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LEGISLATIVE ACTION

Senate

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House

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Floor: NC/2R

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03/04/2016 10:08 AM

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Senator Clemens moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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 Section 381.986, Florida Statutes, is repealed.

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

468.901 Purpose.—The purpose of part IV of chapter 499 and
this part is to:



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

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

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

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

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

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



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41 468.902 Legislative findings and intent.-

42 (1) The Legislature finds that:

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

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

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

66 (d) The medical use of cannabis offers a substantial
67 benefit to the health, safety, and welfare of the residents of
68 this state, and it is the intent of the Legislature that this
69 part and part III of chapter 499 be liberally construed to make



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70 these benefits available to the residents of this state.

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

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

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

91 468.903 Definitions.—As used in this part, unless the
92 context clearly indicates otherwise, the term:

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

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

97 (3) "Cannabis-based product" means a product that contains
98 cannabis or any of its derivatives, including, but not limited



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99 to, tonics, tinctures, balms, salves, lotions, sprays,
100 ointments, teas, sodas, and pills.

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

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

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

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

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

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

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

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

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

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

127 (12) "Manufacture" means the production, preparation,



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

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

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

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

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

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

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

153 (b) At least 18 years of age.

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



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



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186 prognosis of less than 12 months of life.

187 (18) "Qualifying medical treatment" means:

188 (a) Chemotherapy;

189 (b) Radiotherapy;

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

191 (d) Treatment of a qualifying medical condition as

192 specified in subsection (17).

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

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

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

207 468.904 Department duties and responsibilities.-

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



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215 of, the registration of each owner, director, officer,
216 incorporator, member, employee, and agent of each such farm and
217 dispensary.

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

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

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

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

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

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

235 4. Any other information required by the department.

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

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

242 (b) Inform the public and private hospitals, health care
243 providers, pharmacists, and duly licensed dispensaries in this



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244 state of the medical use of cannabis to help avoid harmful drug
245 interactions;

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

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

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

261 468.905 Medical cannabis farms.-

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

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

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

272 (2) A medical cannabis farm must obtain a valid permit from



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273 the department before possessing, manufacturing, cultivating,
274 delivering, and wholesaling cannabis, cannabis-based products,
275 cannabis plants, and drug paraphernalia in accordance with this
276 part, part III of chapter 499, and department rule.

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

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

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

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



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

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

309 468.906 Dispensaries.—

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

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

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

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



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331 patient or patient's caregiver is in possession of his or her
332 valid registry identification card at the time and place of
333 purchase.

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

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

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

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

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

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

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

357 (b) The registry identification card number of each
358 purchaser of cannabis, cannabis-based product, or cannabis
359 plant, subject to the confidentiality limitations in s. 499.958.



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

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

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

375 468.907 Owners, directors, officers, members,
376 incorporators, agents, or employees of medical cannabis farms
377 and dispensaries.-

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

382 (a) Establish by rule the following fees:

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

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

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



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

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

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

407 468.908 Medical cannabis farm permit.-

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

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

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

415 (b) The suitability of the proposed facility.

416 (c) The proposed staffing plan.

417 (d) The proposed security plan that has been assessed by



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418 the local law enforcement agency of the county or municipality
419 in which the medical cannabis farm is located.

420 (e) The proposed cultivation plan.

421 (f) The proposed manufacturing plan.

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

423 (h) The proposed labeling plan.

424 (i) The proposed product safety plan.

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

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

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

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

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

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

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

441 468.909 Dispensary license.-

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

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



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- 447 (a) Knowledge of state and federal laws relating to
448 cannabis and the medical use of cannabis.
- 449 (b) The suitability of the proposed facility.
- 450 (c) The proposed staffing plan.
- 451 (d) The proposed security plan that has been assessed by
452 the local law enforcement agency of the county or municipality
453 in which the dispensary is located.
- 454 (e) The proposed retail plan.
- 455 (f) The proposed marketing plan.
- 456 (g) The proposed storage and inventory control plan.
- 457 (h) The proposed labeling plan.
- 458 (i) The proposed product safety plan.
- 459 (3) The department shall establish by rule the annual
460 application fees and license fees for a dispensary, which may
461 not exceed the following amounts:
- 462 (a) Application fee, \$1,000.
- 463 (b) Initial license fee, \$5,000.
- 464 (c) Application fee for renewing a license, \$500.
- 465 (d) Renewal license fee, \$5,000.
- 466 (4) A person who conducts the wholesale purchase or retail
467 sale of drug paraphernalia or any form of cannabis at or from
468 more than one location must possess a current valid license for
469 each location.
- 470 (5) If the department fails to adopt rules to administer
471 this section by January 1, 2017, an applicant seeking to operate
472 a dispensary may commence an action in a court of competent
473 jurisdiction to compel the department to perform the actions
474 mandated under this section.
- 475 468.910 Applications for licenses and permits.-



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

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



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505 468.911 Issuance of licenses and permits; prohibitions.-

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

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

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

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

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

525 1. A drug-related felony; or

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

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

532 1. "Adjudicated mentally defective" has the same meaning as
533 in s. 790.065.



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

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

544 468.912 License and permit to be displayed.-

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

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

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

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

562 (5) A medical cannabis farm that has a department-issued



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

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

581 468.913 Reports of theft, illegal use, or illegal
582 possession.-

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



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592 shall also be reported to the department by the close of the
593 next business day following the discovery.

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

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

606 468.914 Administrative relief; civil relief; penalties;
607 allocation and disposition of moneys collected.-

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

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



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621 entitled to collect its attorney fees and costs.

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

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

646 (2) The department may revoke or suspend in accordance with
647 this subsection all of the licenses or permits held by a person.
648 An order of suspension must specify the duration of the
649 suspension, which may not exceed 1 year from the date of the



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

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

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

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

674 (d) Pays or receives, directly or indirectly, a commission,
675 bonus, kickback, or rebate to or from, or who engages in any
676 split-fee arrangement in any form with, a physician,
677 organization, agency, or person for patients referred to a
678 provider of health care goods and services, including, but not



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679 limited to, a hospital, nursing home, clinical laboratory,
680 ambulatory surgical center, or pharmacy.

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

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

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

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

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

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

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



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

711 468.915 Conduct of hearings; review of orders of the
712 department.—All hearings shall be conducted in accordance with
713 chapter 120. All reviews of orders of the department shall be in
714 accordance with chapter 120.

715 468.916 County and municipal ordinances.—A county or
716 municipality in this state may create or impose an ordinance or
717 rule pertaining to the medical use of cannabis which is not
718 inconsistent with the provisions contained in this part, part
719 III of chapter 499, or applicable department rules.

720 468.917 Collection of moneys.—All moneys collected under
721 this part and deposited into the Professional Regulation Trust
722 Fund shall be used by the department in the administration of
723 this part. The department shall maintain a separate account in
724 the Professional Regulation Trust Fund for the Drugs, Devices,
725 and Cosmetics program.

726 468.918 Rules.—

727 (1) By October 1, 2016, the department shall adopt rules to
728 administer this part, including rules that:

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

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

733 (c) Create a registration form and procedure for
734 registering as an owner, director, officer, member,
735 incorporator, employee, or agent.

736 (d) Determine the registration fees to register as an



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737 owner, director, officer, member, incorporator, employee, or
738 agent in accordance with s. 468.907.

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

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

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

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

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

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

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

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

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

765 (4) If the Department of Business and Professional



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

771 Section 4. Part IV of chapter 499, Florida Statutes,
772 consisting of sections 499.951-499.959, is created to read:
773 499.951 Definitions.—As used in this part, unless the
774 context clearly indicates otherwise, the term:

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

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

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

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

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

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

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

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

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

793 (8) "Dispensary" has the same meaning as provided in s.
794 468.903.



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



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

826 499.952 Cannabis for medical use.—

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

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

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

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



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853 paraphernalia in accordance with this part and department rule.

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

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

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

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

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

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

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

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

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

881 3. Consents to the medical use of cannabis by the minor;



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882 and

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

886 (8) If a qualifying patient who possesses a registry
887 identification card changes his or her designation of a
888 caregiver, the department shall issue a registry identification
889 card to the qualifying patient's new caregiver and:

890 (a) Notify the qualifying patient's former caregiver within
891 10 days after the department has issued a registry
892 identification card to the qualifying patient's new caregiver.
893 The registry identification card of the qualifying patient's
894 former caregiver expires 10 days after such notification by the
895 department; or

896 (b) If the former caregiver remains connected through the
897 department's registration process to other qualifying patients,
898 issue a new registry identification card to the qualifying
899 patient's former caregiver which indicates an updated list of
900 qualifying patients to whom the caregiver remains connected
901 through the department's registration process. The caregiver's
902 registry identification card that indicates the former
903 qualifying patient immediately expires upon the caregiver's
904 receipt of the new registry identification card.

905 (9) If a cardholder loses his or her registry
906 identification card, he or she shall notify the department and
907 submit a \$25 fee within 10 days after reporting the lost card.
908 Within 5 days after being notified and receiving the \$25 fee,
909 the department shall issue a new registry identification card to
910 the cardholder.



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

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

919 499.953 Restrictions on the use of cannabis for medical
920 use.—

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

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

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

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

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

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



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940 identification card.

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

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

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

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

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

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

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



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

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

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

988 499.954 Physicians; prescriptions for the medical use of
989 cannabis.—

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

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

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



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998 from a qualifying medical condition or its symptoms or the side
999 effects of a qualifying medical treatment.

1000 (2) If a physician prescribes cannabis for medical use to a
1001 qualifying patient, the physician shall complete a written
1002 prescription pursuant to s. 456.42 and include:

1003 (a) A statement that the qualifying patient may use
1004 cannabis;

1005 (b) The physician's federal controlled substance registry
1006 number; and

1007 (c) A statement that the prescription for the medical use
1008 of cannabis is necessary.

1009 (3) A physician is not subject to arrest, prosecution, or
1010 penalty, including, but not limited to, civil penalty or
1011 disciplinary action by the department or by any other business
1012 licensing board, occupational licensing board, or professional
1013 licensing board, or subject to denial of any right or privilege,
1014 solely for advising a patient about the medical use of cannabis,
1015 prescribing the medical use of cannabis in accordance with this
1016 part and department rule, providing a written prescription in
1017 accordance with this section, or stating that, in the
1018 physician's professional opinion, the potential benefits of the
1019 medical use of cannabis likely outweigh the health risks for a
1020 patient.

1021 (4) A physician who recommends, advises, or prescribes
1022 cannabis for medical use to a qualifying patient may not have a
1023 professional office located at a medical cannabis farm or
1024 dispensary or receive financial compensation for the
1025 recommendation, advice, or prescription from a medical cannabis
1026 farm or dispensary or an owner, director, officer, member,



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1027 incorporator, agent, or employee of such farm or dispensary.
1028 499.955 Arrest and prosecution.—
1029 (1) (a) A qualifying patient who has in his or her
1030 possession a valid registry identification card is not subject
1031 to arrest, prosecution, or penalty, including, but not limited
1032 to, civil penalty or disciplinary action by a business licensing
1033 board, occupational licensing board, or professional licensing
1034 board, and may not be denied any right or privilege, for the
1035 medical use of cannabis if the qualifying patient possesses an
1036 amount of cannabis which does not exceed 250 grams of usable
1037 cannabis, eight mature cannabis plants, and eight immature
1038 cannabis plants.
1039 (b) A patient's caregiver who has in his or her possession
1040 a valid registry identification card is not subject to arrest,
1041 prosecution, or penalty, including, but not limited to, civil
1042 penalty or disciplinary action by a business licensing board,
1043 occupational licensing board, or professional licensing board,
1044 and may not be denied any right or privilege, for assisting a
1045 qualifying patient to whom he or she is connected through the
1046 department's registration process with the delivery or
1047 distribution of cannabis if the patient's caregiver possesses an
1048 amount of cannabis which does not exceed 250 grams of usable
1049 cannabis, eight mature cannabis plants, or eight immature
1050 cannabis plants for each qualifying patient to whom he or she is
1051 connected through the department's registration process as
1052 indicated on the caregiver's valid registry identification card.
1053 (c) A nurse practitioner, registered nurse, or pharmacist
1054 is not subject to arrest, prosecution, or penalty, including,
1055 but not limited to, civil penalty or disciplinary action by a



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

1061 (d) A person is not subject to arrest or prosecution for
1062 constructive possession, conspiracy, aiding and abetting, being
1063 an accessory, or any other offense for being in the presence or
1064 vicinity of the medical use of cannabis by a qualifying patient
1065 or for assisting in, as the patient's caregiver, the medical use
1066 of cannabis by a qualifying patient as allowed under this part.

1067 (2) A school, employer, or property owner may not refuse to
1068 enroll, employ, or lease to or otherwise penalize a person
1069 solely for his or her status as a cardholder.

1070 (3) A presumption is created that a qualifying patient or
1071 the patient's caregiver is engaged in the medical use of
1072 cannabis if the qualifying patient or the patient's caregiver is
1073 in possession of a valid registry identification card and if the
1074 number of cannabis plants or the amount of cannabis does not
1075 exceed the amount allowed under this section.

1076 (4) A presumption of the medical use or possession of
1077 cannabis under this section may be rebutted by evidence that the
1078 conduct related to cannabis was not intended to treat, or assist
1079 with the treatment of, a qualifying medical condition or the
1080 symptoms associated with that condition or to alleviate the side
1081 effects of a qualifying medical treatment.

1082 (5) The patient's caregiver may be reimbursed for actual
1083 costs associated with assisting a qualifying patient in his or
1084 her medical use of cannabis. This reimbursement does not



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1085 constitute the sale of a controlled substance under s. 893.13.

1086 (6) For the purposes of medical care, a qualifying
1087 patient's medical use of cannabis is equivalent to the use of
1088 other medication used at the direction of a physician. Such use
1089 does not constitute the use of an illicit drug under s. 893.03.

1090 (7) A person, cardholder, medical cannabis farm, or
1091 dispensary that cultivates, manufactures, possesses,
1092 administers, dispenses, distributes, or uses cannabis or
1093 manufactures, possesses, distributes, or uses drug paraphernalia
1094 in a manner not authorized by this part, part XVII of chapter
1095 468, or department rule is subject to criminal prosecution and
1096 sanctions under chapter 893.

1097 (8) A person who makes a fraudulent representation to a law
1098 enforcement officer of any fact or circumstance relating to the
1099 person's cultivation, manufacture, possession, administration,
1100 dispensing, distribution, or authorized use of cannabis, or
1101 possession or use of drug paraphernalia, to avoid arrest or
1102 prosecution is subject to a criminal fine not to exceed \$1,000.
1103 The imposition of the fine is in addition to penalties that may
1104 otherwise apply for the making of a false statement or for the
1105 cultivation, manufacture, possession, administration,
1106 dispensing, distribution, or unauthorized use of cannabis or
1107 possession or use of drug paraphernalia.

1108 499.956 Defenses.—

1109 (1) The following circumstances may be raised as an
1110 affirmative defense to a criminal charge of possession or
1111 distribution of cannabis or possession with intent to distribute
1112 cannabis:

1113 (a) The person charged with the offense is in possession of



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1114 a valid registry identification card;
1115 (b) The person charged with the offense is 18 years of age
1116 or older; and
1117 (c)1. The possession or distribution, or possession with
1118 intent to distribute, occurs at a medical facility that allows
1119 the medical use of cannabis; or
1120 2. The possession, distribution, or possession with intent
1121 to distribute occurs in a medical cannabis farm or dispensary.
1122 (2) Before, or at the time of, a cardholder's court
1123 appearance for a criminal charge of possession or use of drug
1124 paraphernalia, or for a criminal charge of possession, use, or
1125 administration of a legal amount of cannabis for medical use,
1126 the clerk of the court may dismiss the charge and assess a
1127 dismissal fee of \$25 if the cardholder:
1128 (a) Upon demand by a law enforcement officer, was unable to
1129 present to the law enforcement officer a registry identification
1130 card to confirm that the cardholder may possess or use drug
1131 paraphernalia or possess, use, or administer legal amounts of
1132 cannabis for medical use; and
1133 (b) Before, or at the time of, the cardholder's court
1134 appearance, produces in court or to the clerk of the court in
1135 which the charge is pending the cardholder's registry
1136 identification card that was valid at the time of the
1137 cardholder's arrest.
1138 (3) Except as provided in subsections (1) and (2), a
1139 cardholder may assert the purpose for the medical use of
1140 cannabis as a defense to any prosecution involving cannabis, and
1141 such defense is presumed valid if the evidence shows that:
1142 (a) The qualifying patient's physician has stated that, in



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

1149 (b) The qualifying patient and the patient's caregiver, if
1150 any, were collectively in possession of a quantity of cannabis
1151 which was not more than that allowed under this part to ensure
1152 the uninterrupted availability of cannabis for the purpose of
1153 treating a qualifying medical condition and the symptoms
1154 associated with that condition or alleviating the side effects
1155 of a qualifying medical treatment.

1156 (4) A person may assert the purpose for the medical use of
1157 cannabis in a motion to dismiss, and the charges shall be
1158 dismissed following an evidentiary hearing if the person
1159 presents the evidence specified in subsection (3).

1160 (5) The Florida Contraband Forfeiture Act, contained in ss.
1161 932.701-932.706, does not apply to any interest in or right to
1162 property that is possessed, owned, or used in connection with
1163 the medical use of cannabis or acts incidental to such use.

1164 499.957 Insurance.—This part does not require a
1165 governmental, private, or other health insurance provider or
1166 health care services plan to cover, or prohibit it from
1167 covering, a claim for reimbursement for the medical use of
1168 cannabis.

1169 499.958 Confidentiality.—

1170 (1) An employer, laboratory, employee assistance program,
1171 or alcohol and drug rehabilitation program or its agents may not



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1172 release information obtained pursuant to this part in accordance
1173 with s. 112.0455 without a written consent form signed
1174 voluntarily by the qualifying patient or the patient's caregiver
1175 unless such release is compelled by a hearing officer or a court
1176 of competent jurisdiction pursuant to an appeal taken under this
1177 part or is deemed appropriate by a business licensing board,
1178 professional licensing board, or occupational licensing board in
1179 a related disciplinary proceeding. The consent form must
1180 contain, at a minimum:

1181 (a) The name of the person who is authorized to obtain the
1182 information.

1183 (b) The purpose of the disclosure.

1184 (c) The precise information to be disclosed.

1185 (d) The duration of the consent.

1186 (e) The signature of the person authorizing release of the
1187 information.

1188 (2) Information regarding a qualifying patient or the
1189 patient's caregiver may not be released or used in a criminal
1190 proceeding against the qualifying patient or the patient's
1191 caregiver. Information released contrary to this section is
1192 inadmissible as evidence in a criminal proceeding.

1193 (3) This section does not prohibit the department or its
1194 employees or agents from obtaining access to information
1195 regarding a qualifying patient or the patient's caregiver if the
1196 department or its employees and agents consult with legal
1197 counsel in connection with actions brought under or related to
1198 this part or if the information is relevant to the department's
1199 defense in a civil or administrative proceeding.

1200 499.959 Rules.-



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1201 (1) By October 1, 2016, the department shall adopt rules to
1202 administer this part, including rules to:

1203 (a) Create a registration form, a procedure, and
1204 eligibility requirements to obtain and renew a registry
1205 identification card for a qualifying patient and the patient's
1206 caregiver. The department shall, by rule, establish registration
1207 and renewal fees that generate revenues sufficient to offset all
1208 expenses of implementing and administering this part.

1209 (b) Adopt manufacturing practices with which medical
1210 cannabis farms and dispensaries must comply in order to ensure
1211 that cannabis sold by such farms and dispensaries is of
1212 pharmaceutical grade.

1213 (c) Ensure that the labeling on cannabis sold by medical
1214 cannabis farms and dispensaries provides sufficient information
1215 for qualifying patients to be able to make informed choices
1216 about grades and forms of cannabis for medical use.

1217 (d) Prescribe procedures and guidelines for the inspection
1218 and auditing of dispensaries.

1219 (2) If the department fails to adopt rules to administer
1220 this part by January 1, 2017, a resident of this state may
1221 commence an action in a court of competent jurisdiction to
1222 compel performance of the actions mandated under this section.

1223 Section 5. Emergency rules.—

1224 (1) The executive director of the Department of Revenue is
1225 authorized, and all conditions are deemed met, to adopt
1226 emergency rules under ss. 120.536(1) and 120.54(4), Florida
1227 Statutes, for the purpose of implementing this act.

1228 (2) Notwithstanding any other provision of law, the
1229 emergency rules shall remain in effect for 6 months after



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1230 adoption and may be renewed during the pendency of procedures to
1231 adopt permanent rules addressing the subject of the emergency
1232 rules.

1233 Section 6. Subsections (1) and (2), and paragraphs (a),
1234 (b), (c), and (e) of subsection (3) of section 381.987, Florida
1235 Statutes, are amended to read:

1236 381.987 Public records exemption for personal identifying
1237 information in the compassionate use registry.—

1238 (1) A patient's personal identifying information held by
1239 the department in the compassionate use registry established
1240 under chapter 468 s. 381.986, including, but not limited to, the
1241 patient's name, address, telephone number, and government-issued
1242 identification number, and all information pertaining to the
1243 physician's order for low-THC cannabis and the dispensing
1244 thereof are confidential and exempt from s. 119.07(1) and s.
1245 24(a), Art. I of the State Constitution.

1246 (2) A physician's identifying information held by the
1247 department in the compassionate use registry established under
1248 chapter 468 s. 381.986, including, but not limited to, the
1249 physician's name, address, telephone number, government-issued
1250 identification number, and Drug Enforcement Administration
1251 number, and all information pertaining to the physician's order
1252 for low-THC cannabis and the dispensing thereof are confidential
1253 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1254 Constitution.

1255 (3) The department shall allow access to the registry,
1256 including access to confidential and exempt information, to:

1257 (a) A law enforcement agency that is investigating a
1258 violation of law regarding cannabis in which the subject of the



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1259 investigation claims an exception established under chapter 499
1260 ~~s. 381.986~~.

1261 (b) A dispensary ~~dispensing organization~~ approved by the
1262 department pursuant to chapter 468 ~~s. 381.986~~ which is
1263 attempting to verify the authenticity of a physician's order for
1264 low-THC cannabis, including whether the order had been
1265 previously filled and whether the order was written for the
1266 person attempting to have it filled.

1267 (c) A physician who has written an order for low-THC
1268 cannabis for the purpose of monitoring the patient's use of such
1269 cannabis or for the purpose of determining, before issuing an
1270 order for low-THC cannabis, whether another physician has
1271 ordered the patient's use of low-THC cannabis. The physician may
1272 access the confidential and exempt information only for the
1273 patient for whom he or she has ordered or is determining whether
1274 to order the use of low-THC cannabis pursuant to chapter 499 ~~s.~~
1275 ~~381.986~~.

1276 (e) The department's relevant health care regulatory boards
1277 responsible for the licensure, regulation, or discipline of a
1278 physician if he or she is involved in a specific investigation
1279 of a violation of chapter 499 s. 381.986. If a health care
1280 regulatory board's investigation reveals potential criminal
1281 activity, the board may provide any relevant information to the
1282 appropriate law enforcement agency.

1283 Section 7. Subsection (1) of section 385.211, Florida
1284 Statutes, is amended to read:

1285 385.211 Refractory and intractable epilepsy treatment and
1286 research at recognized medical centers.—

1287 (1) As used in this section, the term "low-THC cannabis"



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1288 means "low-THC cannabis" ~~as defined in s. 381.986~~ that is
1289 dispensed only from a dispensary ~~dispensing organization~~ as
1290 defined in s. 468.903 ~~s. 381.986~~.

1291 Section 8. Subsection (6) of section 812.14, Florida
1292 Statutes, is amended to read:

1293 812.14 Trespass and larceny with relation to utility
1294 fixtures; theft of utility services.-

1295 (6) It is prima facie evidence of a person's intent to
1296 violate subsection (5) if:

1297 (a) A controlled substance and materials for manufacturing
1298 the controlled substance intended for sale or distribution to
1299 another were found in a dwelling or structure;

1300 (b) Except as provided in this chapter, chapter 468, or
1301 chapter 499 and notwithstanding s. 893.13, the dwelling or
1302 structure has been visibly modified to accommodate the use of
1303 equipment to grow marijuana indoors, including, but not limited
1304 to, the installation of equipment to provide additional air
1305 conditioning, equipment to provide high-wattage lighting, or
1306 equipment for hydroponic cultivation; and

1307 (c) The person or entity that owned, leased, or subleased
1308 the dwelling or structure knew of, or did so under such
1309 circumstances as would induce a reasonable person to believe in,
1310 the presence of a controlled substance and materials for
1311 manufacturing a controlled substance in the dwelling or
1312 structure, regardless of whether the person or entity was
1313 involved in the manufacture or sale of a controlled substance or
1314 was in actual possession of the dwelling or structure.

1315 Section 9. Subsection (3) section 893.02, Florida Statutes,
1316 is amended to read:



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1317 893.02 Definitions.—The following words and phrases as used
1318 in this chapter shall have the following meanings, unless the
1319 context otherwise requires:

1320 (3) "Cannabis" means all parts of any plant of the genus
1321 *Cannabis*, whether growing or not; the seeds thereof; the resin
1322 extracted from any part of the plant; and every compound,
1323 manufacture, salt, derivative, mixture, or preparation of the
1324 plant or its seeds or resin. The term does not include "low-THC
1325 cannabis," as defined in s. 381.986, if manufactured, possessed,
1326 sold, purchased, delivered, distributed, or dispensed, in
1327 conformance with chapters 468 and 499 s. 381.986.

1328 Section 10. Paragraph (c) of subsection (1) of section
1329 893.03, Florida Statutes, is amended to read:

1330 893.03 Standards and schedules.—The substances enumerated
1331 in this section are controlled by this chapter. The controlled
1332 substances listed or to be listed in Schedules I, II, III, IV,
1333 and V are included by whatever official, common, usual,
1334 chemical, or trade name designated. The provisions of this
1335 section shall not be construed to include within any of the
1336 schedules contained in this section any excluded drugs listed
1337 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
1338 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
1339 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
1340 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
1341 Anabolic Steroid Products."

1342 (1) SCHEDULE I.—A substance in Schedule I has a high
1343 potential for abuse and has no currently accepted medical use in
1344 treatment in the United States and in its use under medical
1345 supervision does not meet accepted safety standards. The



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1346 following substances are controlled in Schedule I:

1347 (c) Unless specifically excepted or unless listed in
1348 another schedule, any material, compound, mixture, or
1349 preparation that contains any quantity of the following
1350 hallucinogenic substances or that contains any of their salts,
1351 isomers, including optical, positional, or geometric isomers,
1352 and salts of isomers, if the existence of such salts, isomers,
1353 and salts of isomers is possible within the specific chemical
1354 designation:

- 1355 1. Alpha-ethyltryptamine.
- 1356 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-
1357 methylaminorex).
- 1358 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 1359 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 1360 5. 4-Bromo-2,5-dimethoxyphenethylamine.
- 1361 6. Bufotenine.
- 1362 7. Cannabis, except as authorized in chapters 468 and 499.
- 1363 8. Cathinone.
- 1364 9. Diethyltryptamine.
- 1365 10. 2,5-Dimethoxyamphetamine.
- 1366 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 1367 12. Dimethyltryptamine.
- 1368 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
1369 analog of phencyclidine).
- 1370 14. N-Ethyl-3-piperidyl benzilate.
- 1371 15. N-ethylamphetamine.
- 1372 16. Fenethylamine.
- 1373 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 1374 18. Ibogaine.



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



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- 1404 37. Tetrahydrocannabinols, except as authorized in chapters
1405 468 and 499.
- 1406 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
1407 (Thiophene analog of phencyclidine).
- 1408 39. 3,4,5-Trimethoxyamphetamine.
- 1409 40. 3,4-Methylenedioxy methcathinone.
- 1410 41. 3,4-Methylenedioxy pyrovalerone (MDPV).
- 1411 42. Methylmethcathinone.
- 1412 43. Methoxymethcathinone.
- 1413 44. Fluoromethcathinone.
- 1414 45. Methylethcathinone.
- 1415 46. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
1416 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
1417 homologue.
- 1418 47. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
1419 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
1420 also known as HU-210.
- 1421 48. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.
- 1422 49. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.
- 1423 50. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole, also
1424 known as JWH-200.
- 1425 51. BZP (Benzylpiperazine).
- 1426 52. Fluorophenylpiperazine.
- 1427 53. Methylphenylpiperazine.
- 1428 54. Chlorophenylpiperazine.
- 1429 55. Methoxyphenylpiperazine.
- 1430 56. DBZP (1,4-dibenzylpiperazine).
- 1431 57. TFMPP (3-Trifluoromethylphenylpiperazine).
- 1432 58. MBDB (Methylbenzodioxolylbutanamine).



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- 1433 59. 5-Hydroxy-alpha-methyltryptamine.
- 1434 60. 5-Hydroxy-N-methyltryptamine.
- 1435 61. 5-Methoxy-N-methyl-N-isopropyltryptamine.
- 1436 62. 5-Methoxy-alpha-methyltryptamine.
- 1437 63. Methyltryptamine.
- 1438 64. 5-Methoxy-N,N-dimethyltryptamine.
- 1439 65. 5-Methyl-N,N-dimethyltryptamine.
- 1440 66. Tyramine (4-Hydroxyphenethylamine).
- 1441 67. 5-Methoxy-N,N-Diisopropyltryptamine.
- 1442 68. DiPT (N,N-Diisopropyltryptamine).
- 1443 69. DPT (N,N-Dipropyltryptamine).
- 1444 70. 4-Hydroxy-N,N-diisopropyltryptamine.
- 1445 71. N,N-Diallyl-5-Methoxytryptamine.
- 1446 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
- 1447 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
- 1448 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 1449 75. 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).
- 1450 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 1451 77. 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).
- 1452 78. 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).
- 1453 79. 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine).
- 1454 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- 1455 81. Butylone (beta-keto-N-methylbenzodioxolylpropylamine).
- 1456 82. Ethcathinone.
- 1457 83. Ethylone (3,4-methylenedioxy-N-ethylcathinone).
- 1458 84. Naphyrone (naphthylpyrovalerone).
- 1459 85. N-N-Dimethyl-3,4-methylenedioxycathinone.
- 1460 86. N-N-Diethyl-3,4-methylenedioxycathinone.
- 1461 87. 3,4-methylenedioxy-propiofenone.



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- 1462 88. 2-Bromo-3,4-Methylenedioxypropiofenone.
- 1463 89. 3,4-methylenedioxy-propiofenone-2-oxime.
- 1464 90. N-Acetyl-3,4-methylenedioxcathinone.
- 1465 91. N-Acetyl-N-Methyl-3,4-Methylenedioxcathinone.
- 1466 92. N-Acetyl-N-Ethyl-3,4-Methylenedioxcathinone.
- 1467 93. Bromomethcathinone.
- 1468 94. Buphedrone (alpha-methylamino-butyrophenone).
- 1469 95. Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
- 1470 96. Dimethylcathinone.
- 1471 97. Dimethylmethcathinone.
- 1472 98. Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).
- 1473 99. (MDPPP) 3,4-Methylenedioxy-alpha-
- 1474 pyrrolidinopropiofenone.
- 1475 100. (MDPBP) 3,4-Methylenedioxy-alpha-
- 1476 pyrrolidinobutiophenone.
- 1477 101. Methoxy-alpha-pyrrolidinopropiofenone (MOPPP).
- 1478 102. Methyl-alpha-pyrrolidinohexiophenone (MPHP).
- 1479 103. Benocyclidine (BCP) or
- 1480 benzothiophenylcyclohexylpiperidine (BTCP).
- 1481 104. Fluoromethylaminobutyrophenone (F-MABP).
- 1482 105. Methoxypyrrolidinobutyrophenone (MeO-PBP).
- 1483 106. Ethyl-pyrrolidinobutyrophenone (Et-PBP).
- 1484 107. 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).
- 1485 108. Methylethylaminobutyrophenone (Me-EABP).
- 1486 109. Methylamino-butyrophenone (MABP).
- 1487 110. Pyrrolidinopropiofenone (PPP).
- 1488 111. Pyrrolidinobutiophenone (PBP).
- 1489 112. Pyrrolidinovalerophenone (PVP).
- 1490 113. Methyl-alpha-pyrrolidinopropiofenone (MPPP).



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



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- 1520 131. HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-
1521 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]
1522 methanol).
- 1523 132. HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-
1524 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-
1525 1,4-dione).
- 1526 133. CB-13 (Naphthalen-1-yl-(4-pentyloxynaphthalen-1-
1527 yl)methanone).
- 1528 134. CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-
1529 undecanamide).
- 1530 135. CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-
1531 undecanamide).
- 1532 136. CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-
1533 hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol).
- 1534 137. AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-2-
1535 iodophenyl)methanone).
- 1536 138. AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-
1537 (naphthalen-1-yl)methanone).
- 1538 139. RCS-4 ((4-methoxyphenyl)(1-pentyl-1H-indol-3-
1539 yl)methanone).
- 1540 140. RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-
1541 methoxyphenylethanone).
- 1542 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-
1543 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
1544 naphthalenylmethanone).
- 1545 142. WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-
1546 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
1547 naphthalenylmethanone).
- 1548 143. Pentedrone (2-(methylamino)-1-phenyl-1-pentanone).



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- 1549 144. Fluoroamphetamine.
- 1550 145. Fluoromethamphetamine.
- 1551 146. Methoxetamine.
- 1552 147. Methiopropamine.
- 1553 148. 4-Methylbuphedrone (2-Methylamino-1-(4-
- 1554 methylphenyl)butan-1-one).
- 1555 149. APB ((2-aminopropyl)benzofuran).
- 1556 150. APDB ((2-aminopropyl)-2,3-dihydrobenzofuran).
- 1557 151. UR-144 ((1-pentyl-1H-indol-3-yl)(2,2,3,3-
- 1558 tetramethylcyclopropyl)methanone).
- 1559 152. XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-
- 1560 tetramethylcyclopropyl)methanone).
- 1561 153. (1-(5-chloropentyl)-1H-indol-3-yl)(2,2,3,3-
- 1562 tetramethylcyclopropyl)methanone.
- 1563 154. AKB48 (1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-
- 1564 indazole-3-carboxamide).
- 1565 155. AM-2233((2-iodophenyl)[1-[(1-methyl-2-
- 1566 piperidinyl)methyl]-1H-indol-3-yl]-methanone).
- 1567 156. STS-135 (1-(5-fluoropentyl)-N-tricyclo[3.3.1.1^{3,7}]dec-
- 1568 1-yl-1H-indole-3-carboxamide).
- 1569 157. URB-597 ((3'-(aminocarbonyl)[1,1'-biphenyl]-3-yl)-
- 1570 cyclohexylcarbamate).
- 1571 158. URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid,
- 1572 cyclohexyl ester).
- 1573 159. URB-754 (6-methyl-2-[(4-methylphenyl)amino]-1-
- 1574 benzoxazin-4-one).
- 1575 160. 2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine).
- 1576 161. 2C-H (2-(2,5-Dimethoxyphenyl)ethanamine).
- 1577 162. 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine).



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- 1578 163. 2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine).
1579 164. 25I-NBOMe (4-iodo-2,5-dimethoxy-N-[(2-
1580 methoxyphenyl)methyl]-benzeneethanamine).
1581 165. 3,4-Methylenedioxyamphetamine (MDMA).
1582 166. PB-22 (1-pentyl-8-quinolinyl ester-1H-indole-3-
1583 carboxylic acid).
1584 167. 5-Fluoro PB-22 (8-quinolinyl ester-1-(5-fluoropentyl)-
1585 1H-indole-3-carboxylic acid).
1586 168. BB-22 (1-(cyclohexylmethyl)-8-quinolinyl ester-1H-
1587 indole-3-carboxylic acid).
1588 169. 5-Fluoro AKB48 (N-((3s,5s,7s)-adamantan-1-yl)-1-(5-
1589 fluoropentyl)-1H-indazole-3-carboxamide).
1590 170. AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
1591 pentyl-1H-indazole-3-carboxamide).
1592 171. AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
1593 (4-fluorobenzyl)-1H-indazole-3-carboxamide).
1594 172. ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-
1595 1-pentyl-1H-indazole-3-carboxamide).
1596 173. Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
1597 yl)-1-(fluoropentyl)-1H-indole-3-carboxamide).
1598 174. 25B-NBOMe (4-bromo-2,5-dimethoxy-N-[(2-
1599 methoxyphenyl)methyl]-benzeneethanamine).
1600 175. 2C-C-NBOMe (4-chloro-2,5-dimethoxy-N-[(2-
1601 methoxyphenyl)methyl]-benzeneethanamine).
1602 176. AB-CHMINACA: N-[1-(aminocarbonyl)-2-methylpropyl]-1-
1603 (cyclohexylmethyl)-1H-indazole-3-carboxamide.
1604 177. FUB-PB-22: Quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-
1605 3-carboxylate.
1606 178. Fluoro-NNEI: 1-(Fluoropentyl)-N-(naphthalen-1-yl)-1H-



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1607 indole-3-carboxamide.

1608 179. Fluoro-AMB: Methyl 2-(1-(fluoropentyl)-1H-indazole-3-
1609 carboxamido)-3-methylbutanoate.

1610 180. THJ-2201: [1-(5-Fluoropentyl)-1H-indazol-3-
1611 yl](naphthalen-1-yl)methanone.

1612 Section 11. Subsections (1) through (6) of section 893.13,
1613 Florida Statutes, are amended to read:

1614 893.13 Prohibited acts; penalties.—

1615 (1) (a) Except as authorized by this chapter and chapters
1616 468 and ~~chapter~~ 499, a person may not sell, manufacture, or
1617 deliver, or possess with intent to sell, manufacture, or
1618 deliver, a controlled substance. A person who violates this
1619 provision with respect to:

1620 1. A controlled substance named or described in s.
1621 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.
1622 commits a felony of the second degree, punishable as provided in
1623 s. 775.082, s. 775.083, or s. 775.084.

1624 2. A controlled substance named or described in s.
1625 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,
1626 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of
1627 the third degree, punishable as provided in s. 775.082, s.
1628 775.083, or s. 775.084.

1629 3. A controlled substance named or described in s.
1630 893.03(5) commits a misdemeanor of the first degree, punishable
1631 as provided in s. 775.082 or s. 775.083.

1632 (b) Except as provided in this chapter and chapters 468 and
1633 499, a person may not sell or deliver in excess of 10 grams of
1634 any substance named or described in s. 893.03(1) (a) or (1) (b),
1635 or any combination thereof, or any mixture containing any such



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

1639 (c) Except as authorized by this chapter and chapters 468
1640 and 499, a person may not sell, manufacture, or deliver, or
1641 possess with intent to sell, manufacture, or deliver, a
1642 controlled substance in, on, or within 1,000 feet of the real
1643 property comprising a child care facility as defined in s.
1644 402.302 or a public or private elementary, middle, or secondary
1645 school between the hours of 6 a.m. and 12 midnight, or at any
1646 time in, on, or within 1,000 feet of real property comprising a
1647 state, county, or municipal park, a community center, or a
1648 publicly owned recreational facility. As used in this paragraph,
1649 the term "community center" means a facility operated by a
1650 nonprofit community-based organization for the provision of
1651 recreational, social, or educational services to the public. A
1652 person who violates this paragraph with respect to:

1653 1. A controlled substance named or described in s.
1654 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1655 commits a felony of the first degree, punishable as provided in
1656 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
1657 sentenced to a minimum term of imprisonment of 3 calendar years
1658 unless the offense was committed within 1,000 feet of the real
1659 property comprising a child care facility as defined in s.
1660 402.302.

1661 2. A controlled substance named or described in s.
1662 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1663 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1664 the second degree, punishable as provided in s. 775.082, s.



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1665 775.083, or s. 775.084.

1666 3. Any other controlled substance, except as lawfully sold,
1667 manufactured, or delivered, must be sentenced to pay a \$500 fine
1668 and to serve 100 hours of public service in addition to any
1669 other penalty prescribed by law.

1670
1671 This paragraph does not apply to a child care facility unless
1672 the owner or operator of the facility posts a sign that is not
1673 less than 2 square feet in size with a word legend identifying
1674 the facility as a licensed child care facility and that is
1675 posted on the property of the child care facility in a
1676 conspicuous place where the sign is reasonably visible to the
1677 public.

1678 (d) Except as authorized by this chapter and chapters 468
1679 and 499, a person may not sell, manufacture, or deliver, or
1680 possess with intent to sell, manufacture, or deliver, a
1681 controlled substance in, on, or within 1,000 feet of the real
1682 property comprising a public or private college, university, or
1683 other postsecondary educational institution. A person who
1684 violates this paragraph with respect to:

1685 1. A controlled substance named or described in s.
1686 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1687 commits a felony of the first degree, punishable as provided in
1688 s. 775.082, s. 775.083, or s. 775.084.

1689 2. A controlled substance named or described in s.
1690 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1691 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1692 the second degree, punishable as provided in s. 775.082, s.
1693 775.083, or s. 775.084.



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1694 3. Any other controlled substance, except as lawfully sold,
1695 manufactured, or delivered, must be sentenced to pay a \$500 fine
1696 and to serve 100 hours of public service in addition to any
1697 other penalty prescribed by law.

1698 (e) Except as authorized by this chapter and chapters 468
1699 and 499, a person may not sell, manufacture, or deliver, or
1700 possess with intent to sell, manufacture, or deliver, a
1701 controlled substance not authorized by law in, on, or within
1702 1,000 feet of a physical place for worship at which a church or
1703 religious organization regularly conducts religious services or
1704 within 1,000 feet of a convenience business as defined in s.
1705 812.171. A person who violates this paragraph with respect to:

1706 1. A controlled substance named or described in s.
1707 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1708 commits a felony of the first degree, punishable as provided in
1709 s. 775.082, s. 775.083, or s. 775.084.

1710 2. A controlled substance named or described in s.
1711 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1712 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1713 the second degree, punishable as provided in s. 775.082, s.
1714 775.083, or s. 775.084.

1715 3. Any other controlled substance, except as lawfully sold,
1716 manufactured, or delivered, must be sentenced to pay a \$500 fine
1717 and to serve 100 hours of public service in addition to any
1718 other penalty prescribed by law.

1719 (f) Except as authorized by this chapter and chapters 468
1720 and 499, a person may not sell, manufacture, or deliver, or
1721 possess with intent to sell, manufacture, or deliver, a
1722 controlled substance in, on, or within 1,000 feet of the real



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

1729 1. A controlled substance named or described in s.
1730 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1731 commits a felony of the first degree, punishable as provided in
1732 s. 775.082, s. 775.083, or s. 775.084.

1733 2. A controlled substance named or described in s.
1734 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1735 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1736 the second degree, punishable as provided in s. 775.082, s.
1737 775.083, or s. 775.084.

1738 3. Any other controlled substance, except as lawfully sold,
1739 manufactured, or delivered, must be sentenced to pay a \$500 fine
1740 and to serve 100 hours of public service in addition to any
1741 other penalty prescribed by law.

1742 (g) Except as authorized by this chapter and chapters 468
1743 and 499, a person may not manufacture methamphetamine or
1744 phencyclidine, or possess any listed chemical as defined in s.
1745 893.033 in violation of s. 893.149 and with intent to
1746 manufacture methamphetamine or phencyclidine. If a person
1747 violates this paragraph and:

1748 1. The commission or attempted commission of the crime
1749 occurs in a structure or conveyance where any child younger than
1750 16 years of age is present, the person commits a felony of the
1751 first degree, punishable as provided in s. 775.082, s. 775.083,



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1752 or s. 775.084. In addition, the defendant must be sentenced to a
1753 minimum term of imprisonment of 5 calendar years.

1754 2. The commission of the crime causes any child younger
1755 than 16 years of age to suffer great bodily harm, the person
1756 commits a felony of the first degree, punishable as provided in
1757 s. 775.082, s. 775.083, or s. 775.084. In addition, the
1758 defendant must be sentenced to a minimum term of imprisonment of
1759 10 calendar years.

1760 (h) Except as authorized by this chapter and chapters 468
1761 and 499, a person may not sell, manufacture, or deliver, or
1762 possess with intent to sell, manufacture, or deliver, a
1763 controlled substance in, on, or within 1,000 feet of the real
1764 property comprising an assisted living facility, as that term is
1765 used in chapter 429. A person who violates this paragraph with
1766 respect to:

1767 1. A controlled substance named or described in s.
1768 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1769 commits a felony of the first degree, punishable as provided in
1770 s. 775.082, s. 775.083, or s. 775.084.

1771 2. A controlled substance named or described in s.
1772 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1773 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1774 the second degree, punishable as provided in s. 775.082, s.
1775 775.083, or s. 775.084.

1776 (2)(a) Except as authorized by this chapter and chapters
1777 468 and ~~chapter~~ 499, a person may not purchase, or possess with
1778 intent to purchase, a controlled substance. A person who
1779 violates this provision with respect to:

1780 1. A controlled substance named or described in s.



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

1784 2. A controlled substance named or described in s.
1785 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1786 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1787 the third degree, punishable as provided in s. 775.082, s.
1788 775.083, or s. 775.084.

1789 3. A controlled substance named or described in s.
1790 893.03(5) commits a misdemeanor of the first degree, punishable
1791 as provided in s. 775.082 or s. 775.083.

1792 (b) Except as authorized ~~provided~~ in this chapter and
1793 chapters 468 and 499, a person may not purchase more than 10
1794 grams of any substance named or described in s. 893.03(1)(a) or
1795 (1)(b), or any combination thereof, or any mixture containing
1796 any such substance. A person who violates this paragraph commits
1797 a felony of the first degree, punishable as provided in s.
1798 775.082, s. 775.083, or s. 775.084.

1799 (3) Except as authorized in this chapter and chapters 468
1800 and 499, a person who delivers, without consideration, 20 grams
1801 or less of cannabis, as defined in this chapter, commits a
1802 misdemeanor of the first degree, punishable as provided in s.
1803 775.082 or s. 775.083. As used in this paragraph, the term
1804 "cannabis" does not include the resin extracted from the plants
1805 of the genus *Cannabis* or any compound manufacture, salt,
1806 derivative, mixture, or preparation of such resin.

1807 (4) Except as authorized by this chapter and chapters 468
1808 and 499, a person 18 years of age or older may not deliver any
1809 controlled substance to a person younger than 18 years of age,



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

1815 (a) A controlled substance named or described in s.
1816 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1817 commits a felony of the first degree, punishable as provided in
1818 s. 775.082, s. 775.083, or s. 775.084.

1819 (b) A controlled substance named or described in s.
1820 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1821 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1822 the second degree, punishable as provided in s. 775.082, s.
1823 775.083, or s. 775.084.

1824
1825 Imposition of sentence may not be suspended or deferred, and the
1826 person so convicted may not be placed on probation.

1827 (5) A person may not bring into this state any controlled
1828 substance unless the possession of such controlled substance is
1829 authorized by this chapter, chapter 468, or chapter 499 or
1830 unless such person is licensed to do so by the appropriate
1831 federal agency. A person who violates this provision with
1832 respect to:

1833 (a) A controlled substance named or described in s.
1834 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1835 commits a felony of the second degree, punishable as provided in
1836 s. 775.082, s. 775.083, or s. 775.084.

1837 (b) A controlled substance named or described in s.
1838 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,



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

1842 (c) A controlled substance named or described in s.
1843 893.03(5) commits a misdemeanor of the first degree, punishable
1844 as provided in s. 775.082 or s. 775.083.

1845 (6)(a) A person may not be in actual or constructive
1846 possession of a controlled substance unless such controlled
1847 substance was lawfully obtained from a practitioner or pursuant
1848 to a valid prescription or order of a practitioner while acting
1849 in the course of his or her professional practice or to be in
1850 actual or constructive possession of a controlled substance
1851 except as otherwise authorized by this chapter, chapter 468, or
1852 chapter 499. A person who violates this provision commits a
1853 felony of the third degree, punishable as provided in s.
1854 775.082, s. 775.083, or s. 775.084.

1855 (b) Except as authorized in this chapter and chapters 468
1856 and 499, if the offense is the possession of 20 grams or less of
1857 cannabis, as defined in this chapter, or 3 grams or less of a
1858 controlled substance described in s. 893.03(1)(c)46.-50., 114.-
1859 142., 151.-159., or 166.-173., the person commits a misdemeanor
1860 of the first degree, punishable as provided in s. 775.082 or s.
1861 775.083. As used in this subsection, the term "cannabis" does
1862 not include the resin extracted from the plants of the genus
1863 *Cannabis*, or any compound manufacture, salt, derivative,
1864 mixture, or preparation of such resin, and a controlled
1865 substance described in s. 893.03(1)(c)46.-50., 114.-142., 151.-
1866 159., or 166.-173. does not include the substance in a powdered
1867 form.



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1868 (c) Except as authorized ~~provided~~ in this chapter and
1869 chapters 468 and 499, a person may not possess more than 10
1870 grams of any substance named or described in s. 893.03(1)(a) or
1871 (1)(b), or any combination thereof, or any mixture containing
1872 any such substance. A person who violates this paragraph commits
1873 a felony of the first degree, punishable as provided in s.
1874 775.082, s. 775.083, or s. 775.084.

1875 (d) Notwithstanding any provision to the contrary of the
1876 laws of this state relating to arrest, a law enforcement officer
1877 may arrest without warrant any person who the officer has
1878 probable cause to believe is violating the provisions of this
1879 chapter and chapters 468 and 499 relating to possession of
1880 cannabis.

1881 Section 12. Section 893.1351, Florida Statutes, is amended
1882 to read:

1883 893.1351 Ownership, lease, rental, or possession for
1884 trafficking in or manufacturing a controlled substance.—

1885 (1) Except as authorized in this chapter and chapters 468
1886 and 499, a person may not own, lease, or rent any place,
1887 structure, ~~or part of~~ such place or structure ~~thereof~~, trailer,
1888 or other conveyance with the knowledge that the place,
1889 structure, trailer, or conveyance will be used for the purpose
1890 of:

1891 (a) Trafficking in a controlled substance, as provided in
1892 s. 893.135;

1893 (b) Selling ~~for the sale of~~ a controlled substance, as
1894 provided in s. 893.13; or ~~for the manufacture of~~

1895 (c) Manufacturing a controlled substance intended for sale
1896 or distribution to another.



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

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

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

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



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1926 Section 13. Section 893.145, Florida Statutes, is amended
1927 to read:

1928 893.145 "Drug paraphernalia" defined.—The term "drug
1929 paraphernalia" means all equipment, products, and materials of
1930 any kind which are used, intended for use, or designed for use
1931 in planting, propagating, cultivating, growing, harvesting,
1932 manufacturing, compounding, converting, producing, processing,
1933 preparing, testing, analyzing, packaging, repackaging, storing,
1934 containing, concealing, transporting, injecting, ingesting,
1935 inhaling, or otherwise introducing into the human body a
1936 controlled substance in violation of this chapter or s. 877.111.
1937 Except as provided in this chapter and chapters 468 and 499,
1938 drug paraphernalia is deemed to be contraband that is ~~which~~
1939 ~~shall be~~ subject to civil forfeiture. The term includes, but is
1940 not limited to:

1941 (1) Kits used, intended for use, or designed for use in the
1942 planting, propagating, cultivating, growing, or harvesting of
1943 any species of plant which is a controlled substance or from
1944 which a controlled substance can be derived.

1945 (2) Kits used, intended for use, or designed for use in
1946 manufacturing, compounding, converting, producing, processing,
1947 or preparing controlled substances.

1948 (3) Isomerization devices used, intended for use, or
1949 designed for use in increasing the potency of any species of
1950 plant which is a controlled substance.

1951 (4) Testing equipment used, intended for use, or designed
1952 for use in identifying, or in analyzing the strength,
1953 effectiveness, or purity of, controlled substances.

1954 (5) Scales and balances used, intended for use, or designed



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1955 for use in weighing or measuring controlled substances.

1956 (6) Diluents and adulterants, such as quinine
1957 hydrochloride, mannitol, mannite, dextrose, and lactose, used,
1958 intended for use, or designed for use in cutting controlled
1959 substances.

1960 (7) Separation gins and sifters used, intended for use, or
1961 designed for use in removing twigs and seeds from, or in
1962 otherwise cleaning or refining, cannabis.

1963 (8) Blenders, bowls, containers, spoons, and mixing devices
1964 used, intended for use, or designed for use in compounding
1965 controlled substances.

1966 (9) Capsules, balloons, envelopes, and other containers
1967 used, intended for use, or designed for use in packaging small
1968 quantities of controlled substances.

1969 (10) Containers and other objects used, intended for use,
1970 or designed for use in storing, concealing, or transporting
1971 controlled substances.

1972 (11) Hypodermic syringes, needles, and other objects used,
1973 intended for use, or designed for use in parenterally injecting
1974 controlled substances into the human body.

1975 (12) Objects used, intended for use, or designed for use in
1976 ingesting, inhaling, or otherwise introducing cannabis, cocaine,
1977 hashish, hashish oil, or nitrous oxide into the human body, such
1978 as:

1979 (a) Metal, wooden, acrylic, glass, stone, plastic, or
1980 ceramic pipes, with or without screens, permanent screens,
1981 hashish heads, or punctured metal bowls.

1982 (b) Water pipes.

1983 (c) Carburetion tubes and devices.



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



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2013 893.147 Use, possession, manufacture, delivery,
2014 transportation, advertisement, or retail sale of drug
2015 paraphernalia.—

2016 (1) USE OR POSSESSION OF DRUG PARAPHERNALIA.—Except as
2017 authorized in chapters 468 and 499, a ~~It is unlawful for any~~
2018 person ~~may not~~ ~~to~~ use, or ~~to~~ possess with intent to use, drug
2019 paraphernalia:

2020 (a) To plant, propagate, cultivate, grow, harvest,
2021 manufacture, compound, convert, produce, process, prepare, test,
2022 analyze, pack, repack, store, contain, or conceal a controlled
2023 substance in violation of this chapter; or

2024 (b) To inject, ingest, inhale, or otherwise introduce into
2025 the human body a controlled substance in violation of this
2026 chapter.

2027
2028 A ~~Any~~ person who violates this subsection commits ~~is guilty of a~~
2029 misdemeanor of the first degree, punishable as provided in s.
2030 775.082 or s. 775.083.

2031 (2) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.—Except
2032 as authorized in chapters 468 and 499, a ~~It is unlawful for any~~
2033 person ~~may not~~ ~~to~~ deliver, possess with intent to deliver, or
2034 manufacture with intent to deliver drug paraphernalia, knowing,
2035 or under circumstances where one reasonably should know, that it
2036 will be used:

2037 (a) To plant, propagate, cultivate, grow, harvest,
2038 manufacture, compound, convert, produce, process, prepare, test,
2039 analyze, pack, repack, store, contain, or conceal a controlled
2040 substance in violation of this act; or

2041 (b) To inject, ingest, inhale, or otherwise introduce into



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2042 the human body a controlled substance in violation of this act.

2043

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

2047 (3) DELIVERY OF DRUG PARAPHERNALIA TO A MINOR.—

2048 (a) Except as authorized in chapters 468 and 499, a ~~Any~~
2049 person 18 years of age or over who violates subsection (2) by
2050 delivering drug paraphernalia to a person under 18 years of age
2051 commits ~~is guilty of~~ a felony of the second degree, punishable
2052 as provided in s. 775.082, s. 775.083, or s. 775.084.

2053 (b) A ~~It is unlawful for any person may not to~~ sell or
2054 otherwise deliver hypodermic syringes, needles, or other objects
2055 that ~~which~~ may be used, are intended for use, or are designed
2056 for use in parenterally injecting substances into the human body
2057 to any person under 18 years of age, except that hypodermic
2058 syringes, needles, or other such objects may be lawfully
2059 dispensed to a person under 18 years of age by a licensed
2060 practitioner, parent, or legal guardian, ~~or~~ by a pharmacist
2061 pursuant to a valid prescription, or in accordance with the
2062 medical use of cannabis as provided in chapters 468 and 499 ~~for~~
2063 ~~same.~~ A ~~Any~~ person who violates ~~the provisions of~~ this paragraph
2064 commits ~~is guilty of~~ a misdemeanor of the first degree,
2065 punishable as provided in s. 775.082 or s. 775.083.

2066 (4) TRANSPORTATION OF DRUG PARAPHERNALIA.—Except as
2067 authorized in chapters 468 and 499, a person may not ~~It is~~
2068 ~~unlawful to~~ use, possess with the intent to use, or manufacture
2069 with the intent to use drug paraphernalia, knowing or under
2070 circumstances in which one reasonably should know that it will



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2071 be used to transport:

2072 (a) A controlled substance in violation of this chapter; or

2073 (b) Contraband as defined in s. 932.701(2)(a)1.

2074

2075 A ~~Any~~ person who violates this subsection commits a felony of
2076 the third degree, punishable as provided in s. 775.082, s.
2077 775.083, or s. 775.084.

2078 (5) ADVERTISEMENT OF DRUG PARAPHERNALIA.—A person may not
2079 ~~It is unlawful for any person to~~ place in any newspaper,
2080 magazine, handbill, or other publication any advertisement,
2081 knowing, or under circumstances where one reasonably should
2082 know, that the purpose of the advertisement, in whole or in
2083 part, is to promote the sale of objects designed or intended for
2084 use as drug paraphernalia. A ~~Any~~ person who violates this
2085 subsection commits ~~is guilty of~~ a misdemeanor of the first
2086 degree, punishable as provided in s. 775.082 or s. 775.083.

2087 (6) RETAIL SALE OF DRUG PARAPHERNALIA.—

2088 (a) ~~It is unlawful for~~ A person may not ~~to~~ knowingly and
2089 willfully sell or offer for sale at retail any drug
2090 paraphernalia described in s. 893.145(12)(a)-(c) or (g)-(m),
2091 other than drug paraphernalia related to the medical use of
2092 cannabis or a pipe that is primarily made of briar, meerschaum,
2093 clay, or corn cob.

2094 (b) A person who violates paragraph (a) commits a
2095 misdemeanor of the first degree, punishable as provided in s.
2096 775.082 or s. 775.083, and, upon a second or subsequent
2097 violation, commits a felony of the third degree, punishable as
2098 provided in s. 775.082, s. 775.083, or s. 775.084.

2099 Section 15. Present subsection (3) of section 921.0022,



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

2104 921.0022 Criminal Punishment Code; offense severity ranking
2105 chart.-

2106 (3) As used in this section, the term "cannabis" does not
2107 include any form of cannabis that is cultivated, manufactured,
2108 possessed, and distributed in the form of cannabis in compliance
2109 with part XVII of chapter 468 or part IV of chapter 499.

2110 (4)~~(3)~~ OFFENSE SEVERITY RANKING CHART

2111 (a) LEVEL 1

2112

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 elude law enforcement

2113

2114

2115

2116



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2117			officer.
	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
2118			
	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
2119			
	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
2120			
	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
2121			
	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
2122			
	322.212 (5) (a)	3rd	False application for driver license or identification card.
2123			
	414.39 (2)	3rd	Unauthorized use,



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2124	414.39(3)(a)	3rd	possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than \$200.
2125	443.071(1)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
2126	509.151(1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
2127	517.302(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
2128	562.27(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
2129	713.69	3rd	Possess still or still apparatus.
		3rd	Tenant removes property upon which lien has accrued, value more than \$50.



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2130	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
2131	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
2132	815.04 (5) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
2133	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
2134	817.569 (2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
2135	826.01	3rd	Bigamy.
2136	828.122 (3)	3rd	Fighting or baiting animals.
2137	831.04 (1)	3rd	Any erasure, alteration,



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2138			etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
2139	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
2140	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
2141	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.
2142	838.15(2)	3rd	Commercial bribe receiving.
2143	838.16	3rd	Commercial bribery.
2144	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
2145	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).



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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>
	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams) , <u>except when authorized under s.</u>



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

2153

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

2154

2155

2156

2157 (b) LEVEL 2

2158

Florida Statute	Felony Degree	Description
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2159

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

379.2431 (1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
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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.
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2162



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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



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



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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			



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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			
2192			
2193	(c) LEVEL 3		
2194			
2195	Florida Statute	Felony Degree	Description
2196	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
2197	316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
2198	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
	316.1935(2)	3rd	Fleeing or attempting to elude law



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2199			enforcement officer in patrol vehicle with siren and lights activated.
2200	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
2201	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
2202	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
2203	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
2204	327.35 (2) (b)	3rd	Felony BUI.
2205	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong



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2206			ID number.
	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
2207			
	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.
2208			
	379.2431 (1) (e) 6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
2209			
	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
2210			
	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
2211			
	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation



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2212			for making such a report.
	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
2213			
	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
2214			
	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
2215			
	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
2216			
	697.08	3rd	Equity skimming.
2217			
	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
2218			
	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
2219			
	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
2220			



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2221	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
2222	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
2223	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
2224	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
2225	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
2226	817.233	3rd	Burning to defraud insurer.
2227	817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
2228	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
	817.236	3rd	Filing a false motor vehicle



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2229			insurance application.
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
2230			
	817.413 (2)	3rd	Sale of used goods as new.
2231			
	817.505 (4)	3rd	Patient brokering.
2232			
	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
2233			
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
2234			
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
2235			
	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
2236			
	843.19	3rd	Injure, disable, or kill police dog or horse.
2237			



2238	860.15(3)	3rd	Overcharging for repairs and parts.
2239	870.01(2)	3rd	Riot; inciting or encouraging.
2240	893.13(1)(a)2.	3rd	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,</u> 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).
2241	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver <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),</u> <u>except when authorized under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499,</u> drugs within 1,000 feet of university.
	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver <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.,</u>



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			(2) (c) 8., (2) (c) 9., (3), or (4), <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>
2242	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>
2243	893.13 (7) (a) 8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
2244	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
2245	893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
2246	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any



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2247

893.13(8)(a)1.

3rd

document or record required by
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.

2248

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.

2249

893.13(8)(a)3.

3rd

Knowingly write a prescription for
a controlled substance for a
fictitious person.

2250

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.

2251



2252	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
2253	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
2254	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
2255	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
2256			
2257			
2258	(d) LEVEL 4		
2259			
2260	Florida Statute	Felony Degree	Description
2261	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.
	499.0051(1)	3rd	Failure to maintain or deliver



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2262			pedigree papers.
	499.0051(2)	3rd	Failure to authenticate pedigree papers.
2263			
	499.0051(6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
2264			
	517.07(1)	3rd	Failure to register securities.
2265			
	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
2266			
	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
2267			
	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
2268			
	784.075	3rd	Battery on detention or commitment facility staff.
2269			
	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
2270			
	784.08(2)(c)	3rd	Battery on a person 65 years of



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2271			age or older.
	784.081 (3)	3rd	Battery on specified official or employee.
2272			
	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
2273			
	784.083 (3)	3rd	Battery on code inspector.
2274			
	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
2275			
	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
2276			
	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
2277			
	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
2278			



2279	787.07	3rd	Human smuggling.
2280	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
2281	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
2282	790.115(2)(c)	3rd	Possessing firearm on school property.
2283	800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
2284	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
2285	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
2286	810.06	3rd	Burglary; possession of tools.
2287	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or



2288			more but less than \$20,000.
	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
2289			
	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
2290			
	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
2291			
	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
2292			
	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
2293			
	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
2294			
	837.02 (1)	3rd	Perjury in official proceedings.
2295			
	837.021 (1)	3rd	Make contradictory statements in



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2296			official proceedings.
2297	838.022	3rd	Official misconduct.
2298	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
2299	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
2300	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
2301	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
2302	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
2303	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
	874.05 (1) (a)	3rd	Encouraging or recruiting another



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2304			to join a criminal gang.
	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 .
2305			
	914.14(2)	3rd	Witnesses accepting bribes.
2306			
	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
2307			
	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
2308			
	918.12	3rd	Tampering with jurors.
2309			
	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
2310			
2311			
2312			
2313	(e) LEVEL 5		
2314			
	Florida	Felony	
	Statute	Degree	Description
2315			



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2316	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
2317	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
2318	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
2319	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
2320	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
2321	379.3671 (2)(c)3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
2322	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.



2323	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
2324	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
2325	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
2326	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
2327	790.01 (2)	3rd	Carrying a concealed firearm.
2328	790.162	2nd	Threat to throw or discharge destructive device.
2329	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
2330	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
2331			



2332	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
2333	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
2334	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
2335	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
2336	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
2337	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
2338	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
2339	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.



2340	812.131 (2) (b)	3rd	Robbery by sudden snatching.
2341	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
2342	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
2343	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
2344	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.
2345	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.
	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.



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2346	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
2347	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
2348	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
2349	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.
2350	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
2351	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
2352			



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2353	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
2354	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
2355	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
2356	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
2357	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
	893.13 (1) (c) 2.	2nd	Sell, manufacture, or deliver cannabis, <u>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



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2358

893.13(1)(d)1.

1st

within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

Sell, manufacture, or deliver cocaine ~~or other 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.

2359

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.

2360

893.13(1)(f)1.

1st

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



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2361

893.13(4)(b) 2nd Deliver to minor cannabis ~~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~~.

2362

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

2363

2364

2365

2366 (f) LEVEL 6

2367

Florida Statute	Felony Degree	Description
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2368

316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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2369

316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
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2370

400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure,
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2371			without a license.
	499.0051 (3)	2nd	Knowing forgery of pedigree papers.
2372			
	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
2373			
	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
2374			
	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
2375			
	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
2376			
	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
2377			
	784.041	3rd	Felony battery; domestic battery by strangulation.
2378			
	784.048 (3)	3rd	Aggravated stalking; credible threat.
2379			
	784.048 (5)	3rd	Aggravated stalking of person



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2380			under 16.
	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
2381			
	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
2382			
	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
2383			
	784.081 (2)	2nd	Aggravated assault on specified official or employee.
2384			
	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
2385			
	784.083 (2)	2nd	Aggravated assault on code inspector.
2386			
	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
2387			
	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
2388			
	790.161 (2)	2nd	Make, possess, or throw



2389			destructive device with intent to do bodily harm or damage property.
	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
2390			
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
2391			
	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
2392			
	794.05(1)	2nd	Unlawful sexual activity with specified minor.
2393			
	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.
2394			
	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
2395			
	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other



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			person.
2396	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
2397	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
2398	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
2399	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
2400	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
2401	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
2402	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
2403	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular



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2404			telephones.
	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
2405			
	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
2406			
	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
2407			
	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
2408			
	827.03 (2) (c)	3rd	Abuse of a child.
2409			
	827.03 (2) (d)	3rd	Neglect of a child.
2410			
	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
2411			
	836.05	2nd	Threats; extortion.
2412			
	836.10	2nd	Written threats to kill or do bodily injury.
2413			



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2414	843.12	3rd	Aids or assists person to escape.
2415	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
2416	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
2417	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
2418	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
2419	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.
2420	944.40	2nd	Escapes.
	944.46	3rd	Harboring, concealing, aiding escaped prisoners.



2421	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
2422	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
2423			
2424			
2425			
2426	(g) LEVEL 7		
2427			
	Florida Statute	Felony Degree	Description
2428	316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
2429	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
2430	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



2431			lights activated.
	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
2432			
	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
2433			
	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
2434			
	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
2435			
	456.065 (2)	3rd	Practicing a health care profession without a license.
2436			
	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
2437			
	458.327 (1)	3rd	Practicing medicine without a license.
2438			
	459.013 (1)	3rd	Practicing osteopathic medicine without a license.



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2439	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
2440	461.012 (1)	3rd	Practicing podiatric medicine without a license.
2441	462.17	3rd	Practicing naturopathy without a license.
2442	463.015 (1)	3rd	Practicing optometry without a license.
2443	464.016 (1)	3rd	Practicing nursing without a license.
2444	465.015 (2)	3rd	Practicing pharmacy without a license.
2445	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
2446	467.201	3rd	Practicing midwifery without a license.
2447	468.366	3rd	Delivering respiratory care services without a license.
2448	483.828 (1)	3rd	Practicing as clinical laboratory



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2449			personnel without a license.
2450	483.901(9)	3rd	Practicing medical physics without a license.
2451	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
2452	484.053	3rd	Dispensing hearing aids without a license.
2453	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.
2454	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.
2455	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but



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2456			less than \$20,000 by financial institution.
	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
2457			
	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
2458			
	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
2459			
	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
2460			
	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
2461			
	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner



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			(vehicular homicide).
2462	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
2463	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
2464	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
2465	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
2466	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
2467	784.048 (7)	3rd	Aggravated stalking; violation of court order.
2468	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
2469	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
2470	784.08 (2) (a)	1st	Aggravated battery on a person 65



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2471			years of age or older.
	784.081(1)	1st	Aggravated battery on specified official or employee.
2472			
	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
2473			
	784.083(1)	1st	Aggravated battery on code inspector.
2474			
	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
2475			
	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.
2476			
	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
2477			
	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
2478			



2479	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
2480	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
2481	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
2482	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
2483	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
2484	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.
	796.05 (1)	1st	Live on earnings of a prostitute;



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2485			2nd offense.
	796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
2486			
	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
2487			
	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.
2488			
	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.
2489			
	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
2490			
	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
2491			
	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;



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2492			unarmed; no assault or battery.
	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
2493			
	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
2494			
	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.
2495			
	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
2496			
	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
2497			
	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
2498			
	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
2499			



2500	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
2501	812.131 (2) (a)	2nd	Robbery by sudden snatching.
2502	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
2503	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
2504	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
2505	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
2506	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
	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



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2507			the insolvency of that entity.
	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
2508			
	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
2509			
	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.
2510			
	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
2511			
	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
2512			
	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
2513			
	838.015	2nd	Bribery.
2514			



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2515	838.016	2nd	Unlawful compensation or reward for official behavior.
2516	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
2517	838.22	2nd	Bid tampering.
2518	843.0855 (2)	3rd	Impersonation of a public officer or employee.
2519	843.0855 (3)	3rd	Unlawful simulation of legal process.
2520	843.0855 (4)	3rd	Intimidation of a public officer or employee.
2521	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
2522	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
2523	872.06	2nd	Abuse of a dead human body.
2524	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.



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- 2525 874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
- 2526 893.13(1)(c)1. 1st Sell, manufacture, or deliver cocaine ~~for~~ 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.
- 2527 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.
- 2528 893.13(4)(a) 1st Deliver to minor cocaine ~~for~~ other drugs under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. ~~drugs).~~



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- 2529 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.
- 2530 893.135 1st Trafficking in cocaine, more than
(1)(b)1.a. 28 grams, less than 200 grams.
- 2531 893.135 1st Trafficking in illegal drugs, more
(1)(c)1.a. than 4 grams, less than 14 grams,
excluding cannabis and
tetrahydrocannabinols when
excepted under s. 893.03(1)(c)7.
and (1)(c)37. and chapters 468 and
499.
- 2532 893.135 1st Trafficking in hydrocodone, 14
(1)(c)2.a. grams or more, less than 28 grams.
- 2533 893.135 1st Trafficking in hydrocodone, 28
(1)(c)2.b. grams or more, less than 50 grams.
- 2534 893.135 1st Trafficking in oxycodone, 7 grams
(1)(c)3.a. or more, less than 14 grams.
- 2535 893.135 1st Trafficking in oxycodone, 14 grams
(1)(c)3.b. or more, less than 25 grams.



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2536	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
2537	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
2538	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
2539	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
2540	893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
2541	893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
2542	893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of



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2543			controlled substance.
	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
2544			
	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
2545			
	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
2546			
	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
2547			
	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
2548			
	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2549			



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2550	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2551	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
2552	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
2553	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2554	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2555	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a



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2556			sexual offender.
	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2557			
2558			
2559			
2560	(h) LEVEL 8		
2561			
	Florida	Felony	
	Statute	Degree	Description
2562			
	316.193	2nd	DUI manslaughter.
	(3) (c) 3.a.		
2563			
	316.1935(4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
2564			
	327.35(3) (c) 3.	2nd	Vessel BUI manslaughter.
2565			
	499.0051(7)	1st	Knowing trafficking in contraband prescription drugs.
2566			
	499.0051(8)	1st	Knowing forgery of prescription labels or prescription drug labels.



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2567	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.
2568	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.
2569	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
2570	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
2571	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.
2572			



2573	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
2574	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
2575	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
2576	787.06 (3) (a) 1.	1st	Human trafficking for labor and services of a child.
2577	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
2578	787.06 (3) (c) 2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
2579	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.



2580	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.
2581	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
2582	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.
2583	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.
2584	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.



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2585	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.
2586	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
2587	800.04 (4) (b)	2nd	Lewd or lascivious battery.
2588	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
2589	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
2590	810.02 (2) (a)	1st,PBL	Burglary with assault or battery.
2591	810.02 (2) (b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property



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2592			damage.
	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
2593			
	812.13 (2) (b)	1st	Robbery with a weapon.
2594			
	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
2595			
	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
2596			
	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
2597			
	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
2598			
	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



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2599			instrument.
	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
2600			
	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
2601			
	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
2602			
	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
2603			
	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
2604			
	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
2605			
	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
2606			
	860.16	1st	Aircraft piracy.



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2607	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).
2608	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
2609	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
2610	893.135(1)(a)2.	1st	Trafficking in cannabis, <u>except when authorized under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499,</u> more than 2,000 lbs., less than 10,000 lbs.
2611	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
2612	893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 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>



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2613	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, 50 grams or more, less than 200 grams.
2614	893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
2615	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
2616	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
2617	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
2618	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
2619	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
2620	893.135	1st	Trafficking in 1,4-Butanediol, 5



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2621	(1) (j) 1.b.		kilograms or more, less than 10 kilograms.
	893.135	1st	Trafficking in Phenethylamines,
	(1) (k) 2.b.		200 grams or more, less than 400 grams.
2622			
	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there, <u>excluding cannabis and tetrahydrocannabinols, when excepted under s. 893.03(1) (c) 7. and (1) (c) 37. and chapters 468 and 499.</u>
2623			
	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
2624			
	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
2625			
	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
2626			



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2627	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
2628	896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
2629			
2630			
2631	(i) LEVEL 9		
2632			
2633	Florida Statute	Felony Degree	Description
	316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
2634	327.35 (3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
2635	409.920 (2)(b)1.c.	1st	Medicaid provider fraud; \$50,000 or more.
2636	499.0051(9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.



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2637	560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
2638	560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
2639	655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
2640	775.0844	1st	Aggravated white collar crime.
2641	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
2642	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.
2643	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to



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2644			perpetrate a felony enumerated in s. 782.04(3).
2645	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
2646	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
2647	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
2648	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
2649	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.
2650	787.06(3)(c)1.	1st	Human trafficking for labor and services of an unauthorized alien child.



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2651	787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
2652	787.06(3)(f)1.	1st,PBL	Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.
2653	790.161	1st	Attempted capital destructive device offense.
2654	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
2655	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
2656	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
	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.



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2657	794.011 (4) (b)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
2658	794.011 (4) (c)	1st	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.
2659	794.011 (4) (d)	1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
2660	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.
2661	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
2662	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
2663	812.13 (2) (a)	1st,PBL	Robbery with firearm or other deadly weapon.



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2664	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
2665	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
2666	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
2667	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
2668	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.
2669	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.
2670			



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2671	827.03 (2) (a)	1st	Aggravated child abuse.
2672	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
2673	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
2674	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.
2675	893.135	1st	Attempted capital trafficking offense.
2676	893.135 (1) (a) 3.	1st	Trafficking in cannabis, <u>except when authorized under s. 893.03 (1) (c) 7. and (1) (c) 37. and chapters 468 and 499,</u> more than 10,000 lbs.
2677	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
	893.135	1st	Trafficking in illegal drugs, more



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	(1) (c) 1.c.		than 28 grams, less than 30 kilograms, <u>excluding cannabis and tetrahydrocannabinols, when excepted under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499.</u>
2678	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.
2679	893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
2680	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
2681	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
2682	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
2683	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
2684	893.135	1st	Trafficking in 1,4-Butanediol, 10



2685	(1) (j) 1.c.		kilograms or more.
	893.135	1st	Trafficking in Phenethylamines,
2686	(1) (k) 2.c.		400 grams or more.
	896.101 (5) (c)	1st	Money laundering, financial
2687			instruments totaling or exceeding
			\$100,000.
	896.104 (4) (a) 3.	1st	Structuring transactions to evade
2688			reporting or registration
2689			requirements, financial
2690			transactions totaling or exceeding
2691	(j) LEVEL 10		\$100,000.
2692			
	Florida	Felony	
	Statute	Degree	Description
2693	499.0051 (10)	1st	Knowing sale or purchase of
			contraband prescription drugs
2694			resulting in death.
	782.04 (2)	1st, PBL	Unlawful killing of human; act is
2695			homicide, unpremeditated.



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2696	782.07(3)	1st	Aggravated manslaughter of a child.
2697	787.01(1)(a)3.	1st,PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
2698	787.01(3)(a)	Life	Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
2699	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.
2700	787.06(4)(a)	Life	Selling or buying of minors into human trafficking.
2701	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.
2702	812.135(2)(a)	1st,PBL	Home-invasion robbery with firearm or other deadly weapon.



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2731 distribution, dispensing, purchase, delivery, and sale
2732 of cannabis for medical use and the manufacture,
2733 possession, purchase, sale, use, and delivery of drug
2734 paraphernalia; providing that the department is
2735 responsible for the licensure and permitting of
2736 dispensaries and medical cannabis farms and the
2737 registration of owners, directors, officers, members,
2738 incorporators, employees, and agents of such farms and
2739 dispensaries; requiring the department to require
2740 medical cannabis farms and dispensaries to maintain
2741 certain records and information; requiring the
2742 department to develop and make available educational
2743 materials, conduct inspections, and revoke or suspend
2744 registrations, licenses, and permits; requiring the
2745 department to adopt certain rules; creating s.
2746 468.905, F.S.; authorizing a medical cannabis farm to
2747 cultivate, sell, manufacture, or deliver, or possess
2748 with the intent to sell, manufacture, or deliver,
2749 cannabis and cannabis plants for wholesale in this
2750 state; authorizing a medical cannabis farm to deliver,
2751 possess with intent to deliver, or manufacture with
2752 intent to deliver drug paraphernalia; requiring a
2753 medical cannabis farm to be permitted with the
2754 department before possessing, manufacturing,
2755 cultivating, delivering, distributing, and wholesaling
2756 cannabis, cannabis-based products, cannabis plants, or
2757 drug paraphernalia; requiring agricultural
2758 classification of land used as a medical cannabis
2759 farm; requiring a medical cannabis farm to implement a



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2760 security plan and maintain procedures in which
2761 cannabis and cannabis-based products are accessible
2762 only to authorized personnel; providing that the
2763 active ingredient in all cannabis-based products
2764 cultivated, manufactured, and wholesaled to a licensed
2765 dispensary in this state must be wholly derived from
2766 cannabis plants cultivated in this state, except for
2767 cannabis seeds and seedlings; providing that a medical
2768 cannabis farm is provided certain protections and is
2769 not deemed a public nuisance solely because its farm
2770 product includes the production of cannabis; creating
2771 s. 468.906, F.S.; authorizing a dispensary to
2772 distribute, purchase, sell or deliver, or possess with
2773 the intent to sell or deliver cannabis, cannabis-based
2774 products, cannabis plants, and drug paraphernalia in
2775 order to dispense and sell to a qualifying patient or
2776 patient's caregiver and to purchase, distribute,
2777 deliver, or possess with intent to deliver drug
2778 paraphernalia; requiring a dispensary to be licensed
2779 with the department before possessing, purchasing,
2780 delivering, distributing, or retailing cannabis,
2781 cannabis-based products, cannabis plants, or drug
2782 paraphernalia; requiring a dispensary to purchase
2783 cannabis, cannabis-based products, and cannabis plants
2784 from a medical cannabis farm that has a department-
2785 issued permit; prohibiting a dispensary from
2786 conducting wholesale sales or transactions;
2787 authorizing a dispensary to sell at retail to a
2788 qualifying patient or patient's caregiver cannabis,



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2789 cannabis-based products, cannabis plants, or drug
2790 paraphernalia if the qualifying patient or patient's
2791 caregiver meets certain conditions; limiting a certain
2792 amount of usable cannabis and number of cannabis plant
2793 seedlings that a qualifying patient and a patient's
2794 caregiver may purchase within a certain time period;
2795 requiring a dispensary to maintain certain records for
2796 a specified number of years; requiring a dispensary to
2797 implement a security plan; requiring a dispensary to
2798 make available educational materials; requiring a
2799 dispensary to prohibit a qualifying patient from
2800 administering or using, and prohibiting a caregiver
2801 from assisting a qualifying patient in administering
2802 or using, any form of cannabis while on the property
2803 of the dispensary; providing that a person who
2804 administers or uses, or assists another to administer
2805 or use, any form of cannabis on the property of a
2806 dispensary subjects the dispensary to penalties;
2807 creating s. 468.907, F.S.; requiring a person to
2808 register with the department if he or she desires to
2809 be an owner, director, officer, member, incorporator,
2810 agent, or employee of a medical cannabis farm or
2811 dispensary; requiring the department to establish
2812 certain registration fees and determine if the
2813 registrant has certain felony convictions; prohibiting
2814 the department from approving a registrant as an
2815 owner, director, officer, member, incorporator, agent,
2816 or employee of a medical cannabis farm or dispensary
2817 if such registrant has certain felony convictions;



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2818 providing that a person who violates or has violated
2819 this act may not be an owner, director, officer,
2820 member, incorporator, agent, or employee of a medical
2821 cannabis farm or dispensary; providing that any prior
2822 authorization of such person shall be immediately
2823 revoked; requiring the department to suspend the
2824 license or permit of the medical cannabis farm or
2825 dispensary until such person resigns or is removed
2826 from such position; authorizing a registrant to
2827 commence an action in a court of competent
2828 jurisdiction to compel the department to perform
2829 certain actions if the department fails to adopt rules
2830 by a specified date; creating s. 468.908, F.S.;
2831 prohibiting a person from operating a medical cannabis
2832 farm except in accordance with part XVII of ch. 468,
2833 F.S.; requiring an applicant for an initial permit or
2834 for a renewal permit to operate a medical cannabis
2835 farm to provide certain information in the
2836 application; requiring the department to establish by
2837 rule application fees and permitting fees; providing
2838 maximum amounts for the fees; requiring a person who
2839 possesses, cultivates, manufactures, delivers,
2840 distributes, or wholesales cannabis, cannabis-based
2841 products, or cannabis plants at one or more locations
2842 to possess a current, valid permit for each location;
2843 authorizing an applicant for a permit to operate a
2844 medical cannabis farm to commence an action in a court
2845 of competent jurisdiction to compel the department to
2846 perform certain actions if the department fails to



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2847 adopt rules by a specified date; creating s. 468.909,
2848 F.S.; prohibiting a person from operating a dispensary
2849 in this state except in accordance with part XVII of
2850 ch. 468, F.S.; requiring an applicant for an initial
2851 license or for a renewal license to operate a
2852 dispensary to provide certain information in the
2853 application; requiring the department to establish by
2854 rule application fees and licensure fees; providing
2855 maximum amounts for the fees; requiring a person who
2856 conducts the wholesale purchase or retail sale of drug
2857 paraphernalia or any form of cannabis at more than one
2858 location to possess a current, valid license for each
2859 location; authorizing an applicant for a license to
2860 operate a dispensary to commence an action in a court
2861 of competent jurisdiction to compel the department to
2862 perform certain actions if the department fails to
2863 adopt rules by a specified date; creating s. 468.910,
2864 F.S.; providing requirements for submitting an
2865 application for a license or a permit; authorizing the
2866 department to require an applicant to furnish other
2867 information or data; creating s. 468.911, F.S.;
2868 providing requirements for licenses and permits;
2869 authorizing the department to include other
2870 information on a license or permit; providing that a
2871 license or permit may not be issued, renewed, or
2872 allowed to remain in effect in certain circumstances;
2873 prohibiting a person from knowingly submitting or
2874 presenting to the department a false, fictitious, or
2875 misrepresented application, identification, document,



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2876 information, statement, or data intended or likely to
2877 deceive the department in order to obtain a license or
2878 permit; creating s. 468.912, F.S.; authorizing the use
2879 of certain terms to designate a medical cannabis farm
2880 that has a department-issued permit or a licensed
2881 dispensary; requiring conspicuous display of a license
2882 or permit; providing specified dates for validity and
2883 expiration of licenses and permits; providing
2884 application procedures for obtaining initial and
2885 renewal licenses and permits; authorizing the
2886 department to seize all forms of cannabis and drug
2887 paraphernalia and dispose of them if the licensee or
2888 permittee fails to renew a license or permit;
2889 requiring funds collected from such disposal to be
2890 deposited in the Professional Regulation Trust Fund;
2891 providing the fee structure for reactivating an
2892 inactive license or permit; creating s. 468.913, F.S.;
2893 requiring the reporting of a loss, theft, or
2894 unexplained shortage of cannabis, cannabis-based
2895 products, cannabis plants, or drug paraphernalia to
2896 the local law enforcement agency and the department;
2897 requiring an investigating law enforcement agency to
2898 forward a copy of its written report to the
2899 department; requiring the department to retain such
2900 reports; requiring any sheriff or law enforcement
2901 officer in this state to give immediate notice to the
2902 department of a theft, illegal use, or illegal
2903 possession of cannabis, cannabis-based products,
2904 cannabis plants, or drug paraphernalia and to forward



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2905 a copy of his or her final written report to the
2906 department; creating s. 468.914, F.S.; authorizing the
2907 department to issue cease and desist orders and to
2908 impose administrative fines for violations of part
2909 XVII of ch. 468, F.S., and applicable department
2910 rules; authorizing the department to seek injunctive
2911 relief and to apply for temporary and permanent orders
2912 for certain violations; authorizing the department to
2913 revoke or suspend all licenses or permits held by a
2914 person; providing requirements for an order of
2915 suspension and an order of revocation; providing for
2916 application of an order of revocation or suspension to
2917 a newly issued permit or license; providing that a
2918 person whose permit or license has been suspended or
2919 revoked may not be issued a new permit or license
2920 under any other name or company name until the
2921 expiration of the suspension or revocation;
2922 authorizing the department to revoke or suspend a
2923 license or permit for certain violations or acts;
2924 providing criminal penalties; providing that other
2925 lawful remedies are not affected; requiring that all
2926 fines, monetary penalties, and costs received by the
2927 department in connection with this part be deposited
2928 into the Professional Regulation Trust Fund; creating
2929 s. 468.915, F.S.; requiring that all hearings and
2930 review of orders from the department be conducted in
2931 accordance with ch. 120, F.S.; creating s. 468.916,
2932 F.S.; prohibiting a county or municipality from
2933 creating or imposing an ordinance or rule that is



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2934 inconsistent with the provisions contained in this act
2935 and the applicable department rules; creating s.
2936 468.917, F.S.; requiring that all moneys collected and
2937 deposited in the Professional Regulation Trust Fund be
2938 used by the department in the administration of part
2939 XVII of ch. 468, F.S.; requiring the department to
2940 maintain a separate account in the Professional
2941 Regulation Trust Fund for the Drugs, Devices, and
2942 Cosmetics program; creating s. 468.918, F.S.;
2943 requiring the Department of Business and Professional
2944 Regulation and the Department of Revenue to adopt
2945 rules by a specified date, including rules that
2946 specify persons who may legally possess cannabis for
2947 the purpose of teaching, research, or testing;
2948 requiring the fees collected by the departments to be
2949 applied first to the cost of administering the act;
2950 authorizing a state resident to commence an action in
2951 a court of competent jurisdiction if the departments
2952 fail to adopt rules by a specified date; creating part
2953 III of ch. 499, F.S.; creating s. 499.951, F.S.;
2954 defining terms; creating s. 499.952, F.S.; authorizing
2955 a qualifying patient to cultivate, possess, and
2956 administer cannabis for medical use and to possess and
2957 use drug paraphernalia for a specified purpose;
2958 authorizing the patient's caregiver to cultivate,
2959 possess, and administer cannabis for medical use for a
2960 qualifying patient and to possess, deliver, and use
2961 drug paraphernalia for a specified purpose; providing
2962 that a registry identification card, or its



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2963 equivalent, issued from another jurisdiction has the
2964 same force and effect as a registry identification
2965 card issued by the Department of Health; requiring a
2966 qualifying patient to present to a law enforcement
2967 officer a registry identification card to confirm that
2968 the patient may cultivate, possess, and administer
2969 cannabis for medical use and possess and use drug
2970 paraphernalia; requiring a patient's caregiver to
2971 present to a law enforcement officer a registry
2972 identification card to confirm that the caregiver may
2973 cultivate, possess, and administer cannabis for a
2974 qualifying patient and possess, deliver, and use drug
2975 paraphernalia; authorizing a qualifying patient or the
2976 patient's caregiver to purchase, possess, administer,
2977 or deliver cannabis, cannabis-based products, cannabis
2978 plants, and drug paraphernalia that is obtained only
2979 from a dispensary or medical cannabis farm or to
2980 cultivate cannabis and cannabis plants for only the
2981 qualifying patient's possession and administration;
2982 authorizing a qualifying patient who is a minor to
2983 possess, use, or administer medical cannabis only in
2984 the presence of the minor's parent or legal guardian
2985 and only if the minor's parent or legal guardian signs
2986 a written statement; providing requirements for the
2987 written statement; providing a procedure for changing
2988 the patient's designation of a caregiver; providing a
2989 procedure for replacing a lost registry identification
2990 card; providing that a registration form to obtain a
2991 registry identification card is a registry



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2992 identification card if the department fails to issue
2993 or deny the registration within a specified number of
2994 days; authorizing the department to revoke a
2995 cardholder's registry identification card; creating s.
2996 499.953, F.S.; requiring a person who seeks
2997 designation as a qualifying patient or the patient's
2998 caregiver to register with the department; authorizing
2999 the maximum number of qualifying patients a patient's
3000 caregiver may be connected to through the department's
3001 registration process; requiring a qualifying patient
3002 or the patient's caregiver to deliver or distribute
3003 cannabis in a labeled container or sealed package;
3004 prescribing the maximum amount of cannabis which a
3005 qualifying patient or the patient's caregiver may
3006 possess; requiring a cardholder to cultivate cannabis
3007 plants in certain venues that are out of the public
3008 view; providing exceptions for delivering or
3009 distributing cannabis plants under certain
3010 circumstances; authorizing cannabis to be administered
3011 in certain medical treatment facilities under certain
3012 circumstances; prohibiting medical cannabis from being
3013 administered at a dispensary or in a public place,
3014 other than at a medical treatment facility; providing
3015 that the act does not allow a person to undertake a
3016 task under the influence of cannabis when doing so
3017 constitutes negligence or malpractice; providing that
3018 the medical use of cannabis does not create a defense
3019 to certain offenses; providing that evidence of a
3020 person's voluntary intoxication that results from the



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3021 medical use of cannabis is not admissible in a
3022 judicial proceeding to show lack of specific intent or
3023 insanity; providing an exception; authorizing a person
3024 or entity to provide information about the existence
3025 or operation of a medical cannabis farm or dispensary
3026 to another person; prohibiting a law enforcement
3027 officer from further stopping or detaining a person
3028 stopped by the officer if that person is in compliance
3029 with the laws and rules regulating the medical use of
3030 cannabis or drug paraphernalia; creating s. 499.954,
3031 F.S.; authorizing a physician to prescribe, in
3032 writing, the medical use of cannabis under certain
3033 circumstances; providing requirements for the written
3034 prescription; providing that a physician is not
3035 subject to arrest, prosecution, penalty, disciplinary
3036 proceedings, or denial of a right or privilege for
3037 advising a qualifying patient about the medical use of
3038 cannabis, recommending the medical use of cannabis,
3039 providing a written prescription for a patient's
3040 medical use of cannabis, or stating that, in the
3041 physician's professional opinion, the potential
3042 benefits of the medical use of cannabis likely
3043 outweigh the health risks for a patient; prohibiting a
3044 physician from having a professional office located at
3045 a medical cannabis farm or dispensary or receiving
3046 financial compensation from a medical cannabis farm or
3047 dispensary or its owners, directors, officers,
3048 members, incorporators, agents, or employees; creating
3049 s. 499.955, F.S.; providing that qualifying patients



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3050 and their caregivers and certain nurse practitioners,
3051 registered nurses, pharmacists, and other persons are
3052 not subject to arrest, prosecution, penalty, or denial
3053 of any right or privilege as a result of the lawful
3054 applicable activity regarding the medical use of
3055 cannabis under certain circumstances; prohibiting a
3056 school, employer, or property owner from refusing to
3057 enroll, employ, or lease to or otherwise penalizing a
3058 person who is a cardholder; creating a presumption
3059 when a qualifying patient or the patient's caregiver
3060 is engaged in the medical use of cannabis under
3061 certain circumstances; authorizing the use of evidence
3062 to rebut that presumption; authorizing the patient's
3063 caregiver to be reimbursed for certain costs;
3064 providing that such reimbursement does not constitute
3065 the sale of a controlled substance under s. 893.13,
3066 F.S.; providing that a qualifying patient's medical
3067 use of cannabis is equivalent to the use of any other
3068 medication used at the direction of a physician;
3069 providing that such use does not constitute the use of
3070 an illicit drug under s. 893.03, F.S.; providing that
3071 a person, cardholder, medical cannabis farm, or
3072 dispensary that cultivates, manufactures, possesses,
3073 administers, dispenses, distributes, or uses cannabis,
3074 or manufactures, possesses, distributes, or uses drug
3075 paraphernalia, in a manner not authorized by this act,
3076 is subject to criminal prosecution and sanctions under
3077 the Florida Comprehensive Drug Abuse Prevention and
3078 Control Act; providing that a person who makes a



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3079 fraudulent representation to a law enforcement officer
3080 relating to certain activities involving medical use
3081 of cannabis or drug paraphernalia is subject to a
3082 criminal fine in addition to other penalties under
3083 law; creating s. 499.956, F.S.; providing additional
3084 defenses to a prosecution involving cannabis;
3085 authorizing the clerk of the court to assess a fee for
3086 dismissal of a criminal charge of possession, use, or
3087 administration of a legal amount of cannabis for
3088 medical use or drug paraphernalia under certain
3089 circumstances; authorizing a cardholder to assert the
3090 purpose for the medical use of cannabis in a motion to
3091 dismiss; providing that certain interests or rights to
3092 property related to a qualifying patient's medical use
3093 of cannabis may not be forfeited under the Florida
3094 Contraband Forfeiture Act under certain circumstances;
3095 creating s. 499.957, F.S.; providing that the act does
3096 not require a governmental, private, or other health
3097 insurance provider or health care services plan to
3098 cover, or prohibit it from covering, a claim for
3099 reimbursement for the medical use of cannabis;
3100 creating s. 499.958, F.S.; prohibiting an employer,
3101 laboratory, employee assistance program, or alcohol
3102 and drug rehabilitation program and their agents from
3103 releasing certain information without written consent;
3104 providing requirements for written consent;
3105 prohibiting information regarding a qualifying patient
3106 or the patient's caregiver from being released or used
3107 in a criminal proceeding; providing that such



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3108 information is inadmissible as evidence; authorizing
3109 the Department of Health and its employees to have
3110 access to information regarding a qualifying patient
3111 or the patient's caregiver under certain
3112 circumstances; creating s. 499.959, F.S.; requiring
3113 the department to adopt rules by a specified date;
3114 requiring the fees collected by the Department of
3115 Health to be applied first to the cost of
3116 administering part III of ch. 499; authorizing a state
3117 resident to commence an action in a court of competent
3118 jurisdiction if the departments fail to adopt rules by
3119 a specified date; conforming provisions to changes
3120 made by the act; authorizing the executive director of
3121 the Department of Revenue to adopt emergency rules;
3122 amending ss. 381.987, 385.211, 812.14, 893.02 893.03,
3123 893.13, 893.1351, 893.145, 893.147, 921.0022, and
3124 1004.441 F.S.; conforming provisions to changes made
3125 by the act; providing an effective date.