order had been
1266 previously filled and whether the order was written for the
1267 person attempting to have it filled.

1268 (c) A physician who has written an order for low-THC
1269 cannabis for the purpose of monitoring the patient's use of such
1270 cannabis or for the purpose of determining, before issuing an
1271 order for low-THC cannabis, whether another physician has
1272 ordered the patient's use of low-THC cannabis. The physician may
1273 access the confidential and exempt information only for the
1274 patient for whom he or she has ordered or is determining whether
1275 to order the use of low-THC cannabis pursuant to chapter 499 ~~s.~~
1276 ~~381.986~~.

1277 (e) The department's relevant health care regulatory boards
1278 responsible for the licensure, regulation, or discipline of a
1279 physician if he or she is involved in a specific investigation
1280 of a violation of chapter 499 s. 381.986. If a health care
1281 regulatory board's investigation reveals potential criminal
1282 activity, the board may provide any relevant information to the
1283 appropriate law enforcement agency.

1284 Section 7. Subsection (1) of section 385.211, Florida
1285 Statutes, is amended to read:

1286 385.211 Refractory and intractable epilepsy treatment and
1287 research at recognized medical centers.—



208140

1288 (1) As used in this section, the term "low-THC cannabis"
1289 means "low-THC cannabis" ~~as defined in s. 381.986~~ that is
1290 dispensed only from a dispensary ~~dispensing organization~~ as
1291 defined in s. 468.903 ~~s. 381.986~~.

1292 Section 8. Subsection (6) of section 812.14, Florida
1293 Statutes, is amended to read:

1294 812.14 Trespass and larceny with relation to utility
1295 fixtures; theft of utility services.—

1296 (6) It is prima facie evidence of a person's intent to
1297 violate subsection (5) if:

1298 (a) A controlled substance and materials for manufacturing
1299 the controlled substance intended for sale or distribution to
1300 another were found in a dwelling or structure;

1301 (b) Except as provided in this chapter, chapter 468, or
1302 chapter 499 and notwithstanding s. 893.13, the dwelling or
1303 structure has been visibly modified to accommodate the use of
1304 equipment to grow marijuana indoors, including, but not limited
1305 to, the installation of equipment to provide additional air
1306 conditioning, equipment to provide high-wattage lighting, or
1307 equipment for hydroponic cultivation; and

1308 (c) The person or entity that owned, leased, or subleased
1309 the dwelling or structure knew of, or did so under such
1310 circumstances as would induce a reasonable person to believe in,
1311 the presence of a controlled substance and materials for
1312 manufacturing a controlled substance in the dwelling or
1313 structure, regardless of whether the person or entity was
1314 involved in the manufacture or sale of a controlled substance or
1315 was in actual possession of the dwelling or structure.

1316 Section 9. Subsection (3) section 893.02, Florida Statutes,



208140

1317 is amended to read:

1318 893.02 Definitions.—The following words and phrases as used
1319 in this chapter shall have the following meanings, unless the
1320 context otherwise requires:

1321 (3) "Cannabis" means all parts of any plant of the genus
1322 *Cannabis*, whether growing or not; the seeds thereof; the resin
1323 extracted from any part of the plant; and every compound,
1324 manufacture, salt, derivative, mixture, or preparation of the
1325 plant or its seeds or resin. The term does not include "low-THC
1326 cannabis," as defined in s. 381.986, if manufactured, possessed,
1327 sold, purchased, delivered, distributed, or dispensed, in
1328 conformance with chapters 468 and 499 ~~s. 381.986~~.

1329 Section 10. Paragraph (c) of subsection (1) of section
1330 893.03, Florida Statutes, is amended to read:

1331 893.03 Standards and schedules.—The substances enumerated
1332 in this section are controlled by this chapter. The controlled
1333 substances listed or to be listed in Schedules I, II, III, IV,
1334 and V are included by whatever official, common, usual,
1335 chemical, or trade name designated. The provisions of this
1336 section shall not be construed to include within any of the
1337 schedules contained in this section any excluded drugs listed
1338 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
1339 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
1340 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
1341 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
1342 Anabolic Steroid Products."

1343 (1) SCHEDULE I.—A substance in Schedule I has a high
1344 potential for abuse and has no currently accepted medical use in
1345 treatment in the United States and in its use under medical



208140

1346 supervision does not meet accepted safety standards. The
1347 following substances are controlled in Schedule I:

1348 (c) Unless specifically excepted or unless listed in
1349 another schedule, any material, compound, mixture, or
1350 preparation that contains any quantity of the following
1351 hallucinogenic substances or that contains any of their salts,
1352 isomers, including optical, positional, or geometric isomers,
1353 and salts of isomers, if the existence of such salts, isomers,
1354 and salts of isomers is possible within the specific chemical
1355 designation:

- 1356 1. Alpha-ethyltryptamine.
- 1357 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-
1358 methylaminorex).
- 1359 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 1360 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 1361 5. 4-Bromo-2,5-dimethoxyphenethylamine.
- 1362 6. Bufotenine.
- 1363 7. Cannabis, except as authorized in chapters 468 and 499.
- 1364 8. Cathinone.
- 1365 9. Diethyltryptamine.
- 1366 10. 2,5-Dimethoxyamphetamine.
- 1367 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 1368 12. Dimethyltryptamine.
- 1369 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
1370 analog of phencyclidine).
- 1371 14. N-Ethyl-3-piperidyl benzilate.
- 1372 15. N-ethylamphetamine.
- 1373 16. Fenethylamine.
- 1374 17. N-Hydroxy-3,4-methylenedioxyamphetamine.



208140

- 1375 18. Ibogaine.
- 1376 19. Lysergic acid diethylamide (LSD).
- 1377 20. Mescaline.
- 1378 21. Methcathinone.
- 1379 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 1380 23. 4-methoxyamphetamine.
- 1381 24. 4-methoxymethamphetamine.
- 1382 25. 4-Methyl-2,5-dimethoxyamphetamine.
- 1383 26. 3,4-Methylenedioxy-N-ethylamphetamine.
- 1384 27. 3,4-Methylenedioxyamphetamine.
- 1385 28. N-Methyl-3-piperidyl benzilate.
- 1386 29. N,N-dimethylamphetamine.
- 1387 30. Parahexyl.
- 1388 31. Peyote.
- 1389 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
1390 analog of phencyclidine).
- 1391 33. Psilocybin.
- 1392 34. Psilocyn.
- 1393 35. *Salvia divinorum*, except for any drug product approved
1394 by the United States Food and Drug Administration which contains
1395 *Salvia divinorum* or its isomers, esters, ethers, salts, and
1396 salts of isomers, esters, and ethers, if the existence of such
1397 isomers, esters, ethers, and salts is possible within the
1398 specific chemical designation.
- 1399 36. Salvinorin A, except for any drug product approved by
1400 the United States Food and Drug Administration which contains
1401 Salvinorin A or its isomers, esters, ethers, salts, and salts of
1402 isomers, esters, and ethers, if the existence of such isomers,
1403 esters, ethers, and salts is possible within the specific



208140

- 1404 chemical designation.
- 1405 37. Tetrahydrocannabinols, except as authorized in chapters
1406 468 and 499.
- 1407 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
1408 (Thiophene analog of phencyclidine).
- 1409 39. 3,4,5-Trimethoxyamphetamine.
- 1410 40. 3,4-Methylenedioxymethcathinone.
- 1411 41. 3,4-Methylenedioxypropylone (MDPV).
- 1412 42. Methylenedioxymethcathinone.
- 1413 43. Methoxymethcathinone.
- 1414 44. Fluoromethcathinone.
- 1415 45. Methylethcathinone.
- 1416 46. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
1417 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
1418 homologue.
- 1419 47. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
1420 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
1421 also known as HU-210.
- 1422 48. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.
- 1423 49. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.
- 1424 50. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole, also
1425 known as JWH-200.
- 1426 51. BZP (Benzylpiperazine).
- 1427 52. Fluorophenylpiperazine.
- 1428 53. Methylphenylpiperazine.
- 1429 54. Chlorophenylpiperazine.
- 1430 55. Methoxyphenylpiperazine.
- 1431 56. DBZP (1,4-dibenzylpiperazine).
- 1432 57. TFMPP (3-Trifluoromethylphenylpiperazine).



208140

- 1433 58. MBDB (Methylbenzodioxolylbutanamine).
- 1434 59. 5-Hydroxy-alpha-methyltryptamine.
- 1435 60. 5-Hydroxy-N-methyltryptamine.
- 1436 61. 5-Methoxy-N-methyl-N-isopropyltryptamine.
- 1437 62. 5-Methoxy-alpha-methyltryptamine.
- 1438 63. Methyltryptamine.
- 1439 64. 5-Methoxy-N,N-dimethyltryptamine.
- 1440 65. 5-Methyl-N,N-dimethyltryptamine.
- 1441 66. Tyramine (4-Hydroxyphenethylamine).
- 1442 67. 5-Methoxy-N,N-Diisopropyltryptamine.
- 1443 68. DiPT (N,N-Diisopropyltryptamine).
- 1444 69. DPT (N,N-Dipropyltryptamine).
- 1445 70. 4-Hydroxy-N,N-diisopropyltryptamine.
- 1446 71. N,N-Diallyl-5-Methoxytryptamine.
- 1447 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
- 1448 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
- 1449 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 1450 75. 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).
- 1451 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 1452 77. 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).
- 1453 78. 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).
- 1454 79. 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine).
- 1455 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- 1456 81. Butylone (beta-keto-N-methylbenzodioxolylpropylamine).
- 1457 82. Ethcathinone.
- 1458 83. Ethylone (3,4-methylenedioxy-N-ethylcathinone).
- 1459 84. Naphyrone (naphthylpyrovalerone).
- 1460 85. N-N-Dimethyl-3,4-methylenedioxycathinone.
- 1461 86. N-N-Diethyl-3,4-methylenedioxycathinone.



208140

- 1462 87. 3,4-methylenedioxy-propiofenone.
- 1463 88. 2-Bromo-3,4-Methylenedioxypropiofenone.
- 1464 89. 3,4-methylenedioxy-propiofenone-2-oxime.
- 1465 90. N-Acetyl-3,4-methylenedioxcathinone.
- 1466 91. N-Acetyl-N-Methyl-3,4-Methylenedioxcathinone.
- 1467 92. N-Acetyl-N-Ethyl-3,4-Methylenedioxcathinone.
- 1468 93. Bromomethcathinone.
- 1469 94. Buphedrone (alpha-methylamino-butyrophenone).
- 1470 95. Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
- 1471 96. Dimethylcathinone.
- 1472 97. Dimethylmethcathinone.
- 1473 98. Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).
- 1474 99. (MDPPP) 3,4-Methylenedioxy-alpha-
- 1475 pyrrolidinopropiofenone.
- 1476 100. (MDPBP) 3,4-Methylenedioxy-alpha-
- 1477 pyrrolidinobutiophenone.
- 1478 101. Methoxy-alpha-pyrrolidinopropiofenone (MOPPP).
- 1479 102. Methyl-alpha-pyrrolidinohexiophenone (MPHP).
- 1480 103. Benocyclidine (BCP) or
- 1481 benzothiophenylcyclohexylpiperidine (BTCP).
- 1482 104. Fluoromethylaminobutyrophenone (F-MABP).
- 1483 105. Methoxypyrrolidinobutyrophenone (MeO-PBP).
- 1484 106. Ethyl-pyrrolidinobutyrophenone (Et-PBP).
- 1485 107. 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).
- 1486 108. Methyleneethylaminobutyrophenone (Me-EABP).
- 1487 109. Methylamino-butyrophenone (MABP).
- 1488 110. Pyrrolidinopropiofenone (PPP).
- 1489 111. Pyrrolidinobutiophenone (PBP).
- 1490 112. Pyrrolidinovalerophenone (PVP).



208140

- 1491 113. Methyl-alpha-pyrrolidinopropiophenone (MPPP).
1492 114. JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).
1493 115. JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-
1494 naphthalenylmethanone).
1495 116. JWH-019 (Naphthalen-1-yl-(1-hexylindol-3-
1496 yl)methanone).
1497 117. JWH-020 (1-heptyl-3-(1-naphthoyl)indole).
1498 118. JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-
1499 yl)methanone).
1500 119. JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-
1501 yl)methanone).
1502 120. JWH-122 (1-pentyl-3-(4-methyl-1-naphthoyl)indole).
1503 121. JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-
1504 tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)).
1505 122. JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-
1506 indole).
1507 123. JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl)indole).
1508 124. JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-
1509 yl)ethanone).
1510 125. JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-
1511 yl)methanone).
1512 126. JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-
1513 yl)ethanone).
1514 127. JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-
1515 yl)ethanone).
1516 128. JWH-302 (1-pentyl-3-(3-methoxyphenylacetyl)indole).
1517 129. JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
1518 130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
1519 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-



208140

- 1520 ol) .
- 1521 131. HU-308 ([(1R,2R,5R) -2-[2,6-dimethoxy-4-(2-methyloctan-
- 1522 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]
- 1523 methanol) .
- 1524 132. HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-
- 1525 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-
- 1526 1,4-dione) .
- 1527 133. CB-13 (Naphthalen-1-yl-(4-pentyloxynaphthalen-1-
- 1528 yl)methanone) .
- 1529 134. CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-
- 1530 undecanamide) .
- 1531 135. CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-
- 1532 undecanamide) .
- 1533 136. CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-
- 1534 hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol) .
- 1535 137. AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-2-
- 1536 iodophenyl)methanone) .
- 1537 138. AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-
- 1538 (naphthalen-1-yl)methanone) .
- 1539 139. RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-
- 1540 yl)methanone) .
- 1541 140. RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-
- 1542 methoxyphenylethanone) .
- 1543 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-
- 1544 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
- 1545 naphthalenylmethanone) .
- 1546 142. WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-
- 1547 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
- 1548 naphthalenylmethanone) .



208140

- 1549 143. Pentedrone (2-(methylamino)-1-phenyl-1-pentanone).
1550 144. Fluoroamphetamine.
1551 145. Fluoromethamphetamine.
1552 146. Methoxetamine.
1553 147. Methiopropamine.
1554 148. 4-Methylbuphedrone (2-Methylamino-1-(4-
1555 methylphenyl)butan-1-one).
1556 149. APB ((2-aminopropyl)benzofuran).
1557 150. APDB ((2-aminopropyl)-2,3-dihydrobenzofuran).
1558 151. UR-144 ((1-pentyl-1H-indol-3-yl)(2,2,3,3-
1559 tetramethylcyclopropyl)methanone).
1560 152. XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-
1561 tetramethylcyclopropyl)methanone).
1562 153. (1-(5-chloropentyl)-1H-indol-3-yl)(2,2,3,3-
1563 tetramethylcyclopropyl)methanone.
1564 154. AKB48 (1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-
1565 indazole-3-carboxamide).
1566 155. AM-2233((2-iodophenyl)[1-[(1-methyl-2-
1567 piperidinyl)methyl]-1H-indol-3-yl]-methanone).
1568 156. STS-135 (1-(5-fluoropentyl)-N-tricyclo[3.3.1.1^{3,7}]dec-
1569 1-yl-1H-indole-3-carboxamide).
1570 157. URB-597 ((3'-(aminocarbonyl)[1,1'-biphenyl]-3-yl)-
1571 cyclohexylcarbamate).
1572 158. URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid,
1573 cyclohexyl ester).
1574 159. URB-754 (6-methyl-2-[(4-methylphenyl)amino]-1-
1575 benzoxazin-4-one).
1576 160. 2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine).
1577 161. 2C-H (2-(2,5-Dimethoxyphenyl)ethanamine).



208140

- 1578 162. 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine) .
1579 163. 2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine) .
1580 164. 25I-NBOMe (4-iodo-2,5-dimethoxy-N-[(2-
1581 methoxyphenyl)methyl]-benzeneethanamine) .
1582 165. 3,4-Methylenedioxymethamphetamine (MDMA) .
1583 166. PB-22 (1-pentyl-8-quinolinyl ester-1H-indole-3-
1584 carboxylic acid) .
1585 167. 5-Fluoro PB-22 (8-quinolinyl ester-1-(5-fluoropentyl)-
1586 1H-indole-3-carboxylic acid) .
1587 168. BB-22 (1-(cyclohexylmethyl)-8-quinolinyl ester-1H-
1588 indole-3-carboxylic acid) .
1589 169. 5-Fluoro AKB48 (N-((3s,5s,7s)-adamantan-1-yl)-1-(5-
1590 fluoropentyl)-1H-indazole-3-carboxamide) .
1591 170. AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
1592 pentyl-1H-indazole-3-carboxamide) .
1593 171. AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
1594 (4-fluorobenzyl)-1H-indazole-3-carboxamide) .
1595 172. ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-
1596 1-pentyl-1H-indazole-3-carboxamide) .
1597 173. Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
1598 yl)-1-(fluoropentyl)-1H-indole-3-carboxamide) .
1599 174. 25B-NBOMe (4-bromo-2,5-dimethoxy-N-[(2-
1600 methoxyphenyl)methyl]-benzeneethanamine) .
1601 175. 2C-C-NBOMe (4-chloro-2,5-dimethoxy-N-[(2-
1602 methoxyphenyl)methyl]-benzeneethanamine) .
1603 176. AB-CHMINACA: N-[1-(aminocarbonyl)-2-methylpropyl]-1-
1604 (cyclohexylmethyl)-1H-indazole-3-carboxamide .
1605 177. FUB-PB-22: Quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-
1606 3-carboxylate .



208140

1607 178. Fluoro-NNEI: 1-(Fluoropentyl)-N-(naphthalen-1-yl)-1H-
1608 indole-3-carboxamide.

1609 179. Fluoro-AMB: Methyl 2-(1-(fluoropentyl)-1H-indazole-3-
1610 carboxamido)-3-methylbutanoate.

1611 180. THJ-2201: [1-(5-Fluoropentyl)-1H-indazol-3-
1612 yl](naphthalen-1-yl)methanone.

1613 Section 11. Subsections (1) through (6) of section 893.13,
1614 Florida Statutes, are amended to read:

1615 893.13 Prohibited acts; penalties.—

1616 (1) (a) Except as authorized by this chapter and chapters
1617 468 and ~~chapter~~ 499, a person may not sell, manufacture, or
1618 deliver, or possess with intent to sell, manufacture, or
1619 deliver, a controlled substance. A person who violates this
1620 provision with respect to:

1621 1. A controlled substance named or described in s.
1622 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.
1623 commits a felony of the second degree, punishable as provided in
1624 s. 775.082, s. 775.083, or s. 775.084.

1625 2. A controlled substance named or described in s.
1626 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,
1627 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of
1628 the third degree, punishable as provided in s. 775.082, s.
1629 775.083, or s. 775.084.

1630 3. A controlled substance named or described in s.
1631 893.03(5) commits a misdemeanor of the first degree, punishable
1632 as provided in s. 775.082 or s. 775.083.

1633 (b) Except as provided in this chapter and chapters 468 and
1634 499, a person may not sell or deliver in excess of 10 grams of
1635 any substance named or described in s. 893.03(1) (a) or (1) (b),



208140

1636 or any combination thereof, or any mixture containing any such
1637 substance. A person who violates this paragraph commits a felony
1638 of the first degree, punishable as provided in s. 775.082, s.
1639 775.083, or s. 775.084.

1640 (c) Except as authorized by this chapter and chapters 468
1641 and 499, a person may not sell, manufacture, or deliver, or
1642 possess with intent to sell, manufacture, or deliver, a
1643 controlled substance in, on, or within 1,000 feet of the real
1644 property comprising a child care facility as defined in s.
1645 402.302 or a public or private elementary, middle, or secondary
1646 school between the hours of 6 a.m. and 12 midnight, or at any
1647 time in, on, or within 1,000 feet of real property comprising a
1648 state, county, or municipal park, a community center, or a
1649 publicly owned recreational facility. As used in this paragraph,
1650 the term "community center" means a facility operated by a
1651 nonprofit community-based organization for the provision of
1652 recreational, social, or educational services to the public. A
1653 person who violates this paragraph with respect to:

1654 1. A controlled substance named or described in s.
1655 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1656 commits a felony of the first degree, punishable as provided in
1657 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
1658 sentenced to a minimum term of imprisonment of 3 calendar years
1659 unless the offense was committed within 1,000 feet of the real
1660 property comprising a child care facility as defined in s.
1661 402.302.

1662 2. A controlled substance named or described in s.
1663 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1664 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of



208140

1665 the second degree, punishable as provided in s. 775.082, s.
1666 775.083, or s. 775.084.

1667 3. Any other controlled substance, except as lawfully sold,
1668 manufactured, or delivered, must be sentenced to pay a \$500 fine
1669 and to serve 100 hours of public service in addition to any
1670 other penalty prescribed by law.

1671
1672 This paragraph does not apply to a child care facility unless
1673 the owner or operator of the facility posts a sign that is not
1674 less than 2 square feet in size with a word legend identifying
1675 the facility as a licensed child care facility and that is
1676 posted on the property of the child care facility in a
1677 conspicuous place where the sign is reasonably visible to the
1678 public.

1679 (d) Except as authorized by this chapter and chapters 468
1680 and 499, a person may not sell, manufacture, or deliver, or
1681 possess with intent to sell, manufacture, or deliver, a
1682 controlled substance in, on, or within 1,000 feet of the real
1683 property comprising a public or private college, university, or
1684 other postsecondary educational institution. A person who
1685 violates this paragraph with respect to:

1686 1. A controlled substance named or described in s.
1687 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1688 commits a felony of the first degree, punishable as provided in
1689 s. 775.082, s. 775.083, or s. 775.084.

1690 2. A controlled substance named or described in s.
1691 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1692 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1693 the second degree, punishable as provided in s. 775.082, s.



208140

1694 775.083, or s. 775.084.

1695 3. Any other controlled substance, except as lawfully sold,
1696 manufactured, or delivered, must be sentenced to pay a \$500 fine
1697 and to serve 100 hours of public service in addition to any
1698 other penalty prescribed by law.

1699 (e) Except as authorized by this chapter and chapters 468
1700 and 499, a person may not sell, manufacture, or deliver, or
1701 possess with intent to sell, manufacture, or deliver, a
1702 controlled substance not authorized by law in, on, or within
1703 1,000 feet of a physical place for worship at which a church or
1704 religious organization regularly conducts religious services or
1705 within 1,000 feet of a convenience business as defined in s.
1706 812.171. A person who violates this paragraph with respect to:

1707 1. A controlled substance named or described in s.
1708 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1709 commits a felony of the first degree, punishable as provided in
1710 s. 775.082, s. 775.083, or s. 775.084.

1711 2. A controlled substance named or described in s.
1712 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1713 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1714 the second degree, punishable as provided in s. 775.082, s.
1715 775.083, or s. 775.084.

1716 3. Any other controlled substance, except as lawfully sold,
1717 manufactured, or delivered, must be sentenced to pay a \$500 fine
1718 and to serve 100 hours of public service in addition to any
1719 other penalty prescribed by law.

1720 (f) Except as authorized by this chapter and chapters 468
1721 and 499, a person may not sell, manufacture, or deliver, or
1722 possess with intent to sell, manufacture, or deliver, a



208140

1723 controlled substance in, on, or within 1,000 feet of the real
1724 property comprising a public housing facility at any time. As
1725 used in this section, the term "real property comprising a
1726 public housing facility" means real property, as defined in s.
1727 421.03(12), of a public corporation created as a housing
1728 authority pursuant to part I of chapter 421. A person who
1729 violates this paragraph with respect to:

1730 1. A controlled substance named or described in s.
1731 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1732 commits a felony of the first degree, punishable as provided in
1733 s. 775.082, s. 775.083, or s. 775.084.

1734 2. A controlled substance named or described in s.
1735 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1736 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1737 the second degree, punishable as provided in s. 775.082, s.
1738 775.083, or s. 775.084.

1739 3. Any other controlled substance, except as lawfully sold,
1740 manufactured, or delivered, must be sentenced to pay a \$500 fine
1741 and to serve 100 hours of public service in addition to any
1742 other penalty prescribed by law.

1743 (g) Except as authorized by this chapter and chapters 468
1744 and 499, a person may not manufacture methamphetamine or
1745 phencyclidine, or possess any listed chemical as defined in s.
1746 893.033 in violation of s. 893.149 and with intent to
1747 manufacture methamphetamine or phencyclidine. If a person
1748 violates this paragraph and:

1749 1. The commission or attempted commission of the crime
1750 occurs in a structure or conveyance where any child younger than
1751 16 years of age is present, the person commits a felony of the



208140

1752 first degree, punishable as provided in s. 775.082, s. 775.083,
1753 or s. 775.084. In addition, the defendant must be sentenced to a
1754 minimum term of imprisonment of 5 calendar years.

1755 2. The commission of the crime causes any child younger
1756 than 16 years of age to suffer great bodily harm, the person
1757 commits a felony of the first degree, punishable as provided in
1758 s. 775.082, s. 775.083, or s. 775.084. In addition, the
1759 defendant must be sentenced to a minimum term of imprisonment of
1760 10 calendar years.

1761 (h) Except as authorized by this chapter and chapters 468
1762 and 499, a person may not sell, manufacture, or deliver, or
1763 possess with intent to sell, manufacture, or deliver, a
1764 controlled substance in, on, or within 1,000 feet of the real
1765 property comprising an assisted living facility, as that term is
1766 used in chapter 429. A person who violates this paragraph with
1767 respect to:

1768 1. A controlled substance named or described in s.
1769 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1770 commits a felony of the first degree, punishable as provided in
1771 s. 775.082, s. 775.083, or s. 775.084.

1772 2. A controlled substance named or described in s.
1773 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1774 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1775 the second degree, punishable as provided in s. 775.082, s.
1776 775.083, or s. 775.084.

1777 (2)(a) Except as authorized by this chapter and chapters
1778 468 and chapter 499, a person may not purchase, or possess with
1779 intent to purchase, a controlled substance. A person who
1780 violates this provision with respect to:



208140

1781 1. A controlled substance named or described in s.
1782 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1783 commits a felony of the second degree, punishable as provided in
1784 s. 775.082, s. 775.083, or s. 775.084.

1785 2. A controlled substance named or described in s.
1786 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1787 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1788 the third degree, punishable as provided in s. 775.082, s.
1789 775.083, or s. 775.084.

1790 3. A controlled substance named or described in s.
1791 893.03(5) commits a misdemeanor of the first degree, punishable
1792 as provided in s. 775.082 or s. 775.083.

1793 (b) Except as authorized ~~provided~~ in this chapter and
1794 chapters 468 and 499, a person may not purchase more than 10
1795 grams of any substance named or described in s. 893.03(1)(a) or
1796 (1)(b), or any combination thereof, or any mixture containing
1797 any such substance. A person who violates this paragraph commits
1798 a felony of the first degree, punishable as provided in s.
1799 775.082, s. 775.083, or s. 775.084.

1800 (3) Except as authorized in this chapter and chapters 468
1801 and 499, a person who delivers, without consideration, 20 grams
1802 or less of cannabis, as defined in this chapter, commits a
1803 misdemeanor of the first degree, punishable as provided in s.
1804 775.082 or s. 775.083. As used in this paragraph, the term
1805 "cannabis" does not include the resin extracted from the plants
1806 of the genus *Cannabis* or any compound manufacture, salt,
1807 derivative, mixture, or preparation of such resin.

1808 (4) Except as authorized by this chapter and chapters 468
1809 and 499, a person 18 years of age or older may not deliver any



208140

1810 controlled substance to a person younger than 18 years of age,
1811 except for an emancipated minor; use or hire a person younger
1812 than 18 years of age as an agent or employee in the sale or
1813 delivery of such a substance, or use such person to assist in
1814 avoiding detection or apprehension for a violation of this
1815 chapter. A person who violates this provision with respect to:

1816 (a) A controlled substance named or described in s.
1817 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1818 commits a felony of the first degree, punishable as provided in
1819 s. 775.082, s. 775.083, or s. 775.084.

1820 (b) A controlled substance named or described in s.
1821 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1822 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1823 the second degree, punishable as provided in s. 775.082, s.
1824 775.083, or s. 775.084.

1825
1826 Imposition of sentence may not be suspended or deferred, and the
1827 person so convicted may not be placed on probation.

1828 (5) A person may not bring into this state any controlled
1829 substance unless the possession of such controlled substance is
1830 authorized by this chapter, chapter 468, or chapter 499 or
1831 unless such person is licensed to do so by the appropriate
1832 federal agency. A person who violates this provision with
1833 respect to:

1834 (a) A controlled substance named or described in s.
1835 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1836 commits a felony of the second degree, punishable as provided in
1837 s. 775.082, s. 775.083, or s. 775.084.

1838 (b) A controlled substance named or described in s.



208140

1839 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1840 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1841 the third degree, punishable as provided in s. 775.082, s.
1842 775.083, or s. 775.084.

1843 (c) A controlled substance named or described in s.
1844 893.03(5) commits a misdemeanor of the first degree, punishable
1845 as provided in s. 775.082 or s. 775.083.

1846 (6)(a) A person may not be in actual or constructive
1847 possession of a controlled substance unless such controlled
1848 substance was lawfully obtained from a practitioner or pursuant
1849 to a valid prescription or order of a practitioner while acting
1850 in the course of his or her professional practice or to be in
1851 actual or constructive possession of a controlled substance
1852 except as otherwise authorized by this chapter, chapter 468, or
1853 chapter 499. A person who violates this provision commits a
1854 felony of the third degree, punishable as provided in s.
1855 775.082, s. 775.083, or s. 775.084.

1856 (b) Except as authorized in this chapter and chapters 468
1857 and 499, if the offense is the possession of 20 grams or less of
1858 cannabis, as defined in this chapter, or 3 grams or less of a
1859 controlled substance described in s. 893.03(1)(c)46.-50., 114.-
1860 142., 151.-159., or 166.-173., the person commits a misdemeanor
1861 of the first degree, punishable as provided in s. 775.082 or s.
1862 775.083. As used in this subsection, the term "cannabis" does
1863 not include the resin extracted from the plants of the genus
1864 *Cannabis*, or any compound manufacture, salt, derivative,
1865 mixture, or preparation of such resin, and a controlled
1866 substance described in s. 893.03(1)(c)46.-50., 114.-142., 151.-
1867 159., or 166.-173. does not include the substance in a powdered



208140

1868 form.

1869 (c) Except as authorized ~~provided~~ in this chapter and
1870 chapters 468 and 499, a person may not possess more than 10
1871 grams of any substance named or described in s. 893.03(1)(a) or
1872 (1)(b), or any combination thereof, or any mixture containing
1873 any such substance. A person who violates this paragraph commits
1874 a felony of the first degree, punishable as provided in s.
1875 775.082, s. 775.083, or s. 775.084.

1876 (d) Notwithstanding any provision to the contrary of the
1877 laws of this state relating to arrest, a law enforcement officer
1878 may arrest without warrant any person who the officer has
1879 probable cause to believe is violating the provisions of this
1880 chapter and chapters 468 and 499 relating to possession of
1881 cannabis.

1882 Section 12. Section 893.1351, Florida Statutes, is amended
1883 to read:

1884 893.1351 Ownership, lease, rental, or possession for
1885 trafficking in or manufacturing a controlled substance.—

1886 (1) Except as authorized in this chapter and chapters 468
1887 and 499, a person may not own, lease, or rent any place,
1888 structure, ~~or part of such place or structure thereof~~, trailer,
1889 or other conveyance with the knowledge that the place,
1890 structure, trailer, or conveyance will be used for the purpose
1891 of:

1892 (a) Trafficking in a controlled substance, as provided in
1893 s. 893.135;

1894 (b) Selling ~~for the sale of~~ a controlled substance, as
1895 provided in s. 893.13; or ~~for the manufacture of~~

1896 (c) Manufacturing a controlled substance intended for sale



208140

1897 or distribution to another.

1898

1899 A person who violates this subsection commits a felony of the
1900 third degree, punishable as provided in s. 775.082, s. 775.083,
1901 or s. 775.084.

1902 (2) Except as authorized in this chapter and chapters 468
1903 and 499, a person may not knowingly be in actual or constructive
1904 possession of any place, structure, ~~or~~ part of such place or
1905 structure thereof, trailer, or other conveyance with the
1906 knowledge that the place, structure, or part thereof, trailer,
1907 or conveyance will be used for the purpose of trafficking in a
1908 controlled substance, as provided in s. 893.135; for the sale of
1909 a controlled substance, as provided in s. 893.13; or for the
1910 manufacture of a controlled substance intended for sale or
1911 distribution to another. A person who violates this subsection
1912 commits a felony of the second degree, punishable as provided in
1913 s. 775.082, s. 775.083, or s. 775.084.

1914 (3) Except as authorized in this chapter and chapters 468
1915 and 499, a person who is in actual or constructive possession of
1916 a place, structure, trailer, or conveyance with the knowledge
1917 that the place, structure, trailer, or conveyance is being used
1918 to manufacture a controlled substance intended for sale or
1919 distribution to another and who knew or should have known that a
1920 minor is present or resides in the place, structure, trailer, or
1921 conveyance commits a felony of the first degree, punishable as
1922 provided in s. 775.082, s. 775.083, or s. 775.084.

1923 (4) For the purposes of this section, proof of the
1924 possession of 25 or more cannabis plants constitutes prima facie
1925 evidence that the cannabis is intended for sale or distribution.



208140

1926 except as provided in this chapter and chapters 468 and 499.

1927 Section 13. Section 893.145, Florida Statutes, is amended
1928 to read:

1929 893.145 "Drug paraphernalia" defined.—The term "drug
1930 paraphernalia" means all equipment, products, and materials of
1931 any kind which are used, intended for use, or designed for use
1932 in planting, propagating, cultivating, growing, harvesting,
1933 manufacturing, compounding, converting, producing, processing,
1934 preparing, testing, analyzing, packaging, repackaging, storing,
1935 containing, concealing, transporting, injecting, ingesting,
1936 inhaling, or otherwise introducing into the human body a
1937 controlled substance in violation of this chapter or s. 877.111.
1938 Except as provided in this chapter and chapters 468 and 499,
1939 drug paraphernalia is deemed to be contraband that is ~~which~~
1940 ~~shall be~~ subject to civil forfeiture. The term includes, but is
1941 not limited to:

1942 (1) Kits used, intended for use, or designed for use in the
1943 planting, propagating, cultivating, growing, or harvesting of
1944 any species of plant which is a controlled substance or from
1945 which a controlled substance can be derived.

1946 (2) Kits used, intended for use, or designed for use in
1947 manufacturing, compounding, converting, producing, processing,
1948 or preparing controlled substances.

1949 (3) Isomerization devices used, intended for use, or
1950 designed for use in increasing the potency of any species of
1951 plant which is a controlled substance.

1952 (4) Testing equipment used, intended for use, or designed
1953 for use in identifying, or in analyzing the strength,
1954 effectiveness, or purity of, controlled substances.



208140

1955 (5) Scales and balances used, intended for use, or designed
1956 for use in weighing or measuring controlled substances.

1957 (6) Diluents and adulterants, such as quinine
1958 hydrochloride, mannitol, mannite, dextrose, and lactose, used,
1959 intended for use, or designed for use in cutting controlled
1960 substances.

1961 (7) Separation gins and sifters used, intended for use, or
1962 designed for use in removing twigs and seeds from, or in
1963 otherwise cleaning or refining, cannabis.

1964 (8) Blenders, bowls, containers, spoons, and mixing devices
1965 used, intended for use, or designed for use in compounding
1966 controlled substances.

1967 (9) Capsules, balloons, envelopes, and other containers
1968 used, intended for use, or designed for use in packaging small
1969 quantities of controlled substances.

1970 (10) Containers and other objects used, intended for use,
1971 or designed for use in storing, concealing, or transporting
1972 controlled substances.

1973 (11) Hypodermic syringes, needles, and other objects used,
1974 intended for use, or designed for use in parenterally injecting
1975 controlled substances into the human body.

1976 (12) Objects used, intended for use, or designed for use in
1977 ingesting, inhaling, or otherwise introducing cannabis, cocaine,
1978 hashish, hashish oil, or nitrous oxide into the human body, such
1979 as:

1980 (a) Metal, wooden, acrylic, glass, stone, plastic, or
1981 ceramic pipes, with or without screens, permanent screens,
1982 hashish heads, or punctured metal bowls.

1983 (b) Water pipes.



208140

- 1984 (c) Carburetion tubes and devices.
- 1985 (d) Smoking and carburetion masks.
- 1986 (e) Roach clips: meaning objects used to hold burning
- 1987 material, such as a cannabis cigarette, that has become too
- 1988 small or too short to be held in the hand.
- 1989 (f) Miniature cocaine spoons, and cocaine vials.
- 1990 (g) Chamber pipes.
- 1991 (h) Carburetor pipes.
- 1992 (i) Electric pipes.
- 1993 (j) Air-driven pipes.
- 1994 (k) Chillums.
- 1995 (l) Bongs.
- 1996 (m) Ice pipes or chillers.
- 1997 (n) A cartridge or canister, which means a small metal
- 1998 device used to contain nitrous oxide.
- 1999 (o) A charger, sometimes referred to as a "cracker," which
- 2000 means a small metal or plastic device that contains an interior
- 2001 pin that may be used to expel nitrous oxide from a cartridge or
- 2002 container.
- 2003 (p) A charging bottle, which means a device that may be
- 2004 used to expel nitrous oxide from a cartridge or canister.
- 2005 (q) A whip-it, which means a device that may be used to
- 2006 expel nitrous oxide.
- 2007 (r) A tank.
- 2008 (s) A balloon.
- 2009 (t) A hose or tube.
- 2010 (u) A 2-liter-type soda bottle.
- 2011 (v) Duct tape.
- 2012 Section 14. Section 893.147, Florida Statutes, is amended



208140

2013 to read:

2014 893.147 Use, possession, manufacture, delivery,
2015 transportation, advertisement, or retail sale of drug
2016 paraphernalia.—

2017 (1) USE OR POSSESSION OF DRUG PARAPHERNALIA.—Except as
2018 authorized in chapters 468 and 499, a ~~It is unlawful for any~~
2019 person may not ~~to~~ use, or ~~to~~ possess with intent to use, drug
2020 paraphernalia:

2021 (a) To plant, propagate, cultivate, grow, harvest,
2022 manufacture, compound, convert, produce, process, prepare, test,
2023 analyze, pack, repack, store, contain, or conceal a controlled
2024 substance in violation of this chapter; or

2025 (b) To inject, ingest, inhale, or otherwise introduce into
2026 the human body a controlled substance in violation of this
2027 chapter.

2028
2029 A ~~Any~~ person who violates this subsection commits ~~is guilty of~~ a
2030 misdemeanor of the first degree, punishable as provided in s.
2031 775.082 or s. 775.083.

2032 (2) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.—Except
2033 as authorized in chapters 468 and 499, a ~~It is unlawful for any~~
2034 person may not ~~to~~ deliver, possess with intent to deliver, or
2035 manufacture with intent to deliver drug paraphernalia, knowing,
2036 or under circumstances where one reasonably should know, that it
2037 will be used:

2038 (a) To plant, propagate, cultivate, grow, harvest,
2039 manufacture, compound, convert, produce, process, prepare, test,
2040 analyze, pack, repack, store, contain, or conceal a controlled
2041 substance in violation of this act; or



208140

2042 (b) To inject, ingest, inhale, or otherwise introduce into
2043 the human body a controlled substance in violation of this act.

2044
2045 A ~~Any~~ person who violates this subsection commits ~~is guilty of~~ a
2046 felony of the third degree, punishable as provided in s.
2047 775.082, s. 775.083, or s. 775.084.

2048 (3) DELIVERY OF DRUG PARAPHERNALIA TO A MINOR.—

2049 (a) Except as authorized in chapters 468 and 499, a ~~Any~~
2050 person 18 years of age or over who violates subsection (2) by
2051 delivering drug paraphernalia to a person under 18 years of age
2052 commits ~~is guilty of~~ a felony of the second degree, punishable
2053 as provided in s. 775.082, s. 775.083, or s. 775.084.

2054 (b) A ~~It is unlawful for any person~~ may not ~~to~~ sell or
2055 otherwise deliver hypodermic syringes, needles, or other objects
2056 that ~~which~~ may be used, are intended for use, or are designed
2057 for use in parenterally injecting substances into the human body
2058 to any person under 18 years of age, except that hypodermic
2059 syringes, needles, or other such objects may be lawfully
2060 dispensed to a person under 18 years of age by a licensed
2061 practitioner, parent, or legal guardian, ~~or~~ by a pharmacist
2062 pursuant to a valid prescription, or in accordance with the
2063 medical use of cannabis as provided in chapters 468 and 499 ~~for~~
2064 ~~same.~~ A ~~Any~~ person who violates ~~the provisions of~~ this paragraph
2065 commits ~~is guilty of~~ a misdemeanor of the first degree,
2066 punishable as provided in s. 775.082 or s. 775.083.

2067 (4) TRANSPORTATION OF DRUG PARAPHERNALIA.—Except as
2068 authorized in chapters 468 and 499, a person may not ~~It is~~
2069 ~~unlawful to~~ use, possess with the intent to use, or manufacture
2070 with the intent to use drug paraphernalia, knowing or under



208140

2071 circumstances in which one reasonably should know that it will
2072 be used to transport:

2073 (a) A controlled substance in violation of this chapter; or

2074 (b) Contraband as defined in s. 932.701(2)(a)1.

2075

2076 A ~~Any~~ person who violates this subsection commits a felony of
2077 the third degree, punishable as provided in s. 775.082, s.
2078 775.083, or s. 775.084.

2079 (5) ADVERTISEMENT OF DRUG PARAPHERNALIA.—A person may not
2080 ~~It is unlawful for any person to~~ place in any newspaper,
2081 magazine, handbill, or other publication any advertisement,
2082 knowing, or under circumstances where one reasonably should
2083 know, that the purpose of the advertisement, in whole or in
2084 part, is to promote the sale of objects designed or intended for
2085 use as drug paraphernalia. A ~~Any~~ person who violates this
2086 subsection commits ~~is guilty of~~ a misdemeanor of the first
2087 degree, punishable as provided in s. 775.082 or s. 775.083.

2088 (6) RETAIL SALE OF DRUG PARAPHERNALIA.—

2089 (a) ~~It is unlawful for~~ A person may not ~~to~~ knowingly and
2090 willfully sell or offer for sale at retail any drug
2091 paraphernalia described in s. 893.145(12)(a)-(c) or (g)-(m),
2092 other than drug paraphernalia related to the medical use of
2093 cannabis or a pipe that is primarily made of briar, meerschaum,
2094 clay, or corn cob.

2095 (b) A person who violates paragraph (a) commits a
2096 misdemeanor of the first degree, punishable as provided in s.
2097 775.082 or s. 775.083, and, upon a second or subsequent
2098 violation, commits a felony of the third degree, punishable as
2099 provided in s. 775.082, s. 775.083, or s. 775.084.



208140

2100 Section 15. Present subsection (3) of section 921.0022,
2101 Florida Statutes, is redesignated as subsection (4), a new
2102 subsection (3) is added to that section, and paragraphs (a),
2103 (b), (c), (e), (g), (h), and (i) of present subsection (3) of
2104 that section are amended, to read:

2105 921.0022 Criminal Punishment Code; offense severity ranking
2106 chart.-

2107 (3) As used in this section, the term "cannabis" does not
2108 include any form of cannabis that is cultivated, manufactured,
2109 possessed, and distributed in the form of cannabis in compliance
2110 with part XVII of chapter 468 or part IV of chapter 499.

2111 (4) ~~(3)~~ OFFENSE SEVERITY RANKING CHART

2112 (a) LEVEL 1

2113

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
316.1935(1)	3rd	Fleeing or attempting to

2114

2115

2116

2117



208140

2118			elude law enforcement officer.
	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
2119			
	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
2120			
	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
2121			
	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
2122			
	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
2123			
	322.212 (5) (a)	3rd	False application for driver license or identification card.
2124			



208140

2125	414.39 (2)	3rd	Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than \$200.
2126	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
2127	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
2128	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
2129	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
2130	562.27 (1)	3rd	Possess still or still apparatus.
	713.69	3rd	Tenant removes property upon which lien has accrued,



208140

2131			value more than \$50.
	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
2132			
	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
2133			
	815.04 (5) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
2134			
	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
2135			
	817.569 (2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
2136			
	826.01	3rd	Bigamy.
2137			
	828.122 (3)	3rd	Fighting or baiting animals.
2138			



208140

2139	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
2140	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
2141	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
2142	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.
2143	838.15 (2)	3rd	Commercial bribe receiving.
2144	838.16	3rd	Commercial bribery.
2145	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).



208140

2146	849.01	3rd	Keeping gambling house.
2147	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.
2148	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
2149	849.25 (2)	3rd	Engaging in bookmaking.
2150	860.08	3rd	Interfere with a railroad signal.
2151	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
2152	893.13 (2) (a) 2.	3rd	Purchase of cannabis, <u>except when authorized under s. 893.03 (1) (c) 7. and (1) (c) 37. and chapters 468 and 499.</u>
2153	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams) , <u>except when</u>



208140

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

2154 934.03(1)(a) 3rd Intercepts, or procures any
other person to intercept,
any wire or oral
communication.

2155
2156
2157 (b) LEVEL 2
2158

Florida Statute	Felony Degree	Description
--------------------	------------------	-------------

2159 379.2431 3rd Possession of 11 or fewer marine
(1)(e)3. turtle eggs in violation of the
Marine Turtle Protection Act.

2160 379.2431 3rd Possession of more than 11 marine
(1)(e)4. turtle eggs in violation of the
Marine Turtle Protection Act.

2161 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.

2162



208140

2163	517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
2164	590.28(1)	3rd	Intentional burning of lands.
2165	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
2166	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
2167	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
2168	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
2169	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
2170	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or



208140

2171			more but less than \$300, taken from unenclosed curtilage of dwelling.
2172	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
2173	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
2174	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
2175	817.52 (3)	3rd	Failure to redeliver hired vehicle.
2176	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
2177	817.60 (5)	3rd	Dealing in credit cards of another.
2178	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
	817.61	3rd	Fraudulent use of credit cards



208140

2179			over \$100 or more within 6 months.
	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
2180			
	831.01	3rd	Forgery.
2181			
	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
2182			
	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
2183			
	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
2184			
	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
2185			
	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
2186			
	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
2187			



208140

2188	843.08	3rd	False personation.
2189	893.13(2)(a)2.	3rd	Purchase of any <u>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) drugs other than cannabis.</u>
2190	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia, <u>except when authorized under chapters 468 and 499.</u>
2191	(c) LEVEL 3		
2192	Florida Statute	Felony Degree	Description
2193	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
2194	316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
2195	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
2196	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol
2197			



208140

2198			vehicle with siren and lights activated.
	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
2199			
	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
2200			
	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
2201			
	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
2202			
	327.35 (2) (b)	3rd	Felony BUI.
2203			
	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
2204			
	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.



208140

2205	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
2206	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
2207	379.2431 (1) (e) 6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
2208	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
2209	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
2210	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.



2211	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
2212	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
2213	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
2214	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
2215	697.08	3rd	Equity skimming.
2216	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
2217	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
2218	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
2219	810.09 (2) (c)	3rd	Trespass on property other than



2220			structure or conveyance armed with firearm or dangerous weapon.
	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
2221			
	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
2222			
	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
2223			
	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
2224			
	817.233	3rd	Burning to defraud insurer.
2225			
	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
2226			
	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
2227			
	817.236	3rd	Filing a false motor vehicle insurance application.



208140

2228	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
2229	817.413 (2)	3rd	Sale of used goods as new.
2230	817.505 (4)	3rd	Patient brokering.
2231	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
2232	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
2233	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
2234	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
2235	843.19	3rd	Injure, disable, or kill police dog or horse.
2236	860.15 (3)	3rd	Overcharging for repairs and



2237

parts.

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

2238

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, ~~for 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 (4) ~~drugs~~.

2239

893.13(1)(d)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 university.

2240

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),



208140

2241			<u>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.</u>
2241	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>
2242	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
2243	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
2244	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
2245	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by



208140

2246

893.13(8)(a)1. 3rd chapter 893.
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.

2247

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.

2248

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

2249

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 benefit for the practitioner.

2250

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



2251			investigation evidence.
	944.47	3rd	Introduce contraband to
	(1) (a) 1. & 2.		correctional facility.
2252			
	944.47 (1) (c)	2nd	Possess contraband while upon the
			grounds of a correctional
			institution.
2253			
	985.721	3rd	Escapes from a juvenile facility
			(secure detention or residential
			commitment facility).
2254			
2255			
2256	(d) LEVEL 4		
2257			
	Florida	Felony	
	Statute	Degree	Description
2258			
	316.1935 (3) (a)	2nd	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.
2259			
	499.0051 (1)	3rd	Failure to maintain or deliver
			pedigree papers.
2260			



208140

2261	499.0051 (2)	3rd	Failure to authenticate pedigree papers.
2262	499.0051 (6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
2263	517.07 (1)	3rd	Failure to register securities.
2264	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
2265	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
2266	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
2267	784.075	3rd	Battery on detention or commitment facility staff.
2268	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
2269	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.



208140

2270	784.081 (3)	3rd	Battery on specified official or employee.
2271	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
2272	784.083 (3)	3rd	Battery on code inspector.
2273	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
2274	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
2275	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
2276	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
2277	787.07	3rd	Human smuggling.



208140

2278	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
2279	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
2280	790.115 (2) (c)	3rd	Possessing firearm on school property.
2281	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
2282	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
2283	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
2284	810.06	3rd	Burglary; possession of tools.
2285	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
2286	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.



208140

2287	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
2288	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
2289	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
2290	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
2291	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
2292	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
2293	837.02 (1)	3rd	Perjury in official proceedings.
2294	837.021 (1)	3rd	Make contradictory statements in official proceedings.



208140

2295	838.022	3rd	Official misconduct.
2296	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
2297	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
2298	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
2299	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
2300	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
2301	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
2302	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.



2303	893.13(2)(a)1.	2nd	Purchase of cocaine for other <u>drugs under</u> s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs .
2304	914.14(2)	3rd	Witnesses accepting bribes.
2305	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
2306	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
2307	918.12	3rd	Tampering with jurors.
2308	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
2309			
2310	(e) LEVEL 5		
2311			
2312	Florida Statute	Felony Degree	Description
	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving



208140

2313			scene.
2314	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
2315	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
2316	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
2317	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
2318	379.3671 (2) (c) 3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
2319	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
2320	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers'



208140

2321			compensation claims.
	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
2322			
	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
2323			
	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
2324			
	790.01 (2)	3rd	Carrying a concealed firearm.
2325			
	790.162	2nd	Threat to throw or discharge destructive device.
2326			
	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
2327			
	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
2328			
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.



208140

2329	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
2330	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
2331	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
2332	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
2333	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
2334	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
2335	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
2336	812.131 (2) (b)	3rd	Robbery by sudden snatching.
2337	812.16 (2)	3rd	Owning, operating, or conducting a



208140

2338			chop shop.
	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
2339			
	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
2340			
	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.
2341			
	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 persons.
2342			
	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
2343			
	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person



208140

2344

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.

2345

827.071 (5)

3rd

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

2346

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.

2347

843.01

3rd

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

2348

847.0135 (5) (b)

2nd

Lewd or lascivious exhibition using computer; offender 18 years or older.

2349

847.0137
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

2350



208140

2351	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
2352	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
2353	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
2354	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
	893.13 (1) (c) 2.	2nd	Sell, manufacture, or deliver <u>cannabis, except when authorized under s. 893.03 (1) (c) 7. and (1) (c) 37. and chapters 468 and 499, or other drugs under</u> or <u>other</u> 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



208140

2355

893.13(1)(d)1. 1st publicly owned recreational facility or community center.
Sell, manufacture, or deliver cocaine ~~for other drugs under~~ s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. ~~drugs~~ within 1,000 feet of university.

2356

893.13(1)(e)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 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.

2357

893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine ~~for 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 of public housing facility.

2358



208140

2359	893.13(4)(b)	2nd	Deliver to minor cannabis for other <u>drugs under</u> 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) <u>drugs</u>.
2360	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
2361			
2362	(f) LEVEL 6		
2363			
	Florida Statute	Felony Degree	Description
2364	316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
2365	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
2366	400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
2367	499.0051(3)	2nd	Knowing forgery of pedigree papers.



208140

2368	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
2369	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
2370	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
2371	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
2372	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
2373	784.041	3rd	Felony battery; domestic battery by strangulation.
2374	784.048 (3)	3rd	Aggravated stalking; credible threat.
2375	784.048 (5)	3rd	Aggravated stalking of person under 16.
2376	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.



208140

2377	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
2378	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
2379	784.081 (2)	2nd	Aggravated assault on specified official or employee.
2380	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
2381	784.083 (2)	2nd	Aggravated assault on code inspector.
2382	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
2383	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
2384	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
2385	790.164 (1)	2nd	False report of deadly explosive,



208140

2386			weapon of mass destruction, or act of arson or violence to state property.
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
2387			
	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
2388			
	794.05(1)	2nd	Unlawful sexual activity with specified minor.
2389			
	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
2390			
	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
2391			
	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
2392			
	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.



208140

2393	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
2394	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
2395	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
2396	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
2397	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
2398	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
2399	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
2400	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.



208140

2401	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
2402	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
2403	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
2404	827.03 (2) (c)	3rd	Abuse of a child.
2405	827.03 (2) (d)	3rd	Neglect of a child.
2406	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
2407	836.05	2nd	Threats; extortion.
2408	836.10	2nd	Written threats to kill or do bodily injury.
2409	843.12	3rd	Aids or assists person to escape.
2410	847.011	3rd	Distributing, offering to distribute, or possessing with



208140

2411			intent to distribute obscene materials depicting minors.
2412	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
2413	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
2414	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
2415	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
2416	944.40	2nd	Escapes.
2417	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.



208140

2418

951.22(1) 3rd Intoxicating drug, firearm, or
weapon introduced into county
facility.

2419

2420

2421 (g) LEVEL 7

2422

Florida Statute	Felony Degree	Description
--------------------	------------------	-------------

2423

316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
---------------	-----	--

2424

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

2425

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.
----------------	-----	---

2426

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

2427



208140

2428	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
2429	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
2430	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
2431	456.065(2)	3rd	Practicing a health care profession without a license.
2432	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
2433	458.327(1)	3rd	Practicing medicine without a license.
2434	459.013(1)	3rd	Practicing osteopathic medicine without a license.
2435	460.411(1)	3rd	Practicing chiropractic medicine without a license.
	461.012(1)	3rd	Practicing podiatric medicine



208140

2436			without a license.
	462.17	3rd	Practicing naturopathy without a license.
2437			
	463.015 (1)	3rd	Practicing optometry without a license.
2438			
	464.016 (1)	3rd	Practicing nursing without a license.
2439			
	465.015 (2)	3rd	Practicing pharmacy without a license.
2440			
	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
2441			
	467.201	3rd	Practicing midwifery without a license.
2442			
	468.366	3rd	Delivering respiratory care services without a license.
2443			
	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
2444			
	483.901 (9)	3rd	Practicing medical physics without a license.
2445			



2446	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
2447	484.053	3rd	Dispensing hearing aids without a license.
2448	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
2449	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.
2450	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
2451	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver



208140

2452			license or identification card; other registration violations.
	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
2453			
	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
2454			
	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
2455			
	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
2456			
	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
2457			
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).



208140

2458	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
2459	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
2460	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
2461	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
2462	784.048 (7)	3rd	Aggravated stalking; violation of court order.
2463	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
2464	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
2465	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
2466	784.081 (1)	1st	Aggravated battery on specified official or employee.
2467			



208140

2468	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
2469	784.083 (1)	1st	Aggravated battery on code inspector.
2470	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
2471	787.06 (3) (e) 2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
2472	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
2473	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
2474	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb



208140

2475

790.166(3)

2nd

while committing or attempting to
commit a felony.

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

2476

790.166(4)

2nd

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

2477

790.23

1st,PBL

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

2478

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.

2479

796.05(1)

1st

Live on earnings of a prostitute;
2nd offense.

2480

796.05(1)

1st

Live on earnings of a prostitute;
3rd and subsequent offense.

2481



208140

2482	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
2483	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
2484	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
2485	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
2486	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
2487	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
2488	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.



2489	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
2490	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.
2491	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
2492	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
2493	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
2494	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
2495	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.



208140

2496	812.131 (2) (a)	2nd	Robbery by sudden snatching.
2497	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
2498	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
2499	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
2500	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
2501	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
2502	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
2503	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.



208140

2504	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
2505	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
2506	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
2507	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
2508	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
2509	838.015	2nd	Bribery.
2510	838.016	2nd	Unlawful compensation or reward for official behavior.
2511	838.021 (3) (a)	2nd	Unlawful harm to a public servant.



208140

2512	838.22	2nd	Bid tampering.
2513	843.0855 (2)	3rd	Impersonation of a public officer or employee.
2514	843.0855 (3)	3rd	Unlawful simulation of legal process.
2515	843.0855 (4)	3rd	Intimidation of a public officer or employee.
2516	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
2517	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
2518	872.06	2nd	Abuse of a dead human body.
2519	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
2520	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.



208140

893.13(1)(c)1. 1st Sell, manufacture, or deliver cocaine ~~or other drug prohibited~~ under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. ~~+~~ within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

2521

893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.

2522

893.13(4)(a) 1st Deliver to minor cocaine ~~or other drugs~~ under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. ~~drugs)~~.

2523

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



208140

2524	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
2525	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams, <u>excluding cannabis and tetrahydrocannabinols when excepted under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499.</u>
2526	893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
2527	893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
2528	893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
2529	893.135 (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
2530	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
2531	893.135(1)(e)1.	1st	Trafficking in methaqualone, more



208140

2532			than 200 grams, less than 5 kilograms.
2533	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
2534	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
2535	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
2536	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
2537	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
2538	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.



208140

2539	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
2540	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
2541	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
2542	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
2543	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2544	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2545			



208140

2546	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
2547	944.607(10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
2548	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2549	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2550	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
2551	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing



208140

false registration information.

2552

2553

2554 (h) LEVEL 8

2555

Florida

Felony

Statute

Degree

Description

2556

316.193

2nd

DUI manslaughter.

(3) (c) 3.a.

2557

316.1935 (4) (b)

1st

Aggravated fleeing or attempted
eluding with serious bodily injury
or death.

2558

327.35 (3) (c) 3.

2nd

Vessel BUI manslaughter.

2559

499.0051 (7)

1st

Knowing trafficking in contraband
prescription drugs.

2560

499.0051 (8)

1st

Knowing forgery of prescription
labels or prescription drug
labels.

2561

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.

2562



208140

2563	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.
2564	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
2565	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
2566	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.
2567	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
	782.071 (1) (b)	1st	Committing vehicular homicide and



208140

2568			failing to render aid or give information.
	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
2569			
	787.06 (3) (a) 1.	1st	Human trafficking for labor and services of a child.
2570			
	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
2571			
	787.06 (3) (c) 2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
2572			
	787.06 (3) (e) 1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
2573			
	787.06 (3) (f) 2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
2574			



208140

2575	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
2576	794.011 (5) (a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.
2577	794.011 (5) (b)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
2578	794.011 (5) (c)	2nd	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
2579	794.011 (5) (d)	1st	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.



208140

2580	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
2581	800.04 (4) (b)	2nd	Lewd or lascivious battery.
2582	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
2583	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
2584	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
2585	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
2586	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
2587	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.



2588	812.13 (2) (b)	1st	Robbery with a weapon.
2589	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
2590	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
2591	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
2592	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
2593	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
2594	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.



2595	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
2596	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
2597	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
2598	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
2599	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
2600	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
2601	860.16	1st	Aircraft piracy.
2602	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).
	893.13 (2) (b)	1st	Purchase in excess of 10 grams of



208140

2603

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

893.13(6)(c) 1st Possess in excess of 10 grams of
any substance specified in s.
893.03(1)(a) or (b).

2604

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.

2605

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

2606

893.135 1st Trafficking in illegal drugs, more
(1)(c)1.b. 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.

2607

893.135 1st Trafficking in hydrocodone, 50
(1)(c)2.c. grams or more, less than 200
grams.

2608

893.135 1st Trafficking in oxycodone, 25 grams



208140

2609	(1) (c) 3.c.		or more, less than 100 grams.
	893.135	1st	Trafficking in phencyclidine, more
	(1) (d) 1.b.		than 200 grams, less than 400
2610			grams.
	893.135	1st	Trafficking in methaqualone, more
	(1) (e) 1.b.		than 5 kilograms, less than 25
2611			kilograms.
	893.135	1st	Trafficking in amphetamine, more
	(1) (f) 1.b.		than 28 grams, less than 200
2612			grams.
	893.135	1st	Trafficking in flunitrazepam, 14
	(1) (g) 1.b.		grams or more, less than 28 grams.
2613			
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.b.		hydroxybutyric acid (GHB), 5
2614			kilograms or more, less than 10
			kilograms.
	893.135	1st	Trafficking in 1,4-Butanediol, 5
	(1) (j) 1.b.		kilograms or more, less than 10
2615			kilograms.
	893.135	1st	Trafficking in Phenethylamines,
	(1) (k) 2.b.		200 grams or more, less than 400
			grams.



208140

2616

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.

2617

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

2618

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

2619

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

2620

896.101 (5) (b) 2nd Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

2621

896.104 (4) (a) 2. 2nd Structuring transactions to evade reporting or registration



208140

requirements, financial
transactions totaling or exceeding
\$20,000 but less than \$100,000.

2622

2623

2624 (i) LEVEL 9

2625

Florida Statute	Felony Degree	Description
316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
560.125 (5) (c)	1st	Money transmitter business by

2626

2627

2628

2629

2630

2631



208140

			unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
2632	655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
2633	775.0844	1st	Aggravated white collar crime.
2634	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
2635	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.
2636	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
2637	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
2638	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or



208140

2639			reward or as a shield or hostage.
	787.01 (1) (a) 2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
2640			
	787.01 (1) (a) 4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
2641			
	787.02 (3) (a)	1st,PBL	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
2642			
	787.06 (3) (c) 1.	1st	Human trafficking for labor and services of an unauthorized alien child.
2643			
	787.06 (3) (d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
2644			
	787.06 (3) (f) 1.	1st,PBL	Human trafficking for commercial sexual activity by the transfer or transport of any child from



208140

2645			outside Florida to within the state.
2646	790.161	1st	Attempted capital destructive device offense.
2647	790.166 (2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
2648	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
2649	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
2650	794.011 (4) (a)	1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.
2651	794.011 (4) (b)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
	794.011 (4) (c)	1st	Sexual battery, certain circumstances; victim 12 years of



208140

2652

age or older; offender younger than 18 years.

794.011(4)(d)

1st,PBL

Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.

2653

794.011(8)(b)

1st,PBL

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

2654

794.08(2)

1st

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

2655

800.04(5)(b)

Life

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

2656

812.13(2)(a)

1st,PBL

Robbery with firearm or other deadly weapon.

2657

812.133(2)(a)

1st,PBL

Carjacking; firearm or other deadly weapon.

2658

812.135(2)(b)

1st

Home-invasion robbery with weapon.

2659

817.535(3)(b)

1st

Filing false lien or other



208140

2660			unauthorized document; second or subsequent offense; property owner is a public officer or employee.
	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
2661			
	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.
2662			
	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.
2663			
	827.03 (2) (a)	1st	Aggravated child abuse.
2664			
	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
2665			
	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.



208140

2666

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.

2667

893.135 1st Attempted capital trafficking offense.

2668

893.135 (1) (a) 3. 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 10,000 lbs.

2669

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

2670

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.

2671



208140

2672	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.
2673	893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
2674	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
2675	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
2676	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
2677	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
2678	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
2679	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding



208140

2680			\$100,000.
	896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
2681			
2682			
2683	(j) LEVEL 10		
2684			
	Florida Statute	Felony Degree	Description
2685	499.0051(10)	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.
2686	782.04(2)	1st,PBL	Unlawful killing of human; act is homicide, unpremeditated.
2687	782.07(3)	1st	Aggravated manslaughter of a child.
2688	787.01(1)(a)3.	1st,PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
2689	787.01(3)(a)	Life	Kidnapping; child under age 13, perpetrator also commits



208140

2690			aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
2691	787.06(3)(g)	Life	Human trafficking for commercial sexual activity of a child under the age of 18 or mentally defective or incapacitated person.
2692	787.06(4)(a)	Life	Selling or buying of minors into human trafficking.
2693	794.011(3)	Life	Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.
2694	812.135(2)(a)	1st,PBL	Home-invasion robbery with firearm or other deadly weapon.
2695	876.32	1st	Treason against the state.
2696			
2697			Section 16. Section 1004.441, Florida Statutes, is amended
2698			to read:
2699			1004.441 Refractory and intractable epilepsy treatment and
2700			research.—
2701			(1) As used in this section, the term "low-THC cannabis"



208140

2702 means "low-THC cannabis" ~~as defined in s. 381.986~~ that is
2703 dispensed only from a dispensary ~~dispensing organization~~ as
2704 defined in s. 468.903 ~~s. 381.986~~.

2705 Section 17. This act shall take effect October 1, 2016.

2706

2707 ===== T I T L E A M E N D M E N T =====

2708 And the title is amended as follows:

2709 Delete everything before the enacting clause
2710 and insert:

2711 A bill to be entitled
2712 An act relating to the medical use of cannabis;
2713 providing a short title; repealing s. 381.986, F.S.,
2714 relating to compassionate use of low-THC cannabis;
2715 creating part XVII of ch. 468, F.S.; creating s.
2716 468.901, F.S.; providing a purpose; creating s.
2717 468.902, F.S.; providing legislative findings and
2718 intent; creating s. 468.903, F.S.; defining terms;
2719 creating s. 468.904, F.S.; requiring the Department of
2720 Business and Professional Regulation to regulate the
2721 manufacture, cultivation, possession, wholesale
2722 distribution, dispensing, purchase, delivery, and sale
2723 of cannabis for medical use and the manufacture,
2724 possession, purchase, sale, use, and delivery of drug
2725 paraphernalia; providing that the department is
2726 responsible for the licensure and permitting of
2727 dispensaries and medical cannabis farms and the
2728 registration of owners, directors, officers, members,
2729 incorporators, employees, and agents of such farms and
2730 dispensaries; requiring the department to require



208140

2731 medical cannabis farms and dispensaries to maintain
2732 certain records and information; requiring the
2733 department to develop and make available educational
2734 materials, conduct inspections, and revoke or suspend
2735 registrations, licenses, and permits; requiring the
2736 department to adopt certain rules; creating s.
2737 468.905, F.S.; authorizing a medical cannabis farm to
2738 cultivate, sell, manufacture, or deliver, or possess
2739 with the intent to sell, manufacture, or deliver,
2740 cannabis and cannabis plants for wholesale in this
2741 state; authorizing a medical cannabis farm to deliver,
2742 possess with intent to deliver, or manufacture with
2743 intent to deliver drug paraphernalia; requiring a
2744 medical cannabis farm to be permitted with the
2745 department before possessing, manufacturing,
2746 cultivating, delivering, distributing, and wholesaling
2747 cannabis, cannabis-based products, cannabis plants, or
2748 drug paraphernalia; requiring agricultural
2749 classification of land used as a medical cannabis
2750 farm; requiring a medical cannabis farm to implement a
2751 security plan and maintain procedures in which
2752 cannabis and cannabis-based products are accessible
2753 only to authorized personnel; providing that the
2754 active ingredient in all cannabis-based products
2755 cultivated, manufactured, and wholesaled to a licensed
2756 dispensary in this state must be wholly derived from
2757 cannabis plants cultivated in this state, except for
2758 cannabis seeds and seedlings; providing that a medical
2759 cannabis farm is provided certain protections and is



208140

2760 not deemed a public nuisance solely because its farm
2761 product includes the production of cannabis; creating
2762 s. 468.906, F.S.; authorizing a dispensary to
2763 distribute, purchase, sell or deliver, or possess with
2764 the intent to sell or deliver cannabis, cannabis-based
2765 products, cannabis plants, and drug paraphernalia in
2766 order to dispense and sell to a qualifying patient or
2767 patient's caregiver and to purchase, distribute,
2768 deliver, or possess with intent to deliver drug
2769 paraphernalia; requiring a dispensary to be licensed
2770 with the department before possessing, purchasing,
2771 delivering, distributing, or retailing cannabis,
2772 cannabis-based products, cannabis plants, or drug
2773 paraphernalia; requiring a dispensary to purchase
2774 cannabis, cannabis-based products, and cannabis plants
2775 from a medical cannabis farm that has a department-
2776 issued permit; prohibiting a dispensary from
2777 conducting wholesale sales or transactions;
2778 authorizing a dispensary to sell at retail to a
2779 qualifying patient or patient's caregiver cannabis,
2780 cannabis-based products, cannabis plants, or drug
2781 paraphernalia if the qualifying patient or patient's
2782 caregiver meets certain conditions; limiting a certain
2783 amount of usable cannabis and number of cannabis plant
2784 seedlings that a qualifying patient and a patient's
2785 caregiver may purchase within a certain time period;
2786 requiring a dispensary to maintain certain records for
2787 a specified number of years; requiring a dispensary to
2788 implement a security plan; requiring a dispensary to



208140

2789 make available educational materials; requiring a
2790 dispensary to prohibit a qualifying patient from
2791 administering or using, and prohibiting a caregiver
2792 from assisting a qualifying patient in administering
2793 or using, any form of cannabis while on the property
2794 of the dispensary; providing that a person who
2795 administers or uses, or assists another to administer
2796 or use, any form of cannabis on the property of a
2797 dispensary subjects the dispensary to penalties;
2798 creating s. 468.907, F.S.; requiring a person to
2799 register with the department if he or she desires to
2800 be an owner, director, officer, member, incorporator,
2801 agent, or employee of a medical cannabis farm or
2802 dispensary; requiring the department to establish
2803 certain registration fees and determine if the
2804 registrant has certain felony convictions; prohibiting
2805 the department from approving a registrant as an
2806 owner, director, officer, member, incorporator, agent,
2807 or employee of a medical cannabis farm or dispensary
2808 if such registrant has certain felony convictions;
2809 providing that a person who violates or has violated
2810 this act may not be an owner, director, officer,
2811 member, incorporator, agent, or employee of a medical
2812 cannabis farm or dispensary; providing that any prior
2813 authorization of such person shall be immediately
2814 revoked; requiring the department to suspend the
2815 license or permit of the medical cannabis farm or
2816 dispensary until such person resigns or is removed
2817 from such position; authorizing a registrant to



208140

2818 commence an action in a court of competent
2819 jurisdiction to compel the department to perform
2820 certain actions if the department fails to adopt rules
2821 by a specified date; creating s. 468.908, F.S.;
2822 prohibiting a person from operating a medical cannabis
2823 farm except in accordance with part XVII of ch. 468,
2824 F.S.; requiring an applicant for an initial permit or
2825 for a renewal permit to operate a medical cannabis
2826 farm to provide certain information in the
2827 application; requiring the department to establish by
2828 rule application fees and permitting fees; providing
2829 maximum amounts for the fees; requiring a person who
2830 possesses, cultivates, manufactures, delivers,
2831 distributes, or wholesales cannabis, cannabis-based
2832 products, or cannabis plants at one or more locations
2833 to possess a current, valid permit for each location;
2834 authorizing an applicant for a permit to operate a
2835 medical cannabis farm to commence an action in a court
2836 of competent jurisdiction to compel the department to
2837 perform certain actions if the department fails to
2838 adopt rules by a specified date; creating s. 468.909,
2839 F.S.; prohibiting a person from operating a dispensary
2840 in this state except in accordance with part XVII of
2841 ch. 468, F.S.; requiring an applicant for an initial
2842 license or for a renewal license to operate a
2843 dispensary to provide certain information in the
2844 application; requiring the department to establish by
2845 rule application fees and licensure fees; providing
2846 maximum amounts for the fees; requiring a person who



208140

2847 conducts the wholesale purchase or retail sale of drug
2848 paraphernalia or any form of cannabis at more than one
2849 location to possess a current, valid license for each
2850 location; authorizing an applicant for a license to
2851 operate a dispensary to commence an action in a court
2852 of competent jurisdiction to compel the department to
2853 perform certain actions if the department fails to
2854 adopt rules by a specified date; creating s. 468.910,
2855 F.S.; providing requirements for submitting an
2856 application for a license or a permit; authorizing the
2857 department to require an applicant to furnish other
2858 information or data; creating s. 468.911, F.S.;

2859 providing requirements for licenses and permits;
2860 authorizing the department to include other
2861 information on a license or permit; providing that a
2862 license or permit may not be issued, renewed, or
2863 allowed to remain in effect in certain circumstances;
2864 prohibiting a person from knowingly submitting or
2865 presenting to the department a false, fictitious, or
2866 misrepresented application, identification, document,
2867 information, statement, or data intended or likely to
2868 deceive the department in order to obtain a license or
2869 permit; creating s. 468.912, F.S.; authorizing the use
2870 of certain terms to designate a medical cannabis farm
2871 that has a department-issued permit or a licensed
2872 dispensary; requiring conspicuous display of a license
2873 or permit; providing specified dates for validity and
2874 expiration of licenses and permits; providing
2875 application procedures for obtaining initial and



208140

2876 renewal licenses and permits; authorizing the
2877 department to seize all forms of cannabis and drug
2878 paraphernalia and dispose of them if the licensee or
2879 permittee fails to renew a license or permit;
2880 requiring funds collected from such disposal to be
2881 deposited in the Professional Regulation Trust Fund;
2882 providing the fee structure for reactivating an
2883 inactive license or permit; creating s. 468.913, F.S.;

2884 requiring the reporting of a loss, theft, or
2885 unexplained shortage of cannabis, cannabis-based
2886 products, cannabis plants, or drug paraphernalia to
2887 the local law enforcement agency and the department;
2888 requiring an investigating law enforcement agency to
2889 forward a copy of its written report to the
2890 department; requiring the department to retain such
2891 reports; requiring any sheriff or law enforcement
2892 officer in this state to give immediate notice to the
2893 department of a theft, illegal use, or illegal
2894 possession of cannabis, cannabis-based products,
2895 cannabis plants, or drug paraphernalia and to forward
2896 a copy of his or her final written report to the
2897 department; creating s. 468.914, F.S.; authorizing the
2898 department to issue cease and desist orders and to
2899 impose administrative fines for violations of part
2900 XVII of ch. 468, F.S., and applicable department
2901 rules; authorizing the department to seek injunctive
2902 relief and to apply for temporary and permanent orders
2903 for certain violations; authorizing the department to
2904 revoke or suspend all licenses or permits held by a



2905 person; providing requirements for an order of
2906 suspension and an order of revocation; providing for
2907 application of an order of revocation or suspension to
2908 a newly issued permit or license; providing that a
2909 person whose permit or license has been suspended or
2910 revoked may not be issued a new permit or license
2911 under any other name or company name until the
2912 expiration of the suspension or revocation;
2913 authorizing the department to revoke or suspend a
2914 license or permit for certain violations or acts;
2915 providing criminal penalties; providing that other
2916 lawful remedies are not affected; requiring that all
2917 fines, monetary penalties, and costs received by the
2918 department in connection with this part be deposited
2919 into the Professional Regulation Trust Fund; creating
2920 s. 468.915, F.S.; requiring that all hearings and
2921 review of orders from the department be conducted in
2922 accordance with ch. 120, F.S.; creating s. 468.916,
2923 F.S.; prohibiting a county or municipality from
2924 creating or imposing an ordinance or rule that is
2925 inconsistent with the provisions contained in this act
2926 and the applicable department rules; creating s.
2927 468.917, F.S.; requiring that all moneys collected and
2928 deposited in the Professional Regulation Trust Fund be
2929 used by the department in the administration of part
2930 XVII of ch. 468, F.S.; requiring the department to
2931 maintain a separate account in the Professional
2932 Regulation Trust Fund for the Drugs, Devices, and
2933 Cosmetics program; creating s. 468.918, F.S.;



208140

2934 requiring the Department of Business and Professional
2935 Regulation and the Department of Revenue to adopt
2936 rules by a specified date, including rules that
2937 specify persons who may legally possess cannabis for
2938 the purpose of teaching, research, or testing;
2939 requiring the fees collected by the departments to be
2940 applied first to the cost of administering the act;
2941 authorizing a state resident to commence an action in
2942 a court of competent jurisdiction if the departments
2943 fail to adopt rules by a specified date; creating part
2944 III of ch. 499, F.S.; creating s. 499.951, F.S.;

2945 defining terms; creating s. 499.952, F.S.; authorizing
2946 a qualifying patient to cultivate, possess, and
2947 administer cannabis for medical use and to possess and
2948 use drug paraphernalia for a specified purpose;
2949 authorizing the patient's caregiver to cultivate,
2950 possess, and administer cannabis for medical use for a
2951 qualifying patient and to possess, deliver, and use
2952 drug paraphernalia for a specified purpose; providing
2953 that a registry identification card, or its
2954 equivalent, issued from another jurisdiction has the
2955 same force and effect as a registry identification
2956 card issued by the Department of Health; requiring a
2957 qualifying patient to present to a law enforcement
2958 officer a registry identification card to confirm that
2959 the patient may cultivate, possess, and administer
2960 cannabis for medical use and possess and use drug
2961 paraphernalia; requiring a patient's caregiver to
2962 present to a law enforcement officer a registry



208140

2963 identification card to confirm that the caregiver may
2964 cultivate, possess, and administer cannabis for a
2965 qualifying patient and possess, deliver, and use drug
2966 paraphernalia; authorizing a qualifying patient or the
2967 patient's caregiver to purchase, possess, administer,
2968 or deliver cannabis, cannabis-based products, cannabis
2969 plants, and drug paraphernalia that is obtained only
2970 from a dispensary or medical cannabis farm or to
2971 cultivate cannabis and cannabis plants for only the
2972 qualifying patient's possession and administration;
2973 authorizing a qualifying patient who is a minor to
2974 possess, use, or administer medical cannabis only in
2975 the presence of the minor's parent or legal guardian
2976 and only if the minor's parent or legal guardian signs
2977 a written statement; providing requirements for the
2978 written statement; providing a procedure for changing
2979 the patient's designation of a caregiver; providing a
2980 procedure for replacing a lost registry identification
2981 card; providing that a registration form to obtain a
2982 registry identification card is a registry
2983 identification card if the department fails to issue
2984 or deny the registration within a specified number of
2985 days; authorizing the department to revoke a
2986 cardholder's registry identification card; creating s.
2987 499.953, F.S.; requiring a person who seeks
2988 designation as a qualifying patient or the patient's
2989 caregiver to register with the department; authorizing
2990 the maximum number of qualifying patients a patient's
2991 caregiver may be connected to through the department's



208140

2992 registration process; requiring a qualifying patient
2993 or the patient's caregiver to deliver or distribute
2994 cannabis in a labeled container or sealed package;
2995 prescribing the maximum amount of cannabis which a
2996 qualifying patient or the patient's caregiver may
2997 possess; requiring a cardholder to cultivate cannabis
2998 plants in certain venues that are out of the public
2999 view; providing exceptions for delivering or
3000 distributing cannabis plants under certain
3001 circumstances; authorizing cannabis to be administered
3002 in certain medical treatment facilities under certain
3003 circumstances; prohibiting medical cannabis from being
3004 administered at a dispensary or in a public place,
3005 other than at a medical treatment facility; providing
3006 that the act does not allow a person to undertake a
3007 task under the influence of cannabis when doing so
3008 constitutes negligence or malpractice; providing that
3009 the medical use of cannabis does not create a defense
3010 to certain offenses; providing that evidence of a
3011 person's voluntary intoxication that results from the
3012 medical use of cannabis is not admissible in a
3013 judicial proceeding to show lack of specific intent or
3014 insanity; providing an exception; authorizing a person
3015 or entity to provide information about the existence
3016 or operation of a medical cannabis farm or dispensary
3017 to another person; prohibiting a law enforcement
3018 officer from further stopping or detaining a person
3019 stopped by the officer if that person is in compliance
3020 with the laws and rules regulating the medical use of



208140

3021 cannabis or drug paraphernalia; creating s. 499.954,
3022 F.S.; authorizing a physician to prescribe, in
3023 writing, the medical use of cannabis under certain
3024 circumstances; providing requirements for the written
3025 prescription; providing that a physician is not
3026 subject to arrest, prosecution, penalty, disciplinary
3027 proceedings, or denial of a right or privilege for
3028 advising a qualifying patient about the medical use of
3029 cannabis, recommending the medical use of cannabis,
3030 providing a written prescription for a patient's
3031 medical use of cannabis, or stating that, in the
3032 physician's professional opinion, the potential
3033 benefits of the medical use of cannabis likely
3034 outweigh the health risks for a patient; prohibiting a
3035 physician from having a professional office located at
3036 a medical cannabis farm or dispensary or receiving
3037 financial compensation from a medical cannabis farm or
3038 dispensary or its owners, directors, officers,
3039 members, incorporators, agents, or employees; creating
3040 s. 499.955, F.S.; providing that qualifying patients
3041 and their caregivers and certain nurse practitioners,
3042 registered nurses, pharmacists, and other persons are
3043 not subject to arrest, prosecution, penalty, or denial
3044 of any right or privilege as a result of the lawful
3045 applicable activity regarding the medical use of
3046 cannabis under certain circumstances; prohibiting a
3047 school, employer, or property owner from refusing to
3048 enroll, employ, or lease to or otherwise penalizing a
3049 person who is a cardholder; creating a presumption



3050 when a qualifying patient or the patient's caregiver
3051 is engaged in the medical use of cannabis under
3052 certain circumstances; authorizing the use of evidence
3053 to rebut that presumption; authorizing the patient's
3054 caregiver to be reimbursed for certain costs;
3055 providing that such reimbursement does not constitute
3056 the sale of a controlled substance under s. 893.13,
3057 F.S.; providing that a qualifying patient's medical
3058 use of cannabis is equivalent to the use of any other
3059 medication used at the direction of a physician;
3060 providing that such use does not constitute the use of
3061 an illicit drug under s. 893.03, F.S.; providing that
3062 a person, cardholder, medical cannabis farm, or
3063 dispensary that cultivates, manufactures, possesses,
3064 administers, dispenses, distributes, or uses cannabis,
3065 or manufactures, possesses, distributes, or uses drug
3066 paraphernalia, in a manner not authorized by this act,
3067 is subject to criminal prosecution and sanctions under
3068 the Florida Comprehensive Drug Abuse Prevention and
3069 Control Act; providing that a person who makes a
3070 fraudulent representation to a law enforcement officer
3071 relating to certain activities involving medical use
3072 of cannabis or drug paraphernalia is subject to a
3073 criminal fine in addition to other penalties under
3074 law; creating s. 499.956, F.S.; providing additional
3075 defenses to a prosecution involving cannabis;
3076 authorizing the clerk of the court to assess a fee for
3077 dismissal of a criminal charge of possession, use, or
3078 administration of a legal amount of cannabis for



208140

3079 medical use or drug paraphernalia under certain
3080 circumstances; authorizing a cardholder to assert the
3081 purpose for the medical use of cannabis in a motion to
3082 dismiss; providing that certain interests or rights to
3083 property related to a qualifying patient's medical use
3084 of cannabis may not be forfeited under the Florida
3085 Contraband Forfeiture Act under certain circumstances;
3086 creating s. 499.957, F.S.; providing that the act does
3087 not require a governmental, private, or other health
3088 insurance provider or health care services plan to
3089 cover, or prohibit it from covering, a claim for
3090 reimbursement for the medical use of cannabis;
3091 creating s. 499.958, F.S.; prohibiting an employer,
3092 laboratory, employee assistance program, or alcohol
3093 and drug rehabilitation program and their agents from
3094 releasing certain information without written consent;
3095 providing requirements for written consent;
3096 prohibiting information regarding a qualifying patient
3097 or the patient's caregiver from being released or used
3098 in a criminal proceeding; providing that such
3099 information is inadmissible as evidence; authorizing
3100 the Department of Health and its employees to have
3101 access to information regarding a qualifying patient
3102 or the patient's caregiver under certain
3103 circumstances; creating s. 499.959, F.S.; requiring
3104 the department to adopt rules by a specified date;
3105 requiring the fees collected by the Department of
3106 Health to be applied first to the cost of
3107 administering part III of ch. 499; authorizing a state



208140

3108 resident to commence an action in a court of competent
3109 jurisdiction if the departments fail to adopt rules by
3110 a specified date; conforming provisions to changes
3111 made by the act; authorizing the executive director of
3112 the Department of Revenue to adopt emergency rules;
3113 amending ss. 381.987, 385.211, 812.14, 893.02 893.03,
3114 893.13, 893.1351, 893.145, 893.147, 921.0022, and
3115 1004.441 F.S.; conforming provisions to changes made
3116 by the act; providing an effective date.