

1 A bill to be entitled

2 An act relating to the medical use of cannabis;
3 providing a short title; creating part XVII of ch.
4 468, F.S.; creating s. 468.901, F.S.; providing a
5 purpose; creating s. 468.902, F.S.; providing
6 legislative findings and intent; creating s. 468.903,
7 F.S.; defining terms; creating s. 468.904, F.S.;

8 requiring the Department of Business and Professional
9 Regulation to regulate the manufacture, cultivation,
10 possession, wholesale distribution, dispensing,
11 purchase, delivery, and sale of cannabis for medical
12 use and the manufacture, possession, purchase, sale,
13 use, and delivery of drug paraphernalia; providing
14 that the department is responsible for the licensure
15 and permitting of dispensaries and medical cannabis
16 farms and the registration of owners, directors,
17 officers, members, incorporators, employees, and
18 agents of such farms and dispensaries; requiring the
19 department to require medical cannabis farms and
20 dispensaries to maintain certain records and
21 information; requiring the department to develop and
22 make available educational materials, conduct
23 inspections, and revoke or suspend registrations,
24 licenses, and permits; requiring the department to
25 adopt certain rules; creating s. 468.905, F.S.;

26 authorizing a medical cannabis farm to cultivate,

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

53 | authorizing a dispensary to distribute, purchase, sell
54 | or deliver, or possess with the intent to sell or
55 | deliver cannabis, cannabis-based products, cannabis
56 | plants, and drug paraphernalia in order to dispense
57 | and sell to a qualifying patient or patient's
58 | caregiver and to purchase, distribute, deliver, or
59 | possess with intent to deliver drug paraphernalia;
60 | requiring a dispensary to be licensed with the
61 | department before possessing, purchasing, delivering,
62 | distributing, or retailing cannabis, cannabis-based
63 | products, cannabis plants, or drug paraphernalia;
64 | requiring a dispensary to purchase cannabis, cannabis-
65 | based products, and cannabis plants from a medical
66 | cannabis farm that has a department-issued permit;
67 | prohibiting a dispensary from conducting wholesale
68 | sales or transactions; authorizing a dispensary to
69 | retail to a qualifying patient or patient's caregiver
70 | cannabis, cannabis-based products, cannabis plants, or
71 | drug paraphernalia if the qualifying patient or
72 | patient's caregiver meets certain conditions; limiting
73 | a certain amount of usable cannabis and number of
74 | cannabis plant seedlings that a qualifying patient and
75 | a patient's caregiver may purchase within a certain
76 | time period; requiring a dispensary to maintain
77 | certain records for a specified number of years;
78 | requiring a dispensary to implement a security plan;

79 | requiring a dispensary to make available educational
80 | materials; requiring a dispensary to prohibit a
81 | qualifying patient from administering or using, and
82 | prohibiting a caregiver from assisting a qualifying
83 | patient in administering or using, any form of
84 | cannabis while on the property of the dispensary;
85 | providing that a person who administers or uses, or
86 | assists another to administer or use, any form of
87 | cannabis on the property of a dispensary subjects the
88 | dispensary to penalties; creating s. 468.907, F.S.;;
89 | requiring a person to register with the department if
90 | he or she desires to be an owner, director, officer,
91 | member, incorporator, agent, or employee of a medical
92 | cannabis farm or dispensary; requiring the department
93 | to establish certain registration fees and determine
94 | if the registrant has certain felony convictions;
95 | prohibiting the department from approving a registrant
96 | as an owner, director, officer, member, incorporator,
97 | agent, or employee of a medical cannabis farm or
98 | dispensary if such registrant has certain felony
99 | convictions; providing that a person who violates or
100 | has violated this act may not be an owner, director,
101 | officer, member, incorporator, agent, or employee of a
102 | medical cannabis farm or dispensary; providing that
103 | any prior authorization of such person shall be
104 | immediately revoked; requiring the department to

105 suspend the license or permit of the medical cannabis
106 farm or dispensary until such person resigns or is
107 removed from such position; authorizing a registrant
108 to commence an action in a court of competent
109 jurisdiction to compel the department to perform
110 certain actions if the department fails to adopt rules
111 by a specified date; creating s. 468.908, F.S.;

112 prohibiting a person from operating a medical cannabis
113 farm except in accordance with part XVII of ch. 468,
114 F.S.; requiring an applicant for an initial permit or
115 for a renewal permit to operate a medical cannabis
116 farm to provide certain information in the
117 application; requiring the department to establish by
118 rule application fees and permitting fees; providing
119 maximum amounts for the fees; requiring a person who
120 possesses, cultivates, manufactures, delivers,
121 distributes, or wholesales cannabis, cannabis-based
122 products, or cannabis plants at one or more locations
123 to possess a current, valid permit for each location;

124 authorizing an applicant for a permit to operate a
125 medical cannabis farm to commence an action in a court
126 of competent jurisdiction to compel the Department of
127 Business and Professional Regulation to perform
128 certain actions if the department fails to adopt rules
129 by a specified date; creating s. 468.909, F.S.;

130 prohibiting a person from operating a dispensary in

131 | this state except in accordance with part XVII of ch.
132 | 468, F.S.; requiring an applicant for an initial
133 | license or for a renewal license to operate a
134 | dispensary to provide certain information in the
135 | application; requiring the department to establish by
136 | rule application fees and licensure fees; providing
137 | maximum amounts for the fees; requiring a person who
138 | conducts the wholesale purchase or retail sale of drug
139 | paraphernalia or any form of cannabis at more than one
140 | location to possess a current, valid license for each
141 | location; authorizing an applicant for a license to
142 | operate a dispensary to commence an action in a court
143 | of competent jurisdiction to compel the department to
144 | perform certain actions if the department fails to
145 | adopt rules by a specified date; creating s. 468.910,
146 | F.S.; providing requirements for submitting an
147 | application for a license or a permit; authorizing the
148 | department to require an applicant to furnish other
149 | information or data; creating s. 468.911, F.S.;
150 | providing requirements for licenses and permits;
151 | authorizing the department to include other
152 | information on a license or permit; providing that a
153 | license or permit may not be issued, renewed, or
154 | allowed to remain in effect in certain circumstances;
155 | prohibiting a person from knowingly submitting or
156 | presenting to the department a false, fictitious, or

157 misrepresented application, identification, document,
158 information, statement, or data intended or likely to
159 deceive the department in order to obtain a license or
160 permit; creating s. 468.912, F.S.; authorizing the use
161 of certain terms to designate a medical cannabis farm
162 that has a department-issued permit or a licensed
163 dispensary; requiring conspicuous display of a license
164 or permit; providing specified dates for validity and
165 expiration of licenses and permits; providing
166 application procedures for obtaining initial and
167 renewal licenses and permits; authorizing the
168 department to seize all forms of cannabis and drug
169 paraphernalia and dispose of them if the licensee or
170 permittee fails to renew a license or permit;
171 requiring funds collected from such disposal to be
172 deposited in the Professional Regulation Trust Fund;
173 providing the fee structure for reactivating an
174 inactive license or permit; creating s. 468.913, F.S.;
175 requiring the reporting of a loss, theft, or
176 unexplained shortage of cannabis, cannabis-based
177 products, cannabis plants, or drug paraphernalia to
178 the local law enforcement agency and the department;
179 requiring an investigating law enforcement agency to
180 forward a copy of its written report to the
181 department; requiring the department to retain such
182 reports; requiring any sheriff or law enforcement

183 officer in this state to give immediate notice to the
184 department of a theft, illegal use, or illegal
185 possession of cannabis, cannabis-based product,
186 cannabis plants, or drug paraphernalia and to forward
187 a copy of his or her final written report to the
188 department; creating s. 468.914, F.S.; authorizing the
189 department to issue cease and desist orders and to
190 impose administrative fines for violations of part
191 XVII of ch. 468, F.S., and applicable department
192 rules; authorizing the department to seek injunctive
193 relief and to apply for temporary and permanent orders
194 for certain violations; authorizing the department to
195 revoke or suspend all licenses or permits held by a
196 person; providing requirements for an order of
197 suspension and an order of revocation; providing for
198 application of an order of revocation or suspension to
199 a newly issued permit or license; providing that a
200 person whose permit or license has been suspended or
201 revoked may not be issued a new permit or license
202 under any other name or company name until the
203 expiration of the suspension or revocation;
204 authorizing the department to revoke or suspend a
205 license or permit for certain violations or acts;
206 providing criminal penalties; providing that other
207 lawful remedies are not affected; requiring that all
208 fines, monetary penalties, and costs received by the

209 department in connection with this part be deposited
210 into the Professional Regulation Trust Fund of the
211 Department of Business and Professional Regulation;
212 creating s. 468.915, F.S.; requiring that all hearings
213 and review of orders from the department be conducted
214 in accordance with ch. 120, F.S.; creating s. 468.916,
215 F.S.; prohibiting a county or municipality from
216 creating or imposing an ordinance or rule that is
217 inconsistent with the provisions contained in this act
218 and the applicable department rules; creating s.
219 468.917, F.S.; requiring that all moneys collected and
220 deposited in the Professional Regulation Trust Fund be
221 used by the department in the administration of part
222 XVII of ch. 468, F.S.; requiring the department to
223 maintain a separate account in the Professional
224 Regulation Trust Fund for the Drugs, Devices, and
225 Cosmetics program; creating s. 468.918, F.S.;

226 requiring the Department of Business and Professional
227 Regulation and the Department of Revenue to adopt
228 rules by a specified date, including rules that
229 specify persons who may legally possess cannabis for
230 the purpose of teaching, research, or testing;
231 requiring the fees collected by the departments to be
232 applied first to the cost of administering the act;
233 authorizing a state resident to commence an action in
234 a court of competent jurisdiction if the departments

235 fail to adopt rules by a specified date; creating part
 236 III of ch. 499, F.S.; creating s. 499.802, F.S.;
 237 defining terms; creating s. 499.803, F.S.; authorizing
 238 a qualifying patient to cultivate, possess, and
 239 administer cannabis for medical use and to possess and
 240 use drug paraphernalia for a specified purpose;
 241 authorizing the patient's caregiver to cultivate,
 242 possess, and administer cannabis for medical use for a
 243 qualifying patient and to possess, deliver, and use
 244 drug paraphernalia for a specified purpose; providing
 245 that a registry identification card, or its
 246 equivalent, issued from another jurisdiction has the
 247 same force and effect as a registry identification
 248 card issued by the Department of Health; requiring a
 249 qualifying patient to present to a law enforcement
 250 officer a registry identification card to confirm that
 251 the patient may cultivate, possess, and administer
 252 cannabis for medical use and possess and use drug
 253 paraphernalia; requiring a patient's caregiver to
 254 present to a law enforcement officer a registry
 255 identification card to confirm that the caregiver may
 256 cultivate, possess, and administer cannabis for a
 257 qualifying patient and possess, deliver, and use drug
 258 paraphernalia; authorizing a qualifying patient or the
 259 patient's caregiver to purchase, possess, administer,
 260 or deliver cannabis, cannabis-based products, cannabis

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

287 | prescribing the maximum amount of cannabis which a
288 | qualifying patient or the patient's caregiver may
289 | possess; requiring a cardholder to cultivate cannabis
290 | plants in certain venues that are out of the public
291 | view; providing exceptions for delivering or
292 | distributing cannabis plants under certain
293 | circumstances; authorizing cannabis to be administered
294 | in certain medical treatment facilities under certain
295 | circumstances; prohibiting medical cannabis from being
296 | administered at a dispensary or in a public place,
297 | other than at a medical treatment facility; providing
298 | that the act does not allow a person to undertake a
299 | task under the influence of cannabis when doing so
300 | constitutes negligence or malpractice; providing that
301 | the medical use of cannabis does not create a defense
302 | to certain offenses; providing that evidence of a
303 | person's voluntary intoxication that results from the
304 | medical use of cannabis is not admissible in a
305 | judicial proceeding to show lack of specific intent or
306 | insanity; providing an exception; authorizing a person
307 | or entity to provide information about the existence
308 | or operation of a medical cannabis farm or dispensary
309 | to another person; prohibiting a law enforcement
310 | officer from further stopping or detaining a person
311 | stopped by the officer if that person is in compliance
312 | with the laws and rules regulating the medical use of

313 cannabis or drug paraphernalia; creating s. 499.805,
314 F.S.; authorizing a physician to prescribe, in
315 writing, the medical use of cannabis under certain
316 circumstances; providing requirements for the written
317 prescription; providing that a physician is not
318 subject to arrest, prosecution, penalty, disciplinary
319 proceedings, or denial of a right or privilege for
320 advising a qualifying patient about the medical use of
321 cannabis, recommending the medical use of cannabis,
322 providing a written prescription for a patient's
323 medical use of cannabis, or stating that, in the
324 physician's professional opinion, the potential
325 benefits of the medical use of cannabis likely
326 outweigh the health risks for a patient; prohibiting a
327 physician from having a professional office located at
328 a medical cannabis farm or dispensary or receiving
329 financial compensation from a medical cannabis farm or
330 dispensary or its owners, directors, officers,
331 members, incorporators, agents, or employees; creating
332 s. 499.806, F.S.; providing that qualifying patients
333 and their caregivers and certain nurse practitioners,
334 registered nurses, pharmacists, and other persons are
335 not subject to arrest, prosecution, penalty, or denial
336 of any right or privilege as a result of the lawful
337 applicable activity regarding the medical use of
338 cannabis under certain circumstances; prohibiting a

339 school, employer, or property owner from refusing to
340 enroll, employ, or lease to or otherwise penalizing a
341 person who is a cardholder; creating a presumption
342 when a qualifying patient or the patient's caregiver
343 is engaged in the medical use of cannabis under
344 certain circumstances; authorizing the use of evidence
345 to rebut that presumption; authorizing the patient's
346 caregiver to be reimbursed for certain costs;
347 providing that such reimbursement does not constitute
348 the sale of a controlled substance under s. 893.13,
349 F.S.; providing that a qualifying patient's medical
350 use of cannabis is equivalent to the use of any other
351 medication used at the direction of a physician;
352 providing that such use does not constitute the use of
353 an illicit drug under s. 893.03, F.S.; providing that
354 a person, cardholder, medical cannabis farm, or
355 dispensary that cultivates, manufactures, possesses,
356 administers, dispenses, distributes, or uses cannabis,
357 or manufactures, possesses, distributes, or uses drug
358 paraphernalia, in a manner not authorized by this act,
359 is subject to criminal prosecution and sanctions under
360 the Florida Comprehensive Drug Abuse Prevention and
361 Control Act; providing that a person who makes a
362 fraudulent representation to a law enforcement officer
363 relating to certain activities involving medical use
364 of cannabis or drug paraphernalia is subject to a

365 criminal fine in addition to other penalties under
366 law; creating s. 499.807, F.S.; providing additional
367 defenses to a prosecution involving cannabis;
368 authorizing the clerk of the court to assess a fee for
369 dismissal of a criminal charge of possession, use, or
370 administration of a legal amount of cannabis for
371 medical use or drug paraphernalia under certain
372 circumstances; authorizing a cardholder to assert the
373 purpose for the medical use of cannabis in a motion to
374 dismiss; providing that certain interests or rights to
375 property related to a qualifying patient's medical use
376 of cannabis may not be forfeited under the Florida
377 Contraband Forfeiture Act under certain circumstances;
378 creating s. 499.808, F.S.; providing that the act does
379 not require a governmental, private, or other health
380 insurance provider or health care services plan to
381 cover, or prohibit it from covering, a claim for
382 reimbursement for the medical use of cannabis;
383 creating s. 499.809, F.S.; prohibiting an employer,
384 laboratory, employee assistance program, or alcohol
385 and drug rehabilitation program and their agents from
386 releasing certain information without written consent;
387 providing requirements for written consent;
388 prohibiting information regarding a qualifying patient
389 or the patient's caregiver from being released or used
390 in a criminal proceeding; providing that such

391 information is inadmissible as evidence; authorizing
 392 the Department of Health and its employees to have
 393 access to information regarding a qualifying patient
 394 or the patient's caregiver under certain
 395 circumstances; creating s. 499.810, F.S.; requiring
 396 the department to adopt rules by a specified date;
 397 requiring the fees collected by the Department of
 398 Health to be applied first to the cost of
 399 administering part III of ch. 499; authorizing a state
 400 resident to commence an action in a court of competent
 401 jurisdiction if the departments fail to adopt rules by
 402 a specified date; conforming provisions to changes
 403 made by the act; authorizing the executive director of
 404 the Department of Revenue to adopt emergency rules;
 405 amending ss. 812.14, 893.03, 893.13, 893.1351,
 406 893.145, 893.147, and 921.0022, F.S.; providing an
 407 effective date.

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

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

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

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

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

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

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

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

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

442 (d) Ensure the availability of controlled distribution and

443 use of high-quality cannabis, cannabis-based products, cannabis
444 plants, and drug paraphernalia in this state for the benefit of
445 a qualifying patient who is prescribed cannabis for medical use.

446 468.902 Legislative findings and intent.—

447 (1) The Legislature finds that:

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

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

461 (c) Although federal law currently prohibits any use of
462 marijuana and cannabis, the laws of Alaska, Arizona, California,
463 Colorado, Connecticut, Delaware, District of Columbia, Hawaii,
464 Illinois, Maine, Massachusetts, Michigan, Montana, Nevada, New
465 Hampshire, New Jersey, New Mexico, Oregon, Rhode Island,
466 Vermont, and Washington allow the medical use of cannabis and
467 the cultivation of marijuana as of January, 2014. This state
468 joins in this effort for the health, safety, and welfare of its

469 residents through enacting the Cathy Jordan Medical Cannabis Act
470 and creating license and permit regulations in this part.

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

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

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

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

495 of this part and part III of chapter 499 control.

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

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

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

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

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

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

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

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

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

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

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

521 qualifying patient or the patient's caregiver.

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

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

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

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

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

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

546 (b) Is or will be used primarily for bona fide

547 agricultural purposes as provided in s. 193.461.

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

552 (15) "Patient's caregiver" or "caregiver" means a person
553 who is:

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

558 (b) At least 18 years of age.

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

562 (17) "Qualifying medical condition" means:

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

565 (b) Alzheimer's disease or agitation of Alzheimer's
566 disease;

567 (c) Amyotrophic lateral sclerosis (ALS);

568 (d) Anorexia;

569 (e) Cachexia;

570 (f) Cancer;

571 (g) Chronic debilitating pain;

572 (h) Damage to the nervous tissue of the spinal cord with

573 objective neurological indication of intractable spasticity;
574 (i) Decompensated cirrhosis;
575 (j) Epilepsy and other disorders characterized by
576 seizures;
577 (k) Fibromyalgia;
578 (l) Glaucoma;
579 (m) Hepatitis C;
580 (n) Inflammatory bowel disease, including Crohn's disease;
581 (o) Multiple sclerosis and other disorders characterized
582 by muscle spasticity;
583 (p) Muscular dystrophy;
584 (q) Nail-patella syndrome;
585 (r) Neuroborreliosis;
586 (s) Organ transplantation;
587 (t) Painful peripheral neuropathy;
588 (u) Parkinson's disease;
589 (v) Persistent nausea or severe emesis;
590 (w) Post-traumatic stress disorder (PTSD); or
591 (x) Terminal illness, if the physician has determined a
592 prognosis of less than 12 months of life.
593 (18) "Qualifying medical treatment" means:
594 (a) Chemotherapy;
595 (b) Radiotherapy;
596 (c) The use of azidothymidine or protease inhibitors; or
597 (d) Treatment of a qualifying medical condition as
598 specified in subsection (17).

599 (19) "Qualifying patient" means a person who is a resident
 600 of this state and registered with the Department of Health as a
 601 person who has been diagnosed by a physician as having a
 602 qualifying medical condition or undergoing a qualifying medical
 603 treatment.

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

608 (21) "Usable cannabis" means the dried flowers of the
 609 cannabis plant, and any mixture or preparation of the flowers,
 610 but does not include the seeds, stalks, and roots of the plant
 611 and does not include the weight of any noncannabis ingredients
 612 combined with cannabis and prepared for consumption as food or
 613 drink.

614 468.904 Department duties and responsibilities.-

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

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

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

631 (b) Each transaction at a medical cannabis farm or
632 dispensary, including:

633 1. The quantity of cannabis distributed or dispensed for
634 each transaction;

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

638 3. Records of the disposal and disposal method used for
639 any cannabis, drug paraphernalia, cannabis-based product, or
640 cannabis plant that was manufactured, cultivated, or acquired
641 but not sold or inventoried; and

642 4. Any other information required by the department.

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

644 (a) Develop and make available to each medical cannabis
645 farm, each dispensary, and the general public educational
646 materials about potential harmful drug interactions that could
647 occur from the concurrent medical use of cannabis with other
648 medical treatments;

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

651 state of the medical use of cannabis to help avoid harmful drug
 652 interactions;

653 (c) Conduct announced and unannounced inspections of
 654 medical cannabis farms and dispensaries; and

655 (d) Revoke or suspend the registration, license, or permit
 656 of a person, dispensary, or medical cannabis farm if the
 657 department determines that the person, dispensary, or medical
 658 cannabis farm has violated department rule, this part, or part
 659 III of chapter 499.

660 (4) The department shall adopt rules that are necessary to
 661 administer this section and that are in substantial conformity
 662 with generally accepted standards of safety, including rules
 663 that are reasonably necessary to protect the health, safety, and
 664 welfare of the public and the persons who cultivate, deliver,
 665 possess, manufacture, sell at wholesale, or retail cannabis,
 666 cannabis-based products, cannabis plants, and drug
 667 paraphernalia.

668 468.905 Medical cannabis farms.-

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

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

677 (b) Deliver, possess with intent to deliver, or
678 manufacture with intent to deliver drug paraphernalia.

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

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

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

700 (5) A medical cannabis farm shall maintain procedures
701 under which cannabis, cannabis-based products, and raw
702 ingredients, including all cannabis plants; derivatives of

703 cannabis plants; seedlings and seeds, whether in ground or not
 704 in ground, visible or not visible to the public, are accessible
 705 only to authorized personnel.

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

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

717 468.906 Dispensaries.-

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

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

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

734 (3) A dispensary may not conduct wholesale sales or
 735 transactions.

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

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

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

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

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

- 752 2. Six cannabis plant seedlings for each qualifying
 753 patient that the caregiver is connected to through the
 754 Department of Health's registration process as indicated on his

755 or her valid registry identification card.

756 (6) A dispensary shall maintain true, complete, and
757 current records of the name and registry identification card
758 number of each qualifying patient and patient's caregiver who
759 purchases cannabis, cannabis-based products, or cannabis plants,
760 except for drug paraphernalia, subject to the confidentiality
761 limitations in s. 499.809. The records maintained under this
762 subsection shall be retained for 3 years and must include:

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

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

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

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

776 (9) A dispensary shall prohibit a qualifying patient from
777 administering or using, and prohibit a patient's caregiver who
778 assists a qualifying patient from administering or using, any
779 form of cannabis while on the property of the dispensary. A
780 person who violates this subsection subjects the dispensary to

781 penalties prescribed by department rule, this part, and part III
782 of chapter 499.

783 468.907 Owners, directors, officers, members,
784 incorporators, agents, or employees of medical cannabis farms
785 and dispensaries.-

786 (1) Before a person becomes an owner, director, officer,
787 member, incorporator, agent, or employee of a medial cannabis
788 farm or dispensary, he or she must register with the department
789 and pay the applicable registration fee. The department shall:

790 (a) Establish by rule the following fees:

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

792 and

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

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

802 (2) A person who violates or has violated this part or
803 part III of chapter 499 may not be an owner, director, officer,
804 member, incorporator, agent, or employee of a medical cannabis
805 farm or dispensary. Any prior registration or authorization of
806 such person shall be immediately revoked, and the department

807 shall suspend the permit or license of the medical cannabis farm
808 or dispensary until the person resigns or is removed from the
809 position of owner, director, officer, member, incorporator,
810 agent, or employee.

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

815 468.908 Medical cannabis farm permit.-

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

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

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

823 (b) The suitability of the proposed facility.

824 (c) The proposed staffing plan.

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

828 (e) The proposed cultivation plan.

829 (f) The proposed manufacturing plan.

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

831 (h) The proposed labeling plan.

832 (i) The proposed product safety plan.

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

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

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

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

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

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

844 (5) If the department fails to adopt rules to administer
845 this section by January 1, 2015, a medical cannabis farm
846 applicant may commence an action in a court of competent
847 jurisdiction to compel the department to perform the actions
848 mandated under this section.

849 468.909 Dispensary license.—

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

852 (2) An applicant for an initial or renewal license to
853 operate a dispensary must address the following information in
854 the license application:

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

857 (b) The suitability of the proposed facility.

858 (c) The proposed staffing plan.

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

862 (e) The proposed retail plan.

863 (f) The proposed marketing plan.

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

865 (h) The proposed labeling plan.

866 (i) The proposed product safety plan.

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

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

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

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

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

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

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

883 468.910 Applications for licenses and permits.-

884 (1) An application for a license or permit required under

885 this part must be filed in writing with the department. An
886 application must include, at a minimum, the full name, date of
887 birth, place of birth, social security number, physical
888 description, residence address and telephone number, and
889 business address and telephone number of the applicant. Each
890 application must be accompanied by an accurate and current
891 photograph of the applicant and a complete set of fingerprints
892 of the applicant taken by an authorized law enforcement agency;
893 however, a set of fingerprints is not required if the applicant
894 has possessed a valid license or permit under this part during
895 the previous licensing or permitting year and such license or
896 permit has not lapsed or been suspended or revoked. If
897 fingerprints are required, the department shall submit the set
898 of fingerprints to the Department of Law Enforcement for state
899 processing. If the application does not require a set of
900 fingerprints, the department shall submit the name and other
901 identifying data to the Department of Law Enforcement for
902 processing. The application must be in a form to provide the
903 data and other information set forth in this subsection and must
904 be sworn to by the applicant or, if the applicant is a
905 corporation, by each officer and director of the corporation.
906 The officers and directors applying on behalf of a corporation
907 shall provide all of the required identifying data and
908 information. This section does not preclude electronic filing of
909 the application.

910 (2) The department may require an applicant to furnish

911 other information or data not required by this section if the
912 information or data are deemed necessary by the department.

913 468.911 Issuance of licenses and permits; prohibitions.-

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

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

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

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

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

933 1. A drug-related felony; or

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

936 or

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

940 1. "Adjudicated mentally defective" has the same meaning
941 as in s. 790.065.

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

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

953 468.912 License and permit to be displayed.—

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

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

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

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

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

986 (6) The fee structure for reactivation of an inactive
987 license or permit, except when renewed within 30 days after the
988 date of expiration, is the same as for an initial permit or

989 license, including the application fee.

990 468.913 Reports of theft, illegal use, or illegal
991 possession.—

992 (1) A licensee or permittee who incurs a loss, theft, or
993 unexplained shortage of cannabis, cannabis-based products,
994 cannabis plants, or drug paraphernalia, or who has knowledge of
995 a loss, theft, or unexplained shortage of cannabis, cannabis-
996 based products, cannabis plants, or drug paraphernalia, shall,
997 within 12 hours after the discovery, report such loss, theft, or
998 unexplained shortage to the county sheriff or police chief of
999 the jurisdiction in which the loss, theft, or unexplained
1000 shortage occurred. This loss, theft, or unexplained shortage
1001 shall also be reported to the department by the close of the
1002 next business day following the discovery.

1003 (2) A law enforcement agency that investigates the causes
1004 and circumstances of a loss, theft, or unexplained shortage of
1005 cannabis, cannabis-based products, cannabis plants, or drug
1006 paraphernalia shall forward a copy of its final written report
1007 to the department. The department shall retain these reports in
1008 the files of the affected licensee or permittee.

1009 (3) Any sheriff or law enforcement officer in this state
1010 shall give immediate notice to the department of the theft,
1011 illegal use, or illegal possession of cannabis, cannabis-based
1012 products, cannabis plants, or drug paraphernalia and forward a
1013 copy of his or her final written police report to the
1014 department.

1015 468.914 Administrative relief; civil relief; penalties;
 1016 allocation and disposition of moneys collected.-

1017 (1) If the department has probable cause to believe that a
 1018 person not licensed or permitted by the department has engaged
 1019 in any activities governed by this part or a department rule
 1020 adopted pursuant to this part, the department may:

1021 (a) Issue and deliver to such person a notice to cease and
 1022 desist from such violation. The issuance of a notice to cease
 1023 and desist does not constitute agency action for which a hearing
 1024 under ss. 120.569 and 120.57 may be sought. For the purpose of
 1025 enforcing a notice to cease and desist, the department may file
 1026 a proceeding seeking issuance of an injunction or a writ of
 1027 mandamus against a person who violates such notice. If the
 1028 department is required to seek enforcement of the notice to
 1029 cease and desist for penalty pursuant to s. 120.569, it is
 1030 entitled to collect its attorney fees and costs.

1031 (b) In addition to the remedy under paragraph (a), impose
 1032 by citation an administrative fine not to exceed \$5,000 for each
 1033 violation per day. Each day that a violation continues
 1034 constitutes a separate violation, and each separate violation is
 1035 subject to a separate fine. The department shall issue the
 1036 citation to the person, and the citation must contain the
 1037 person's name and any other information the department
 1038 determines to be necessary to identify the person, a brief
 1039 factual statement, the sections of the law allegedly violated,
 1040 and the fine imposed. If the person does not dispute the matter

1041 in the citation or pay the fine within 30 days after the
1042 citation is served, the citation becomes a final order of the
1043 department. The department is entitled to recover the costs of
1044 investigation and prosecution in addition to the fine levied
1045 pursuant to the citation.

1046 (c) In addition to the administrative remedies under
1047 paragraphs (a) and (b), seek injunctive relief in the Circuit
1048 Court of Leon County and apply for temporary orders and
1049 permanent orders as the department deems necessary to restrain
1050 such person from engaging in any activity under this part until
1051 such person complies. The court may also award to the prevailing
1052 party court costs and reasonable attorney fees and, if the
1053 department prevails, may also award reasonable costs for
1054 investigation and prosecution.

1055 (2) The department may revoke or suspend in accordance
1056 with this subsection all of the licenses or permits held by a
1057 person. An order of suspension must specify the duration of the
1058 suspension, which may not exceed 1 year from the date of the
1059 order. An order of revocation may be entered for a period not to
1060 exceed 5 years. The order affects the revocation of all licenses
1061 and permits held by the person. During such period, a license or
1062 permit may not be issued to the person. If, during the period
1063 between the beginning of a proceeding to revoke or suspend a
1064 license or permit and the entry of an order of suspension or
1065 revocation by the department, a new license or permit is issued
1066 to the person, any order of suspension or revocation applies

1067 with respect to the new license or permit. A person whose permit
 1068 or license has been suspended or revoked may not be issued a new
 1069 permit or license under any other name or company name until the
 1070 expiration of the suspension or revocation. In addition to the
 1071 administrative remedies and civil remedies under paragraphs
 1072 (1)(b) and (c) and the criminal penalties in subsection (3), the
 1073 department may revoke or suspend a license or permit if a person
 1074 does any of the following:

1075 (a) Violates this part or a department rule adopted
 1076 pursuant to this part.

1077 (b) Fails to pay an administrative fine within 30 days
 1078 after a citation becomes a final order.

1079 (c) Knowingly makes or files a report that is false,
 1080 intentionally or negligently fails to file a report or record
 1081 required by state law, or willfully impedes or obstructs such
 1082 filing or induces another person to do so.

1083 (d) Pays or receives, directly or indirectly, a
 1084 commission, bonus, kickback, or rebate to or from, or who
 1085 engages in any split-fee arrangement in any form with, a
 1086 physician, organization, agency, or person for patients referred
 1087 to a provider of health care goods and services, including, but
 1088 not limited to, a hospital, nursing home, clinical laboratory,
 1089 ambulatory surgical center, or pharmacy.

1090 (3)(a) A licensee, a permittee, or any person who
 1091 knowingly withholds information or:

1092 1. Presents to the department a false, fictitious, or

1093 misrepresented application, registration, identification,
 1094 document, information, statement, or data intended or likely to
 1095 deceive the department for the purpose of obtaining or renewing
 1096 a license or permit commits a misdemeanor of the first degree,
 1097 punishable as provided in s. 775.082 or s. 775.083.

1098 2. Makes a false or fictitious entry or a
 1099 misrepresentation upon any invoice, receipt, sales ticket, sales
 1100 slip, or account of inventories commits a misdemeanor of the
 1101 first degree, punishable as provided in s. 775.082 or s.
 1102 775.083.

1103 (b) A licensee who knowingly fails to maintain written
 1104 accounts of inventories or records of sales or transfers commits
 1105 a misdemeanor of the first degree, punishable as provided in s.
 1106 775.082 or s. 775.083.

1107 (c) A permittee who knowingly fails to maintain written
 1108 inventories and records commits a misdemeanor of the first
 1109 degree, punishable as provided in s. 775.082 or s. 775.083.

1110 (d) A licensee or permittee who fails to report the loss,
 1111 theft, or unexplained shortage of cannabis, cannabis-based
 1112 products, cannabis plants, or drug paraphernalia commits a
 1113 misdemeanor of the first degree, punishable as provided in s.
 1114 775.082 or s. 775.083.

1115 (4) The provisions of this section are cumulative and do
 1116 not affect any other lawful remedy available to the state,
 1117 including administrative fines and injunctive relief.

1118 (5) All fines, monetary penalties, and costs received by

1119 the department in connection with this part shall be deposited
1120 into the Professional Regulation Trust Fund.

1121 468.915 Conduct of hearings; review of orders of the
1122 department.—All hearings shall be conducted in accordance with
1123 chapter 120. All reviews of orders of the department shall be in
1124 accordance with chapter 120.

1125 468.916 County and municipal ordinances.—A county or
1126 municipality in this state may create or impose an ordinance or
1127 rule pertaining to the medical use of cannabis which is not
1128 inconsistent with the provisions contained in this part, part
1129 III of chapter 499, or applicable department rules.

1130 468.917 Collection of moneys.—All moneys collected under
1131 this part and deposited into the Professional Regulation Trust
1132 Fund shall be used by the department in the administration of
1133 this part. The department shall maintain a separate account in
1134 the Professional Regulation Trust Fund for the Drugs, Devices,
1135 and Cosmetics program.

1136 468.918 Rules.—

1137 (1) By October 1, 2014, the department shall adopt rules
1138 to administer this part, including rules that:

1139 (a) Create an application form and a procedure for
1140 obtaining a permit to own or operate a medical cannabis farm.

1141 (b) Create an application form and a procedure for
1142 obtaining a license to own or operate a dispensary.

1143 (c) Create a registration form and procedure for
1144 registering as an owner, director, officer, member,

1145 incorporator, employee, or agent.

1146 (d) Determine the registration fees to register as an
 1147 owner, director, officer, member, incorporator, employee, or
 1148 agent in accordance with s. 468.907.

1149 (e) Determine the licensing fees and permitting fees to
 1150 own or operate a dispensary or medical cannabis farm in
 1151 accordance with ss. 468.908 and 468.909.

1152 (f) Determine the appropriate signage, outdoor lighting,
 1153 security system, security plan, and theft prevention plan for
 1154 medical cannabis farms and dispensaries.

1155 (g) Determine the hours during which medical cannabis
 1156 farms and dispensaries may operate.

1157 (h) Establish the inspection and audit procedures and
 1158 recordkeeping requirements for medical cannabis farms and
 1159 dispensaries to ensure compliance with the rules of the
 1160 department.

1161 (i) Specify persons who may legally possess cannabis for
 1162 the purpose of teaching, research, or testing and create a form
 1163 to exempt the lawful possession of cannabis by those persons.

1164 (2) By January 1, 2015, the Department of Revenue shall
 1165 adopt rules that govern the manner in which:

1166 (a) Medical cannabis farms are subject to taxation and
 1167 reporting for the wholesale distribution of cannabis for medical
 1168 use.

1169 (b) Dispensaries are subject to taxation and reporting for
 1170 the retail distribution of cannabis for medical use.

1171 (3) The fees collected by the Department of Business and
 1172 Professional Regulation and the Department of Revenue pursuant
 1173 to this part shall be applied first toward the cost of
 1174 administering this part.

1175 (4) If the Department of Business and Professional
 1176 Regulation or the Department of Revenue fails to adopt rules to
 1177 administer this part by January 1, 2015, a resident of this
 1178 state may commence an action in a court of competent
 1179 jurisdiction to compel performance of the actions mandated under
 1180 this part.

1181 Section 3. Part III of chapter 499, Florida Statutes,
 1182 consisting of sections 499.802-499.810, is created to read:

1183 499.802 Definitions.—As used in this part, unless the
 1184 context clearly indicates otherwise, the term:

1185 (1) "Administer" has the same meaning as in s. 893.02.

1186 (2) "Bona fide physician-patient relationship" means a
 1187 relationship between a physician and patient in which the
 1188 physician has:

1189 (a) Completed a full assessment of the patient's medical
 1190 history and current medical condition, including a personal
 1191 physical examination; and

1192 (b) Responsibility for the ongoing care and treatment of
 1193 the patient.

1194 (3) "Cannabis" has the same meaning as provided in s.
 1195 893.02.

1196 (4) "Cannabis plant" has the same meaning as provided in

- 1197 s. 893.135.
- 1198 (5) "Cardholder" means a qualifying patient, or the
 1199 patient's caregiver, who has been issued and possesses a valid
 1200 registry identification card.
- 1201 (6) "Cultivating" has the same meaning as in s. 893.02.
- 1202 (7) "Department" means the Department of Health.
- 1203 (8) "Dispensary" has the same meaning as provided in s.
 1204 468.903.
- 1205 (9) "Dispense" has the same meaning as provided in s.
 1206 468.903.
- 1207 (10) "Distribute" has the same meaning as provided in s.
 1208 468.903.
- 1209 (11) "Drug paraphernalia" has the same meaning as provided
 1210 in s. 468.903.
- 1211 (12) "Manufacture" has the same meaning as provided in s.
 1212 468.903.
- 1213 (13) "Medical cannabis farm" has the same meaning as
 1214 provided in s. 468.903.
- 1215 (14) "Medical treatment facility" means a facility that
 1216 provides, as its primary purpose, human medical diagnostic
 1217 services or nonsurgical human medical treatment. The term does
 1218 not include an office maintained by a dentist or endodontist for
 1219 the practice of dentistry or endodontics.
- 1220 (15) "Medical use" has the same meaning as provided in s.
 1221 468.903.
- 1222 (16) "Patient's caregiver" or "caregiver" has the same

1223 meaning as provided in s. 468.903.

1224 (17) "Physician" has the same meaning as provided in s.
 1225 468.903.

1226 (18) "Qualifying medical condition" has the same meaning
 1227 as provided in s. 468.903.

1228 (19) "Qualifying medical treatment" has the same meaning
 1229 as provided in s. 468.903.

1230 (20) "Qualifying patient" has the same meaning as provided
 1231 in s. 468.903.

1232 (21) "Registry identification card" has the same meaning
 1233 as provided in s. 468.903.

1234 (22) "Usable cannabis" has the same meaning as provided in
 1235 s. 468.903.

1236 499.803 Cannabis for medical use.—

1237 (1) Notwithstanding any other provision of law, a
 1238 qualifying patient may cultivate, possess, and administer
 1239 cannabis for medical use and possess and use drug paraphernalia
 1240 in accordance with this part and department rule only after
 1241 obtaining a signed, written prescription from a physician in
 1242 accordance with s. 499.805 and a registry identification card
 1243 from the department.

1244 (2) Notwithstanding any other provision of law, a
 1245 patient's caregiver may cultivate, possess, and administer
 1246 cannabis for a qualifying patient and possess, deliver, and use
 1247 drug paraphernalia for the sole purpose of assisting in the
 1248 qualifying patient's medical use of cannabis in accordance with

1249 this part and department rule only after obtaining a registry
1250 identification card from the department.

1251 (3) A registry identification card, or its equivalent,
1252 which is issued under the laws of another state, district,
1253 territory, commonwealth, or insular possession of the United
1254 States and allows the medical use of cannabis by a visiting
1255 qualifying patient or allows a person to assist with a visiting
1256 qualifying patient's medical use of cannabis has the same force
1257 and effect as a registry identification card issued by the
1258 department.

1259 (4) A qualifying patient shall, upon demand, present to a
1260 law enforcement officer his or her registry identification card
1261 to confirm that he or she is authorized to cultivate, possess,
1262 and administer cannabis for medical use and possess and use drug
1263 paraphernalia in accordance with this part and department rule.

1264 (5) A patient's caregiver shall, upon demand, present to a
1265 law enforcement officer his or her registry identification card
1266 to confirm that he or she is authorized to cultivate, possess,
1267 and administer cannabis for a qualifying patient and possess,
1268 deliver, and use drug paraphernalia in accordance with this part
1269 and department rule.

1270 (6) A qualifying patient or the patient's caregiver may:

1271 (a) Purchase, possess, administer, or deliver cannabis,
1272 cannabis-based products, cannabis plants, and drug paraphernalia
1273 obtained only from a dispensary or medical cannabis farm that is
1274 issued a license or permit from the Department of Business and

1275 Profession Regulation; or
 1276 (b) Cultivate cannabis and cannabis plants for medical use
 1277 for only a qualifying patient's possession and administration.
 1278 (7) A qualifying patient who is a minor may possess and
 1279 administer cannabis and cannabis-based products for medical use
 1280 and possess and use drug paraphernalia in accordance with this
 1281 part and department rule only:
 1282 (a) In the presence of the minor's parent or legal
 1283 guardian; and
 1284 (b) If the minor's parent or legal guardian has signed a
 1285 written statement affirming that the parent or legal guardian:
 1286 1. Understands the minor's qualifying medical condition or
 1287 qualifying medical treatment;
 1288 2. Understands the potential benefits and potential
 1289 adverse effects of the medical use of cannabis, generally and
 1290 specifically, in the case of the minor;
 1291 3. Consents to the medical use of cannabis by the minor;
 1292 and
 1293 4. Consents to the designation of, or designates, an
 1294 authorized person to serve as the minor's caregiver and to
 1295 control the medical use of cannabis by the minor.
 1296 (8) If a qualifying patient who possesses a registry
 1297 identification card changes his or her designation of a
 1298 caregiver, the department shall issue a registry identification
 1299 card to the qualifying patient's new caregiver and:
 1300 (a) Notify the qualifying patient's former caregiver

1301 within 10 days after the department has issued a registry
1302 identification card to the qualifying patient's new caregiver.
1303 The registry identification card of the qualifying patient's
1304 former caregiver expires 10 days after such notification by the
1305 department; or

1306 (b) If the former caregiver remains connected through the
1307 department's registration process to other qualifying patients,
1308 issue a new registry identification card to the qualifying
1309 patient's former caregiver which indicates an updated list of
1310 qualifying patients to whom the caregiver remains connected
1311 through the department's registration process. The caregiver's
1312 registry identification card that indicates the former
1313 qualifying patient immediately expires upon the caregiver's
1314 receipt of the new registry identification card.

1315 (9) If a cardholder loses his or her registry
1316 identification card, he or she shall notify the department and
1317 submit a \$25 fee within 10 days after reporting the lost card.
1318 Within 5 days after being notified and receiving the \$25 fee,
1319 the department shall issue a new registry identification card to
1320 the cardholder.

1321 (10) If the department fails to act upon a request for a
1322 registry identification card within 35 days after receiving the
1323 registration form, the card is deemed granted, and the copy of
1324 the registration form is deemed a valid registry identification
1325 card.

1326 (11) If the department determines that a cardholder

1327 willfully violates this part, the department may revoke the
1328 cardholder's registry identification card as provided by rule.
1329 499.804 Restrictions on the use of cannabis for medical
1330 use.—

1331 (1) A person who seeks designation as a qualifying patient
1332 or the patient's caregiver must register with the department.

1333 (2) A patient's caregiver may be connected to up to three
1334 qualifying patients through the department's registration
1335 process as indicated on the caregiver's valid registry
1336 identification card.

1337 (3) A qualifying patient or the patient's caregiver shall
1338 deliver or distribute cannabis in a labeled container or sealed
1339 package in a manner and method established by rule.

1340 (a) The maximum amount of cannabis which a qualifying
1341 patient may possess at any given time is 250 grams of usable
1342 cannabis, eight mature cannabis plants, and eight immature
1343 cannabis plants.

1344 (b) The maximum amount of cannabis which a patient's
1345 caregiver may possess at any given time is:

1346 1. The number of grams of usable cannabis determined by
1347 multiplying by 250 the number of qualifying patients to whom the
1348 caregiver is connected through the department's registration
1349 process as indicated on the caregiver's valid registry
1350 identification card.

1351 2. The number of mature cannabis plants determined by
1352 multiplying by 8 the number of qualifying patients to whom the

1353 caregiver is connected through the department's registration
 1354 process as indicated on the caregiver's valid registry
 1355 identification card.

1356 3. The number of immature cannabis plants determined by
 1357 multiplying by 8 the number of qualifying patients to whom the
 1358 caregiver is connected through the department's registration
 1359 process as indicated on the caregiver's valid registry
 1360 identification card.

1361 (4) If a cardholder cultivates his or her own cannabis for
 1362 medical use, the cardholder must do so in a room, greenhouse,
 1363 garden, or other enclosed area that is kept locked and out of
 1364 the public view. This subsection does not apply when the plants
 1365 are being delivered or distributed:

1366 (a) Because the cardholder is changing permanent residence
 1367 or temporary residence as defined in s. 775.21; or

1368 (b) To the property of the cardholder or, in the case of a
 1369 caregiver, to the property of the caregiver's qualifying
 1370 patient.

1371 (5) Cannabis may be administered at a medical treatment
 1372 facility if allowed by the facility and if a qualifying patient
 1373 is receiving medical care for a qualifying medical condition or
 1374 treatment. Cannabis may not be administered by or to a
 1375 qualifying patient at a dispensary or in a public place.

1376 (6) This part does not allow a person to undertake a task
 1377 under the influence of cannabis when doing so constitutes
 1378 professional negligence or professional malpractice.

1379 (7) The medical use of cannabis as authorized under this
1380 part and under department rule does not create a defense to an
1381 offense proscribed by law which is not otherwise excepted in
1382 this chapter or in chapter 468. Evidence of a person's voluntary
1383 intoxication from the use of cannabis is not admissible in a
1384 judicial proceeding to show that the person lacked the specific
1385 intent to commit an offense or to show that the person was
1386 insane at the time of the offense, except when the consumption
1387 was pursuant to a lawful prescription issued to the person by a
1388 physician.

1389 (8) Notwithstanding any other provision of law, a person
1390 or entity may provide information about the existence or
1391 operations of a medical cannabis farm or dispensary to another
1392 person pursuant to this part.

1393 (9) A person who is stopped by a law enforcement officer
1394 upon reasonable suspicion or probable cause that he or she is in
1395 possession of cannabis may not be further detained or arrested
1396 on this sole basis if the person is in compliance with this part
1397 and department rule.

1398 499.805 Physicians; prescriptions for the medical use of
1399 cannabis.—

1400 (1) A physician may prescribe the medical use of cannabis
1401 to a qualifying patient if the physician:

1402 (a) Is in a bona fide physician-patient relationship with
1403 the qualifying patient; and

1404 (b) Determines that the prescription is needed based on

1405 the qualifying patient's medical history and current medical
1406 condition and a review of other approved medications and
1407 treatments that may provide the qualifying patient with relief
1408 from a qualifying medical condition or its symptoms or the side
1409 effects of a qualifying medical treatment.

1410 (2) If a physician prescribes cannabis for medical use to
1411 a qualifying patient, the physician shall complete a written
1412 prescription pursuant to s. 456.42 and include:

1413 (a) A statement that the qualifying patient may use
1414 cannabis;

1415 (b) The physician's federal controlled substance registry
1416 number; and

1417 (c) A statement that the prescription for the medical use
1418 of cannabis is necessary.

1419 (3) A physician is not subject to arrest, prosecution, or
1420 penalty, including, but not limited to, civil penalty or
1421 disciplinary action by the department or by any other business
1422 licensing board, occupational licensing board, or professional
1423 licensing board, or subject to denial of any right or privilege,
1424 solely for advising a patient about the medical use of cannabis,
1425 prescribing the medical use of cannabis in accordance with this
1426 part and department rule, providing a written prescription in
1427 accordance with this section, or stating that, in the
1428 physician's professional opinion, the potential benefits of the
1429 medical use of cannabis likely outweigh the health risks for a
1430 patient.

1431 (4) A physician who recommends, advises, or prescribes
1432 cannabis for medical use to a qualifying patient may not have a
1433 professional office located at a medical cannabis farm or
1434 dispensary or receive financial compensation for the
1435 recommendation, advice, or prescription from a medical cannabis
1436 farm or dispensary or an owner, director, officer, member,
1437 incorporator, agent, or employee of such farm or dispensary.

1438 499.806 Arrest and prosecution.—

1439 (1) (a) A qualifying patient who has in his or her
1440 possession a valid registry identification card is not subject
1441 to arrest, prosecution, or penalty, including, but not limited
1442 to, civil penalty or disciplinary action by a business licensing
1443 board, occupational licensing board, or professional licensing
1444 board, and may not be denied any right or privilege, for the
1445 medical use of cannabis if the qualifying patient possesses an
1446 amount of cannabis which does not exceed 250 grams of usable
1447 cannabis, eight mature cannabis plants, and eight immature
1448 cannabis plants.

1449 (b) A patient's caregiver who has in his or her possession
1450 a valid registry identification card is not subject to arrest,
1451 prosecution, or penalty, including, but not limited to, civil
1452 penalty or disciplinary action by a business licensing board,
1453 occupational licensing board, or professional licensing board,
1454 and may not be denied any right or privilege, for assisting a
1455 qualifying patient to whom he or she is connected through the
1456 department's registration process with the delivery or

1457 distribution of cannabis if the patient's caregiver possesses an
1458 amount of cannabis which does not exceed 250 grams of usable
1459 cannabis, eight mature cannabis plants, or eight immature
1460 cannabis plants for each qualifying patient to whom he or she is
1461 connected through the department's registration process as
1462 indicated on the caregiver's valid registry identification card.

1463 (c) A nurse practitioner, registered nurse, or pharmacist
1464 is not subject to arrest, prosecution, or penalty, including,
1465 but not limited to, civil penalty or disciplinary action by a
1466 business licensing board, occupational licensing board, or
1467 professional licensing board, and may not be denied any right or
1468 privilege, solely for discussing with a patient the benefits or
1469 health risks of cannabis or its interaction with other
1470 substances.

1471 (d) A person is not subject to arrest or prosecution for
1472 constructive possession, conspiracy, aiding and abetting, being
1473 an accessory, or any other offense for being in the presence or
1474 vicinity of the medical use of cannabis by a qualifying patient
1475 or for assisting in, as the patient's caregiver, the medical use
1476 of cannabis by a qualifying patient as allowed under this part.

1477 (2) A school, employer, or property owner may not refuse
1478 to enroll, employ, or lease to or otherwise penalize a person
1479 solely for his or her status as a cardholder.

1480 (3) A presumption is created that a qualifying patient or
1481 the patient's caregiver is engaged in the medical use of
1482 cannabis if the qualifying patient or the patient's caregiver is

1483 in possession of a valid registry identification card and if the
1484 number of cannabis plants or the amount of cannabis does not
1485 exceed the amount allowed under this section.

1486 (4) A presumption of the medical use or possession of
1487 cannabis under this section may be rebutted by evidence that the
1488 conduct related to cannabis was not intended to treat, or assist
1489 with the treatment of, a qualifying medical condition or the
1490 symptoms associated with that condition or to alleviate the side
1491 effects of a qualifying medical treatment.

1492 (5) The patient's caregiver may be reimbursed for actual
1493 costs associated with assisting a qualifying patient in his or
1494 her medical use of cannabis. This reimbursement does not
1495 constitute the sale of a controlled substance under s. 893.13.

1496 (6) For the purposes of medical care, a qualifying
1497 patient's medical use of cannabis is equivalent to the use of
1498 other medication used at the direction of a physician. Such use
1499 does not constitute the use of an illicit drug under s. 893.03.

1500 (7) A person, cardholder, medical cannabis farm, or
1501 dispensary that cultivates, manufactures, possesses,
1502 administers, dispenses, distributes, or uses cannabis or
1503 manufactures, possesses, distributes, or uses drug paraphernalia
1504 in a manner not authorized by this part, part XVII of chapter
1505 468, or department rule is subject to criminal prosecution and
1506 sanctions under chapter 893.

1507 (8) A person who makes a fraudulent representation to a
1508 law enforcement officer of any fact or circumstance relating to

1509 the person's cultivation, manufacture, possession,
1510 administration, dispensing, distribution, or authorized use of
1511 cannabis, or possession or use of drug paraphernalia, to avoid
1512 arrest or prosecution is subject to a criminal fine not to
1513 exceed \$1,000. The imposition of the fine is in addition to
1514 penalties that may otherwise apply for the making of a false
1515 statement or for the cultivation, manufacture, possession,
1516 administration, dispensing, distribution, or authorized use of
1517 cannabis or possession or use of drug paraphernalia.

1518 499.807 Defenses.—

1519 (1) The following circumstances may be raised as an
1520 affirmative defense to a criminal charge of possession or
1521 distribution of cannabis or possession with intent to distribute
1522 cannabis:

1523 (a) The person charged with the offense is in possession
1524 of a valid registry identification card;

1525 (b) The person charged with the offense is 18 years of age
1526 or older; and

1527 (c)1. The possession or distribution, or possession with
1528 intent to distribute, occurs at a medical facility that allows
1529 the medical use of cannabis; or

1530 2. The possession, distribution, or possession with intent
1531 to distribute occurs in a medical cannabis farm or dispensary.

1532 (2) Before, or at the time of, a cardholder's court
1533 appearance for a criminal charge of possession or use of drug
1534 paraphernalia, or for a criminal charge of possession, use, or

1535 administration of a legal amount of cannabis for medical use,
1536 the clerk of the court may dismiss the charge and assess a
1537 dismissal fee of \$25 if the cardholder:

1538 (a) Upon demand by a law enforcement officer, was unable
1539 to present to the law enforcement officer a registry
1540 identification card to confirm that the cardholder may possess
1541 or use drug paraphernalia or possess, use, or administer legal
1542 amounts of cannabis for medical use; and

1543 (b) Before, or at the time of, the cardholder's court
1544 appearance, produces in court or to the clerk of the court in
1545 which the charge is pending the cardholder's registry
1546 identification card that was valid at the time of the
1547 cardholder's arrest.

1548 (3) Except as provided in subsections (1) and (2), a
1549 cardholder may assert the purpose for the medical use of
1550 cannabis as a defense to any prosecution involving cannabis, and
1551 such defense is presumed valid if the evidence shows that:

1552 (a) The qualifying patient's physician has stated that, in
1553 the physician's professional opinion, after having completed a
1554 full assessment of the patient's medical history and current
1555 medical condition made in the course of a bona fide physician-
1556 patient relationship, the potential benefits of using cannabis
1557 would likely outweigh the health risks for the qualifying
1558 patient; and

1559 (b) The qualifying patient and the patient's caregiver, if
1560 any, were collectively in possession of a quantity of cannabis

1561 which was not more than that allowed under this part to ensure
 1562 the uninterrupted availability of cannabis for the purpose of
 1563 treating a qualifying medical condition and the symptoms
 1564 associated with that condition or alleviating the side effects
 1565 of a qualifying medical treatment.

1566 (4) A person may assert the purpose for the medical use of
 1567 cannabis in a motion to dismiss, and the charges shall be
 1568 dismissed following an evidentiary hearing if the person
 1569 presents the evidence specified in subsection (3).

1570 (5) The Florida Contraband Forfeiture Act, contained in
 1571 ss. 932.701-932.706, does not apply to any interest in or right
 1572 to property that is possessed, owned, or used in connection with
 1573 the medical use of cannabis or acts incidental to such use.

1574 499.808 Insurance.—This part does not require a
 1575 governmental, private, or other health insurance provider or
 1576 health care services plan to cover, or prohibit it from
 1577 covering, a claim for reimbursement for the medical use of
 1578 cannabis.

1579 499.809 Confidentiality.—

1580 (1) An employer, laboratory, employee assistance program,
 1581 or alcohol and drug rehabilitation program or its agents may not
 1582 release information obtained pursuant to this part in accordance
 1583 with s. 112.0455 without a written consent form signed
 1584 voluntarily by the qualifying patient or the patient's caregiver
 1585 unless such release is compelled by a hearing officer or a court
 1586 of competent jurisdiction pursuant to an appeal taken under this

1587 part or is deemed appropriate by a business licensing board,
1588 professional licensing board, or occupational licensing board in
1589 a related disciplinary proceeding. The consent form must
1590 contain, at a minimum:

1591 (a) The name of the person who is authorized to obtain the
1592 information.

1593 (b) The purpose of the disclosure.

1594 (c) The precise information to be disclosed.

1595 (d) The duration of the consent.

1596 (e) The signature of the person authorizing release of the
1597 information.

1598 (2) Information regarding a qualifying patient or the
1599 patient's caregiver may not be released or used in a criminal
1600 proceeding against the qualifying patient or the patient's
1601 caregiver. Information released contrary to this section is
1602 inadmissible as evidence in a criminal proceeding.

1603 (3) This section does not prohibit the department or its
1604 employees or agents from obtaining access to information
1605 regarding a qualifying patient or the patient's caregiver if the
1606 department or its employees and agents consult with legal
1607 counsel in connection with actions brought under or related to
1608 this part or if the information is relevant to the department's
1609 defense in a civil or administrative proceeding.

1610 499.810 Rules.—

1611 (1) By October 1, 2014, the department shall adopt rules
1612 to administer this part, including rules to:

1613 (a) Create a registration form, a procedure, and
1614 eligibility requirements to obtain and renew a registry
1615 identification card for a qualifying patient and the patient's
1616 caregiver. The department shall, by rule, establish registration
1617 and renewal fees that generate revenues sufficient to offset all
1618 expenses of implementing and administering this part.

1619 (b) Adopt manufacturing practices with which medical
1620 cannabis farms and dispensaries must comply in order to ensure
1621 that cannabis sold by such farms and dispensaries is of
1622 pharmaceutical grade.

1623 (c) Ensure that the labeling on cannabis sold by medical
1624 cannabis farms and dispensaries provides sufficient information
1625 for qualifying patients to be able to make informed choices
1626 about grades and forms of cannabis for medical use.

1627 (d) Prescribe procedures and guidelines for the inspection
1628 and auditing of dispensaries.

1629 (2) If the department fails to adopt rules to administer
1630 this part by January 1, 2015, a resident of this state may
1631 commence an action in a court of competent jurisdiction to
1632 compel performance of the actions mandated under this section.

1633 Section 4. Emergency rules.—

1634 (1) The executive director of the Department of Revenue is
1635 authorized, and all conditions are deemed met, to adopt
1636 emergency rules under ss. 120.536(1) and 120.54(4), Florida
1637 Statutes, for the purpose of implementing this act.

1638 (2) Notwithstanding any other provision of law, the

1639 emergency rules shall remain in effect for 6 months after
1640 adoption and may be renewed during the pendency of procedures to
1641 adopt permanent rules addressing the subject of the emergency
1642 rules.

1643 Section 5. Subsection (6) of section 812.14, Florida
1644 Statutes, is amended to read:

1645 812.14 Trespass and larceny with relation to utility
1646 fixtures; theft of utility services.—

1647 (6) It is prima facie evidence of a person's intent to
1648 violate subsection (5) if:

1649 (a) A controlled substance and materials for manufacturing
1650 the controlled substance intended for sale or distribution to
1651 another were found in a dwelling or structure;

1652 (b) Except as provided in this chapter, chapter 468, or
1653 chapter 499 and notwithstanding s. 893.13, the dwelling or
1654 structure has been visibly modified to accommodate the use of
1655 equipment to grow marijuana indoors, including, but not limited
1656 to, the installation of equipment to provide additional air
1657 conditioning, equipment to provide high-wattage lighting, or
1658 equipment for hydroponic cultivation; and

1659 (c) The person or entity that owned, leased, or subleased
1660 the dwelling or structure knew of, or did so under such
1661 circumstances as would induce a reasonable person to believe in,
1662 the presence of a controlled substance and materials for
1663 manufacturing a controlled substance in the dwelling or
1664 structure, regardless of whether the person or entity was

1665 involved in the manufacture or sale of a controlled substance or
 1666 was in actual possession of the dwelling or structure.

1667 Section 6. Paragraph (c) of subsection (1) of section
 1668 893.03, Florida Statutes, is amended to read:

1669 893.03 Standards and schedules.—The substances enumerated
 1670 in this section are controlled by this chapter. The controlled
 1671 substances listed or to be listed in Schedules I, II, III, IV,
 1672 and V are included by whatever official, common, usual,
 1673 chemical, or trade name designated. The provisions of this
 1674 section shall not be construed to include within any of the
 1675 schedules contained in this section any excluded drugs listed
 1676 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
 1677 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
 1678 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
 1679 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
 1680 Anabolic Steroid Products."

1681 (1) SCHEDULE I.—A substance in Schedule I has a high
 1682 potential for abuse and has no currently accepted medical use in
 1683 treatment in the United States and in its use under medical
 1684 supervision does not meet accepted safety standards. The
 1685 following substances are controlled in Schedule I:

1686 (c) Unless specifically excepted or unless listed in
 1687 another schedule, any material, compound, mixture, or
 1688 preparation that contains any quantity of the following
 1689 hallucinogenic substances or that contains any of their salts,
 1690 isomers, including optical, positional, or geometric isomers,

1691 and salts of isomers, if the existence of such salts, isomers,
 1692 and salts of isomers is possible within the specific chemical
 1693 designation:

- 1694 1. Alpha-ethyltryptamine.
- 1695 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-
 1696 methylaminorex).
- 1697 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 1698 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 1699 5. 4-Bromo-2,5-dimethoxyphenethylamine.
- 1700 6. Bufotenine.
- 1701 7. Cannabis, except as authorized in chapters 468 and 499.
- 1702 8. Cathinone.
- 1703 9. Diethyltryptamine.
- 1704 10. 2,5-Dimethoxyamphetamine.
- 1705 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 1706 12. Dimethyltryptamine.
- 1707 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
 1708 analog of phencyclidine).
- 1709 14. N-Ethyl-3-piperidyl benzilate.
- 1710 15. N-ethylamphetamine.
- 1711 16. Fenethylamine.
- 1712 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 1713 18. Ibogaine.
- 1714 19. Lysergic acid diethylamide (LSD).
- 1715 20. Mescaline.
- 1716 21. Methcathinone.

- 1717 | 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 1718 | 23. 4-methoxyamphetamine.
- 1719 | 24. 4-methoxymethamphetamine.
- 1720 | 25. 4-Methyl-2,5-dimethoxyamphetamine.
- 1721 | 26. 3,4-Methylenedioxy-N-ethylamphetamine.
- 1722 | 27. 3,4-Methylenedioxyamphetamine.
- 1723 | 28. N-Methyl-3-piperidyl benzilate.
- 1724 | 29. N,N-dimethylamphetamine.
- 1725 | 30. Parahexyl.
- 1726 | 31. Peyote.
- 1727 | 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
- 1728 | analog of phencyclidine).
- 1729 | 33. Psilocybin.
- 1730 | 34. Psilocyn.
- 1731 | 35. *Salvia divinorum*, except for any drug product approved
- 1732 | by the United States Food and Drug Administration which contains
- 1733 | *Salvia divinorum* or its isomers, esters, ethers, salts, and
- 1734 | salts of isomers, esters, and ethers, if the existence of such
- 1735 | isomers, esters, ethers, and salts is possible within the
- 1736 | specific chemical designation.
- 1737 | 36. Salvinorin A, except for any drug product approved by
- 1738 | the United States Food and Drug Administration which contains
- 1739 | Salvinorin A or its isomers, esters, ethers, salts, and salts of
- 1740 | isomers, esters, and ethers, if the existence of such isomers,
- 1741 | esters, ethers, and salts is possible within the specific
- 1742 | chemical designation.

- 1743 37. Tetrahydrocannabinols, except as authorized in
 1744 chapters 468 and 499.
- 1745 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
 1746 (Thiophene analog of phencyclidine).
- 1747 39. 3,4,5-Trimethoxyamphetamine.
- 1748 40. 3,4-Methylenedioxy methcathinone.
- 1749 41. 3,4-Methylenedioxy pyrovalerone (MDPV).
- 1750 42. Methylmethcathinone.
- 1751 43. Methoxymethcathinone.
- 1752 44. Fluoromethcathinone.
- 1753 45. Methylethcathinone.
- 1754 46. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
 1755 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
 1756 homologue.
- 1757 47. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
 1758 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
 1759 also known as HU-210.
- 1760 48. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.
- 1761 49. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.
- 1762 50. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole,
 1763 also known as JWH-200.
- 1764 51. BZP (Benzylpiperazine).
- 1765 52. Fluorophenylpiperazine.
- 1766 53. Methylphenylpiperazine.
- 1767 54. Chlorophenylpiperazine.
- 1768 55. Methoxyphenylpiperazine.

- 1769 | 56. DBZP (1,4-dibenzylpiperazine).
- 1770 | 57. TFMPP (3-Trifluoromethylphenylpiperazine).
- 1771 | 58. MBDB (Methylbenzodioxolylbutanamine).
- 1772 | 59. 5-Hydroxy-alpha-methyltryptamine.
- 1773 | 60. 5-Hydroxy-N-methyltryptamine.
- 1774 | 61. 5-Methoxy-N-methyl-N-isopropyltryptamine.
- 1775 | 62. 5-Methoxy-alpha-methyltryptamine.
- 1776 | 63. Methyltryptamine.
- 1777 | 64. 5-Methoxy-N,N-dimethyltryptamine.
- 1778 | 65. 5-Methyl-N,N-dimethyltryptamine.
- 1779 | 66. Tyramine (4-Hydroxyphenethylamine).
- 1780 | 67. 5-Methoxy-N,N-Diisopropyltryptamine.
- 1781 | 68. DiPT (N,N-Diisopropyltryptamine).
- 1782 | 69. DPT (N,N-Dipropyltryptamine).
- 1783 | 70. 4-Hydroxy-N,N-diisopropyltryptamine.
- 1784 | 71. N,N-Diallyl-5-Methoxytryptamine.
- 1785 | 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
- 1786 | 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
- 1787 | 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 1788 | 75. 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).
- 1789 | 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 1790 | 77. 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).
- 1791 | 78. 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).
- 1792 | 79. 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine).
- 1793 | 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- 1794 | 81. Butylone (beta-keto-N-methylbenzodioxolylpropylamine).

- 1795 | 82. Ethcathinone.
- 1796 | 83. Ethylone (3,4-methylenedioxy-N-ethylcathinone).
- 1797 | 84. Naphyrone (naphthylpyrovalerone).
- 1798 | 85. N-N-Dimethyl-3,4-methylenedioxcathinone.
- 1799 | 86. N-N-Diethyl-3,4-methylenedioxcathinone.
- 1800 | 87. 3,4-methylenedioxy-propiofenone.
- 1801 | 88. 2-Bromo-3,4-Methylenedioxypropiofenone.
- 1802 | 89. 3,4-methylenedioxy-propiofenone-2-oxime.
- 1803 | 90. N-Acetyl-3,4-methylenedioxcathinone.
- 1804 | 91. N-Acetyl-N-Methyl-3,4-Methylenedioxcathinone.
- 1805 | 92. N-Acetyl-N-Ethyl-3,4-Methylenedioxcathinone.
- 1806 | 93. Bromomethcathinone.
- 1807 | 94. Buphedrone (alpha-methylamino-butyrophenone).
- 1808 | 95. Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
- 1809 | 96. Dimethylcathinone.
- 1810 | 97. Dimethylmethcathinone.
- 1811 | 98. Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).
- 1812 | 99. (MDPPP) 3,4-Methylenedioxy-alpha-
- 1813 | pyrrolidinopropiofenone.
- 1814 | 100. (MDPBP) 3,4-Methylenedioxy-alpha-
- 1815 | pyrrolidinobutiophenone.
- 1816 | 101. Methoxy-alpha-pyrrolidinopropiofenone (MOPPP).
- 1817 | 102. Methyl-alpha-pyrrolidinohexiofenone (MPHP).
- 1818 | 103. Benocyclidine (BCP) or
- 1819 | benzothiophenylcyclohexylpiperidine (BTCP).
- 1820 | 104. Fluoromethylaminobutyrophenone (F-MABP).

- 1821 | 105. Methoxypyrrolidinobutyrophenone (MeO-PBP).
- 1822 | 106. Ethyl-pyrrolidinobutyrophenone (Et-PBP).
- 1823 | 107. 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).
- 1824 | 108. Methylethylaminobutyrophenone (Me-EABP).
- 1825 | 109. Methylamino-butyrophenone (MABP).
- 1826 | 110. Pyrrolidinopropiophenone (PPP).
- 1827 | 111. Pyrrolidinobutiophenone (PBP).
- 1828 | 112. Pyrrolidinovalerophenone (PVP).
- 1829 | 113. Methyl-alpha-pyrrolidinopropiophenone (MPPP).
- 1830 | 114. JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).
- 1831 | 115. JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-
- 1832 | naphthalenylmethanone).
- 1833 | 116. JWH-019 (Naphthalen-1-yl-(1-hexylindol-3-
- 1834 | yl)methanone).
- 1835 | 117. JWH-020 (1-heptyl-3-(1-naphthoyl)indole).
- 1836 | 118. JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-
- 1837 | yl)methanone).
- 1838 | 119. JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-
- 1839 | yl)methanone).
- 1840 | 120. JWH-122 (1-pentyl-3-(4-methyl-1-naphthoyl)indole).
- 1841 | 121. JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-
- 1842 | 6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)).
- 1843 | 122. JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-
- 1844 | indole).
- 1845 | 123. JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl)indole).
- 1846 | 124. JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-

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1847 yl)ethanone) .
1848 125. JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-
1849 yl)methanone) .
1850 126. JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-
1851 yl)ethanone) .
1852 127. JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-
1853 yl)ethanone) .
1854 128. JWH-302 (1-pentyl-3-(3-methoxyphenylacetyl)indole) .
1855 129. JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole) .
1856 130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
1857 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
1858 ol) .
1859 131. HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-
1860 methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-
1861 enyl] methanol) .
1862 132. HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-
1863 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-
1864 1,4-dione) .
1865 133. CB-13 (Naphthalen-1-yl-(4-pentylloxynaphthalen-1-
1866 yl)methanone) .
1867 134. CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-
1868 undecanamide) .
1869 135. CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-
1870 undecanamide) .
1871 136. CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-
1872 hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol) .

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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- 1873 | 137. AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-(2-
 1874 | iodophenyl)methanone).
- 1875 | 138. AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-
 1876 | (naphthalen-1-yl)methanone).
- 1877 | 139. RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-
 1878 | yl)methanone).
- 1879 | 140. RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-
 1880 | methoxyphenylethanol).
- 1881 | 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-
 1882 | morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
 1883 | naphthalenylmethanone).
- 1884 | 142. WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-
 1885 | morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
 1886 | naphthalenylmethanone).
- 1887 | 143. Pentedrone (2-(methylamino)-1-phenyl-1-pentanone).
- 1888 | 144. Fluoroamphetamine.
- 1889 | 145. Fluoromethamphetamine.
- 1890 | 146. Methoxetamine.
- 1891 | 147. Methiopropamine.
- 1892 | 148. 4-Methylbuphedrone (2-Methylamino-1-(4-
 1893 | methylphenyl)butan-1-one).
- 1894 | 149. APB ((2-aminopropyl)benzofuran).
- 1895 | 150. APDB ((2-aminopropyl)-2,3-dihydrobenzofuran).
- 1896 | 151. UR-144 ((1-pentyl-1H-indol-3-yl) (2,2,3,3-
 1897 | tetramethylcyclopropyl)methanone).
- 1898 | 152. XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl) (2,2,3,3-

- 1899 tetramethylcyclopropyl)methanone).
- 1900 153. (1-(5-chloropentyl)-1H-indol-3-yl) (2,2,3,3-
- 1901 tetramethylcyclopropyl)methanone.
- 1902 154. AKB48 (1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-
- 1903 indazole-3-carboxamide).
- 1904 155. AM-2233((2-iodophenyl)[1-[(1-methyl-2-
- 1905 piperidinyl)methyl]-1H-indol-3-yl]-methanone).
- 1906 156. STS-135 (1-(5-fluoropentyl)-N-
- 1907 tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indole-3-carboxamide).
- 1908 157. URB-597 ((3'-(aminocarbonyl)[1,1'-biphenyl]-3-yl)-
- 1909 cyclohexylcarbamate).
- 1910 158. URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid,
- 1911 cyclohexyl ester).
- 1912 159. URB-754 (6-methyl-2-[(4-methylphenyl)amino]-1-
- 1913 benzoxazin-4-one).
- 1914 160. 2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine).
- 1915 161. 2C-H (2-(2,5-Dimethoxyphenyl)ethanamine).
- 1916 162. 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine).
- 1917 163. 2C-P (2-(2,5-Dimethoxy-4-(n)-
- 1918 propylphenyl)ethanamine).
- 1919 164. 25I-NBOMe (4-iodo-2,5-dimethoxy-N-[(2-
- 1920 methoxyphenyl)methyl]-benzeneethanamine).
- 1921 165. 3,4-Methylenedioxymethamphetamine (MDMA).
- 1922 166. PB-22 (1-pentyl-8-quinolinyl ester-1H-indole-3-
- 1923 carboxylic acid).
- 1924 167. 5-Fluoro PB-22 (8-quinolinyl ester-1-(5-

1925 fluoropentyl)-1H-indole-3-carboxylic acid).

1926 168. BB-22 (1-(cyclohexylmethyl)-8-quinolinyl ester-1H-
1927 indole-3-carboxylic acid).

1928 169. 5-Fluoro AKB48 (N-((3s,5s,7s)-adamantan-1-yl)-1-(5-
1929 fluoropentyl)-1H-indazole-3-carboxamide).

1930 Section 7. Subsections (1) through (6) of section 893.13,
1931 Florida Statutes, are amended to read:

1932 893.13 Prohibited acts; penalties.—

1933 (1) (a) Except as authorized by this chapter and chapters
1934 468 and ~~chapter~~ 499, ~~a it is unlawful for any person may not to~~
1935 sell, manufacture, or deliver, or possess with intent to sell,
1936 manufacture, or deliver, a controlled substance. A ~~Any~~ person
1937 who violates this provision with respect to:

1938 1. A controlled substance named or described in s.
1939 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.,
1940 commits a felony of the second degree, punishable as provided in
1941 s. 775.082, s. 775.083, or s. 775.084.

1942 2. A controlled substance named or described in s.
1943 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,
1944 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of
1945 the third degree, punishable as provided in s. 775.082, s.
1946 775.083, or s. 775.084.

1947 3. A controlled substance named or described in s.
1948 893.03(5) commits a misdemeanor of the first degree, punishable
1949 as provided in s. 775.082 or s. 775.083.

1950 (b) Except as provided in this chapter and chapters 468

1951 and 499, a person may not ~~it is unlawful to~~ sell or deliver in
 1952 excess of 10 grams of any substance named or described in s.
 1953 893.03(1)(a) or (1)(b), or any combination thereof, or any
 1954 mixture containing any such substance. A ~~Any~~ person who violates
 1955 this paragraph commits a felony of the first degree, punishable
 1956 as provided in s. 775.082, s. 775.083, or s. 775.084.

1957 (c) Except as authorized by this chapter and chapters 468
 1958 and 499, a ~~it is unlawful for any person~~ may not ~~to~~ sell,
 1959 manufacture, or deliver, or possess with intent to sell,
 1960 manufacture, or deliver, a controlled substance in, on, or
 1961 within 1,000 feet of the real property comprising a child care
 1962 facility as defined in s. 402.302 or a public or private
 1963 elementary, middle, or secondary school between the hours of 6
 1964 a.m. and 12 midnight, or at any time in, on, or within 1,000
 1965 feet of real property comprising a state, county, or municipal
 1966 park, a community center, or a publicly owned recreational
 1967 facility. For the purposes of this paragraph, the term
 1968 "community center" means a facility operated by a nonprofit
 1969 community-based organization for the provision of recreational,
 1970 social, or educational services to the public. A ~~Any~~ person who
 1971 violates this paragraph with respect to:

1972 1. A controlled substance named or described in s.
 1973 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 1974 commits a felony of the first degree, punishable as provided in
 1975 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
 1976 sentenced to a minimum term of imprisonment of 3 calendar years

1977 unless the offense was committed within 1,000 feet of the real
 1978 property comprising a child care facility as defined in s.
 1979 402.302.

1980 2. A controlled substance named or described in s.
 1981 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 1982 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 1983 the second degree, punishable as provided in s. 775.082, s.
 1984 775.083, or s. 775.084.

1985 3. Any other controlled substance, except as lawfully
 1986 sold, manufactured, or delivered, must be sentenced to pay a
 1987 \$500 fine and to serve 100 hours of public service in addition
 1988 to any other penalty prescribed by law.

1989
 1990 This paragraph does not apply to a child care facility unless
 1991 the owner or operator of the facility posts a sign that is not
 1992 less than 2 square feet in size with a word legend identifying
 1993 the facility as a licensed child care facility and that is
 1994 posted on the property of the child care facility in a
 1995 conspicuous place where the sign is reasonably visible to the
 1996 public.

1997 (d) Except as authorized by this chapter and chapters 468
 1998 and 499, ~~a it is unlawful for any person may not to~~ sell,
 1999 manufacture, or deliver, or possess with intent to sell,
 2000 manufacture, or deliver, a controlled substance in, on, or
 2001 within 1,000 feet of the real property comprising a public or
 2002 private college, university, or other postsecondary educational

2003 institution. A ~~Any~~ person who violates this paragraph with
 2004 respect to:

2005 1. A controlled substance named or described in s.
 2006 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 2007 commits a felony of the first degree, punishable as provided in
 2008 s. 775.082, s. 775.083, or s. 775.084.

2009 2. A controlled substance named or described in s.
 2010 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 2011 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 2012 the second degree, punishable as provided in s. 775.082, s.
 2013 775.083, or s. 775.084.

2014 3. Any other controlled substance, except as lawfully
 2015 sold, manufactured, or delivered, must be sentenced to pay a
 2016 \$500 fine and to serve 100 hours of public service in addition
 2017 to any other penalty prescribed by law.

2018 (e) Except as authorized by this chapter and chapters 468
 2019 and 499, ~~a it is unlawful for any person~~ may not ~~to~~ sell,
 2020 manufacture, or deliver, or possess with intent to sell,
 2021 manufacture, or deliver, a controlled substance not authorized
 2022 by law in, on, or within 1,000 feet of a physical place for
 2023 worship at which a church or religious organization regularly
 2024 conducts religious services or within 1,000 feet of a
 2025 convenience business as defined in s. 812.171. A ~~Any~~ person who
 2026 violates this paragraph with respect to:

2027 1. A controlled substance named or described in s.
 2028 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,

2029 commits a felony of the first degree, punishable as provided in
 2030 s. 775.082, s. 775.083, or s. 775.084.

2031 2. A controlled substance named or described in s.
 2032 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 2033 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 2034 the second degree, punishable as provided in s. 775.082, s.
 2035 775.083, or s. 775.084.

2036 3. Any other controlled substance, except as lawfully
 2037 sold, manufactured, or delivered, must be sentenced to pay a
 2038 \$500 fine and to serve 100 hours of public service in addition
 2039 to any other penalty prescribed by law.

2040 (f) Except as authorized by this chapter and chapters 468
 2041 and 499, ~~a it is unlawful for any person may not to~~ sell,
 2042 manufacture, or deliver, or possess with intent to sell,
 2043 manufacture, or deliver, a controlled substance in, on, or
 2044 within 1,000 feet of the real property comprising a public
 2045 housing facility at any time. For purposes of this section, the
 2046 term "real property comprising a public housing facility" means
 2047 real property, as defined in s. 421.03(12), of a public
 2048 corporation created as a housing authority pursuant to part I of
 2049 chapter 421. A ~~Any~~ person who violates this paragraph with
 2050 respect to:

2051 1. A controlled substance named or described in s.
 2052 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 2053 commits a felony of the first degree, punishable as provided in
 2054 s. 775.082, s. 775.083, or s. 775.084.

2055 2. A controlled substance named or described in s.
2056 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
2057 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
2058 the second degree, punishable as provided in s. 775.082, s.
2059 775.083, or s. 775.084.

2060 3. Any other controlled substance, except as lawfully
2061 sold, manufactured, or delivered, must be sentenced to pay a
2062 \$500 fine and to serve 100 hours of public service in addition
2063 to any other penalty prescribed by law.

2064 (g) Except as authorized by this chapter and chapters 468
2065 and 499, ~~a it is unlawful for any person may not to~~ manufacture
2066 methamphetamine or phencyclidine, or possess any listed chemical
2067 as defined in s. 893.033 in violation of s. 893.149 and with
2068 intent to manufacture methamphetamine or phencyclidine. If any
2069 person violates this paragraph and:

2070 1. The commission or attempted commission of the crime
2071 occurs in a structure or conveyance where any child under 16
2072 years of age is present, the person commits a felony of the
2073 first degree, punishable as provided in s. 775.082, s. 775.083,
2074 or s. 775.084. In addition, the defendant must be sentenced to a
2075 minimum term of imprisonment of 5 calendar years.

2076 2. The commission of the crime causes any child under 16
2077 years of age to suffer great bodily harm, the person commits a
2078 felony of the first degree, punishable as provided in s.
2079 775.082, s. 775.083, or s. 775.084. In addition, the defendant
2080 must be sentenced to a minimum term of imprisonment of 10

2081 | calendar years.

2082 | (h) Except as authorized by this chapter and chapters 468
 2083 | and 499, ~~a it is unlawful for any person may not to~~ sell,
 2084 | manufacture, or deliver, or possess with intent to sell,
 2085 | manufacture, or deliver, a controlled substance in, on, or
 2086 | within 1,000 feet of the real property comprising an assisted
 2087 | living facility, as that term is used in chapter 429. A ~~Any~~
 2088 | person who violates this paragraph with respect to:

2089 | 1. A controlled substance named or described in s.
 2090 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 2091 | commits a felony of the first degree, punishable as provided in
 2092 | s. 775.082, s. 775.083, or s. 775.084.

2093 | 2. A controlled substance named or described in s.
 2094 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 2095 | (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 2096 | the second degree, punishable as provided in s. 775.082, s.
 2097 | 775.083, or s. 775.084.

2098 | (2)(a) Except as authorized by this chapter and chapters
 2099 | 468 and ~~chapter~~ 499, ~~a it is unlawful for any person may not to~~
 2100 | purchase, or possess with intent to purchase, a controlled
 2101 | substance. A ~~Any~~ person who violates this provision with respect
 2102 | to:

2103 | 1. A controlled substance named or described in s.
 2104 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 2105 | commits a felony of the second degree, punishable as provided in
 2106 | s. 775.082, s. 775.083, or s. 775.084.

2107 2. A controlled substance named or described in s.
 2108 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 2109 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 2110 the third degree, punishable as provided in s. 775.082, s.
 2111 775.083, or s. 775.084.

2112 3. A controlled substance named or described in s.
 2113 893.03(5) commits a misdemeanor of the first degree, punishable
 2114 as provided in s. 775.082 or s. 775.083.

2115 (b) Except as authorized ~~provided~~ in this chapter and
 2116 chapters 468 and 499, a person may not ~~it is unlawful to~~
 2117 purchase in excess of 10 grams of any substance named or
 2118 described in s. 893.03(1)(a) or (1)(b), or any combination
 2119 thereof, or any mixture containing any such substance. A ~~Any~~
 2120 person who violates this paragraph commits a felony of the first
 2121 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 2122 775.084.

2123 (3) Except as authorized in this chapter and chapters 468
 2124 and 499, a ~~any~~ person who delivers, without consideration, not
 2125 more than 20 grams of cannabis, as defined in this chapter,
 2126 commits a misdemeanor of the first degree, punishable as
 2127 provided in s. 775.082 or s. 775.083. For the purposes of this
 2128 paragraph, "cannabis" does not include the resin extracted from
 2129 the plants of the genus *Cannabis* or any compound manufacture,
 2130 salt, derivative, mixture, or preparation of such resin.

2131 (4) Except as authorized by this chapter and chapters 468
 2132 and 499, a ~~it is unlawful for any~~ person 18 years of age or

2133 older may not ~~to~~ deliver any controlled substance to a person
 2134 under the age of 18 years, except for an emancipated minor; or
 2135 ~~to~~ use or hire a person under the age of 18 years as an agent or
 2136 employee in the sale or delivery of such a substance; or ~~to~~ use
 2137 such person to assist in avoiding detection or apprehension for
 2138 a violation of this chapter. A ~~Any~~ person who violates this
 2139 provision with respect to:

2140 (a) A controlled substance named or described in s.
 2141 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 2142 commits a felony of the first degree, punishable as provided in
 2143 s. 775.082, s. 775.083, or s. 775.084.

2144 (b) A controlled substance named or described in s.
 2145 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 2146 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 2147 the second degree, punishable as provided in s. 775.082, s.
 2148 775.083, or s. 775.084.

2149
 2150 Imposition of sentence may not be suspended or deferred, nor
 2151 shall the person so convicted be placed on probation.

2152 (5) A ~~It is unlawful for any person~~ may not ~~to~~ bring into
 2153 this state any controlled substance unless the possession of
 2154 such controlled substance is authorized by this chapter, chapter
 2155 468, or chapter 499 or unless such person is licensed to do so
 2156 by the appropriate federal agency. A ~~Any~~ person who violates
 2157 this provision with respect to:

2158 (a) A controlled substance named or described in s.

2159 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 2160 commits a felony of the second degree, punishable as provided in
 2161 s. 775.082, s. 775.083, or s. 775.084.

2162 (b) A controlled substance named or described in s.
 2163 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 2164 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 2165 the third degree, punishable as provided in s. 775.082, s.
 2166 775.083, or s. 775.084.

2167 (c) A controlled substance named or described in s.
 2168 893.03(5) commits a misdemeanor of the first degree, punishable
 2169 as provided in s. 775.082 or s. 775.083.

2170 (6)(a) A ~~It is unlawful for any person~~ may not ~~to~~ be in
 2171 actual or constructive possession of a controlled substance
 2172 unless such controlled substance was lawfully obtained from a
 2173 practitioner or pursuant to a valid prescription or order of a
 2174 practitioner while acting in the course of his or her
 2175 professional practice or ~~to~~ be in actual or constructive
 2176 possession of a controlled substance except as otherwise
 2177 authorized by this chapter, chapter 468, or chapter 499. A ~~Any~~
 2178 person who violates this provision commits a felony of the third
 2179 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 2180 775.084.

2181 (b) Except as authorized in this chapter and chapters 468
 2182 and 499, if the offense is the possession of not more than 20
 2183 grams of cannabis, as defined in this chapter, or 3 grams or
 2184 less of a controlled substance described in s. 893.03(1)(c)46.-

2185 50., 114.-142., 151.-159., or 166.-169., the person commits a
2186 misdemeanor of the first degree, punishable as provided in s.
2187 775.082 or s. 775.083. For the purposes of this subsection,
2188 "cannabis" does not include the resin extracted from the plants
2189 of the genus *Cannabis*, or any compound manufacture, salt,
2190 derivative, mixture, or preparation of such resin, and a
2191 controlled substance described in s. 893.03(1)(c)46.-50., 114.-
2192 142., 151.-159., or 166.-169., does not include the substance in
2193 a powdered form.

2194 (c) Except as authorized ~~provided~~ in this chapter and
2195 chapters 468 and 499, a person may not ~~it is unlawful to~~ possess
2196 in excess of 10 grams of any substance named or described in s.
2197 893.03(1)(a) or (1)(b), or any combination thereof, or any
2198 mixture containing any such substance. A ~~Any~~ person who violates
2199 this paragraph commits a felony of the first degree, punishable
2200 as provided in s. 775.082, s. 775.083, or s. 775.084.

2201 (d) Notwithstanding any provision to the contrary of the
2202 laws of this state relating to arrest, a law enforcement officer
2203 may arrest without warrant any person who the officer has
2204 probable cause to believe is violating the provisions of this
2205 chapter and chapters 468 and 499 relating to possession of
2206 cannabis.

2207 Section 8. Section 893.1351, Florida Statutes, is amended
2208 to read:

2209 893.1351 Ownership, lease, rental, or possession for
2210 trafficking in or manufacturing a controlled substance.—

2211 (1) Except as authorized in this chapter and chapters 468
 2212 and 499, a person may not own, lease, or rent any place,
 2213 structure, ~~or part of such place or structure thereof,~~ trailer,
 2214 or other conveyance with the knowledge that the place,
 2215 structure, trailer, or conveyance will be used for the purpose
 2216 of:

2217 (a) Trafficking in a controlled substance, as provided in
 2218 s. 893.135;

2219 (b) ~~Selling for the sale of~~ a controlled substance, as
 2220 provided in s. 893.13; or ~~for the manufacture of~~

2221 (c) Manufacturing a controlled substance intended for sale
 2222 or distribution to another.

2223
 2224 A person who violates this subsection commits a felony of the
 2225 third degree, punishable as provided in s. 775.082, s. 775.083,
 2226 or s. 775.084.

2227 (2) Except as authorized in this chapter and chapters 468
 2228 and 499, a person may not knowingly be in actual or constructive
 2229 possession of any place, structure, ~~or part of such place or~~
 2230 structure thereof, trailer, or other conveyance with the
 2231 knowledge that the place, structure, or part thereof, trailer,
 2232 or conveyance will be used for the purpose of trafficking in a
 2233 controlled substance, as provided in s. 893.135; for the sale of
 2234 a controlled substance, as provided in s. 893.13; or for the
 2235 manufacture of a controlled substance intended for sale or
 2236 distribution to another. A person who violates this subsection

2237 | commits a felony of the second degree, punishable as provided in
 2238 | s. 775.082, s. 775.083, or s. 775.084.

2239 | (3) Except as authorized in this chapter and chapters 468
 2240 | and 499, a person who is in actual or constructive possession of
 2241 | a place, structure, trailer, or conveyance with the knowledge
 2242 | that the place, structure, trailer, or conveyance is being used
 2243 | to manufacture a controlled substance intended for sale or
 2244 | distribution to another and who knew or should have known that a
 2245 | minor is present or resides in the place, structure, trailer, or
 2246 | conveyance commits a felony of the first degree, punishable as
 2247 | provided in s. 775.082, s. 775.083, or s. 775.084.

2248 | (4) For the purposes of this section, proof of the
 2249 | possession of 25 or more cannabis plants constitutes prima facie
 2250 | evidence that the cannabis is intended for sale or distribution,
 2251 | except as provided in this chapter and chapters 468 and 499.

2252 | Section 9. Section 893.145, Florida Statutes, is amended
 2253 | to read:

2254 | 893.145 "Drug paraphernalia" defined.—The term "drug
 2255 | paraphernalia" means all equipment, products, and materials of
 2256 | any kind which are used, intended for use, or designed for use
 2257 | in planting, propagating, cultivating, growing, harvesting,
 2258 | manufacturing, compounding, converting, producing, processing,
 2259 | preparing, testing, analyzing, packaging, repackaging, storing,
 2260 | containing, concealing, transporting, injecting, ingesting,
 2261 | inhaling, or otherwise introducing into the human body a
 2262 | controlled substance in violation of this chapter or s. 877.111.

2263 Except as provided in this chapter and chapters 468 and 499,
 2264 drug paraphernalia is deemed to be contraband that is ~~which~~
 2265 ~~shall be~~ subject to civil forfeiture. The term includes, but is
 2266 not limited to:

2267 (1) Kits used, intended for use, or designed for use in
 2268 the planting, propagating, cultivating, growing, or harvesting
 2269 of any species of plant which is a controlled substance or from
 2270 which a controlled substance can be derived.

2271 (2) Kits used, intended for use, or designed for use in
 2272 manufacturing, compounding, converting, producing, processing,
 2273 or preparing controlled substances.

2274 (3) Isomerization devices used, intended for use, or
 2275 designed for use in increasing the potency of any species of
 2276 plant which is a controlled substance.

2277 (4) Testing equipment used, intended for use, or designed
 2278 for use in identifying, or in analyzing the strength,
 2279 effectiveness, or purity of, controlled substances.

2280 (5) Scales and balances used, intended for use, or
 2281 designed for use in weighing or measuring controlled substances.

2282 (6) Diluents and adulterants, such as quinine
 2283 hydrochloride, mannitol, mannite, dextrose, and lactose, used,
 2284 intended for use, or designed for use in cutting controlled
 2285 substances.

2286 (7) Separation gins and sifters used, intended for use, or
 2287 designed for use in removing twigs and seeds from, or in
 2288 otherwise cleaning or refining, cannabis.

2289 (8) Blenders, bowls, containers, spoons, and mixing
2290 devices used, intended for use, or designed for use in
2291 compounding controlled substances.

2292 (9) Capsules, balloons, envelopes, and other containers
2293 used, intended for use, or designed for use in packaging small
2294 quantities of controlled substances.

2295 (10) Containers and other objects used, intended for use,
2296 or designed for use in storing, concealing, or transporting
2297 controlled substances.

2298 (11) Hypodermic syringes, needles, and other objects used,
2299 intended for use, or designed for use in parenterally injecting
2300 controlled substances into the human body.

2301 (12) Objects used, intended for use, or designed for use
2302 in ingesting, inhaling, or otherwise introducing cannabis,
2303 cocaine, hashish, hashish oil, or nitrous oxide into the human
2304 body, such as:

2305 (a) Metal, wooden, acrylic, glass, stone, plastic, or
2306 ceramic pipes, with or without screens, permanent screens,
2307 hashish heads, or punctured metal bowls.

2308 (b) Water pipes.

2309 (c) Carburetion tubes and devices.

2310 (d) Smoking and carburetion masks.

2311 (e) Roach clips: meaning objects used to hold burning
2312 material, such as a cannabis cigarette, that has become too
2313 small or too short to be held in the hand.

2314 (f) Miniature cocaine spoons, and cocaine vials.

- 2315 (g) Chamber pipes.
- 2316 (h) Carburetor pipes.
- 2317 (i) Electric pipes.
- 2318 (j) Air-driven pipes.
- 2319 (k) Chillums.
- 2320 (l) Bongs.
- 2321 (m) Ice pipes or chillers.
- 2322 (n) A cartridge or canister, which means a small metal
- 2323 device used to contain nitrous oxide.
- 2324 (o) A charger, sometimes referred to as a "cracker," which
- 2325 means a small metal or plastic device that contains an interior
- 2326 pin that may be used to expel nitrous oxide from a cartridge or
- 2327 container.
- 2328 (p) A charging bottle, which means a device that may be
- 2329 used to expel nitrous oxide from a cartridge or canister.
- 2330 (q) A whip-it, which means a device that may be used to
- 2331 expel nitrous oxide.
- 2332 (r) A tank.
- 2333 (s) A balloon.
- 2334 (t) A hose or tube.
- 2335 (u) A 2-liter-type soda bottle.
- 2336 (v) Duct tape.
- 2337 Section 10. Section 893.147, Florida Statutes, is amended
- 2338 to read:
- 2339 893.147 Use, possession, manufacture, delivery,
- 2340 transportation, advertisement, or retail sale of drug

2341 paraphernalia.—

2342 (1) USE OR POSSESSION OF DRUG PARAPHERNALIA.—Except as
 2343 authorized in chapters 468 and 499, a ~~It is unlawful for any~~
 2344 person may not ~~to~~ use, or ~~to~~ possess with intent to use, drug
 2345 paraphernalia:

2346 (a) To plant, propagate, cultivate, grow, harvest,
 2347 manufacture, compound, convert, produce, process, prepare, test,
 2348 analyze, pack, repack, store, contain, or conceal a controlled
 2349 substance in violation of this chapter; or

2350 (b) To inject, ingest, inhale, or otherwise introduce into
 2351 the human body a controlled substance in violation of this
 2352 chapter.

2353
 2354 A ~~Any~~ person who violates this subsection commits ~~is guilty of~~ a
 2355 misdemeanor of the first degree, punishable as provided in s.
 2356 775.082 or s. 775.083.

2357 (2) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.—Except
 2358 as authorized in chapters 468 and 499, a ~~It is unlawful for any~~
 2359 person may not ~~to~~ deliver, possess with intent to deliver, or
 2360 manufacture with intent to deliver drug paraphernalia, knowing,
 2361 or under circumstances where one reasonably should know, that it
 2362 will be used:

2363 (a) To plant, propagate, cultivate, grow, harvest,
 2364 manufacture, compound, convert, produce, process, prepare, test,
 2365 analyze, pack, repack, store, contain, or conceal a controlled
 2366 substance in violation of this act; or

2367 (b) To inject, ingest, inhale, or otherwise introduce into
 2368 the human body a controlled substance in violation of this act.

2369
 2370 A ~~Any~~ person who violates this subsection commits ~~is guilty of~~ a
 2371 felony of the third degree, punishable as provided in s.
 2372 775.082, s. 775.083, or s. 775.084.

2373 (3) DELIVERY OF DRUG PARAPHERNALIA TO A MINOR.—

2374 (a) Except as authorized in chapters 468 and 499, ~~Any~~
 2375 person 18 years of age or over who violates subsection (2) by
 2376 delivering drug paraphernalia to a person under 18 years of age
 2377 commits ~~is guilty of~~ a felony of the second degree, punishable
 2378 as provided in s. 775.082, s. 775.083, or s. 775.084.

2379 (b) ~~A It is unlawful for any person~~ may not ~~to~~ sell or
 2380 otherwise deliver hypodermic syringes, needles, or other objects
 2381 that ~~which~~ may be used, are intended for use, or are designed
 2382 for use in parenterally injecting substances into the human body
 2383 to any person under 18 years of age, except that hypodermic
 2384 syringes, needles, or other such objects may be lawfully
 2385 dispensed to a person under 18 years of age by a licensed
 2386 practitioner, parent, or legal guardian, ~~or~~ or by a pharmacist
 2387 pursuant to a valid prescription, or in accordance with the
 2388 medical use of cannabis as provided in chapters 468 and 499 ~~for~~
 2389 ~~same.~~ A ~~Any~~ person who violates ~~the provisions of~~ this paragraph
 2390 commits ~~is guilty of~~ a misdemeanor of the first degree,
 2391 punishable as provided in s. 775.082 or s. 775.083.

2392 (4) TRANSPORTATION OF DRUG PARAPHERNALIA.—Except as

2393 authorized in chapters 468 and 499, a person may not ~~It is~~
 2394 ~~unlawful to~~ use, possess with the intent to use, or manufacture
 2395 with the intent to use drug paraphernalia, knowing or under
 2396 circumstances in which one reasonably should know that it will
 2397 be used to transport:

2398 (a) A controlled substance in violation of this chapter;

2399 or

2400 (b) Contraband as defined in s. 932.701(2)(a)1.

2401

2402 A ~~Any~~ person who violates this subsection commits a felony of
 2403 the third degree, punishable as provided in s. 775.082, s.
 2404 775.083, or s. 775.084.

2405 (5) ADVERTISEMENT OF DRUG PARAPHERNALIA.—A person may not
 2406 ~~It is unlawful for any person to~~ place in any newspaper,
 2407 magazine, handbill, or other publication any advertisement,
 2408 knowing, or under circumstances where one reasonably should
 2409 know, that the purpose of the advertisement, in whole or in
 2410 part, is to promote the sale of objects designed or intended for
 2411 use as drug paraphernalia. A ~~Any~~ person who violates this
 2412 subsection commits ~~is guilty of~~ a misdemeanor of the first
 2413 degree, punishable as provided in s. 775.082 or s. 775.083.

2414 (6) RETAIL SALE OF DRUG PARAPHERNALIA.—

2415 (a) ~~It is unlawful for~~ A person may not ~~to~~ knowingly and
 2416 willfully sell or offer for sale at retail any drug
 2417 paraphernalia described in s. 893.145(12)(a)-(c) or (g)-(m),
 2418 other than drug paraphernalia related to the medical use of

2419 cannabis or a pipe that is primarily made of briar, meerschaum,
 2420 clay, or corn cob.

2421 (b) A person who violates paragraph (a) commits a
 2422 misdemeanor of the first degree, punishable as provided in s.
 2423 775.082 or s. 775.083, and, upon a second or subsequent
 2424 violation, commits a felony of the third degree, punishable as
 2425 provided in s. 775.082, s. 775.083, or s. 775.084.

2426 Section 11. Present subsection (3) of section 921.0022,
 2427 Florida Statutes, is redesignated as subsection (4), a new
 2428 subsection (3) is added to that section, and paragraphs (a),
 2429 (b), (c), (e), (g), (h), and (i) of present subsection (3) of
 2430 that section are amended, to read:

2431 921.0022 Criminal Punishment Code; offense severity
 2432 ranking chart.—

2433 (3) As used in this section, the term "cannabis" does not
 2434 include any form of cannabis that is cultivated, manufactured,
 2435 possessed, and distributed in the form of cannabis in compliance
 2436 with part XVII of chapter 468 or part III of chapter 499.

2437 ~~(4)(3)~~ OFFENSE SEVERITY RANKING CHART

2438 (a) LEVEL 1

2439

Florida Statute	Felony Degree	Description
2440 24.118 (3) (a)	3rd	Counterfeit or altered

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2441			state lottery ticket.
2442	212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
2443	212.15 (2) (b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
2444	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
2445	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
2446	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration

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2447	322.212 (1) (a) - (c)	3rd	license plates or validation stickers. Possession of forged, stolen, counterfeit, or unlawfully issued <u>driver</u> driver's license; possession of simulated identification.
2448	322.212 (4)	3rd	Supply or aid in supplying unauthorized <u>driver</u> driver's license or identification card.
2449	322.212 (5) (a)	3rd	False application for <u>driver</u> driver's license or identification card.
2450	414.39 (2)	3rd	Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than \$200.
2451	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more

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2452			than \$200.
2453	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
2454	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
2455	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
2456	562.27 (1)	3rd	Possess still or still apparatus.
2457	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any

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2458			property not specified in subsection (2).
2459	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
2460	815.04 (4) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
2461	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
2462	817.569 (2)	3rd	Use of public record or public records information to facilitate commission of a felony.
2463	826.01	3rd	Bigamy.
2464	828.122 (3)	3rd	Fighting or baiting animals.

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2465	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
2466	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
2467	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
2468	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.
2469	838.15 (2)	3rd	Commercial bribe receiving.
2470	838.16	3rd	Commercial bribery.

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2471	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
2472	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
2473	849.01	3rd	Keeping gambling house.
2474	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.
2475	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
2476	849.25 (2)	3rd	Engaging in bookmaking.
	860.08	3rd	Interfere with a railroad

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2477			signal.
2478	860.13(1)(a)	3rd	Operate aircraft while under the influence.
2479	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>
2480	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams), <u>except when authorized under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499.</u>
2481	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
2482	(b) LEVEL 2		
2483			

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	Florida Statute	Felony Degree	Description
2484	379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
2485	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
2486	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.
2487	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
2488	590.28 (1)	3rd	Intentional burning of

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2489			lands.
	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
2490			
	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
2491			
	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
2492			
	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
2493			
	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture

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2494	812.014 (2) (c) 1.	3rd	property. Grand theft, 3rd degree; \$300 or more but less than \$5,000.
2495	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
2496	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
2497	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
2498	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit

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2499			card, value over \$300.
2500	817.52 (3)	3rd	Failure to redeliver hired vehicle.
2501	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
2502	817.60 (5)	3rd	Dealing in credit cards of another.
2503	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
2504	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
2505	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
2506	831.01	3rd	Forgery.

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2507	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
2508	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
2509	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
2510	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
2511	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
2512	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
2513	843.08	3rd	Falsely impersonating an officer.

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2514	893.13 (2) (a) 2.	3rd	Purchase of any <u>drugs</u> <u>under</u> s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs other than cannabis.
2515	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia, <u>except when</u> <u>authorized under chapters 468</u> <u>and 499.</u>
2516	(c) LEVEL 3		
2517	Florida Statute	Felony Degree	Description
2518	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
2519	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
2520			

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2521	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
2522	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
2523	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
2524	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
2525	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
2526	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

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2527	327.35 (2) (b)	3rd	Felony BUI.
2528	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
2529	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
2530	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
2531	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.

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2532	379.2431 (1) (e) 6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
2533	400.9935 (4)	3rd	Operating a clinic without a license or filing false license application or other required information.
2534	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
2535	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
2536	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
	624.401 (4) (b) 1.	3rd	Transacting insurance

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			without a certificate of authority; premium collected less than \$20,000.
2537	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
2538	697.08	3rd	Equity skimming.
2539	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
2540	796.05 (1)	3rd	Live on earnings of a prostitute.
2541	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
2542	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
2543			

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2544	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
2545	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
2546	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
2547	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
2548	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.

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2549	817.233	3rd	Burning to defraud insurer.
2550	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
2551	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
2552	817.236	3rd	Filing a false motor vehicle insurance application.
2553	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
2554	817.413 (2)	3rd	Sale of used goods as new.
2555	817.505 (4)	3rd	Patient brokering.
	828.12 (2)	3rd	Tortures any animal with

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2556	831.28 (2) (a)	3rd	<p>intent to inflict intense pain, serious physical injury, or death.</p> <p>Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.</p>
2557	831.29	2nd	<p>Possession of instruments for counterfeiting <u>driver</u> drivers licenses or identification cards.</p>
2558	838.021 (3) (b)	3rd	<p>Threatens unlawful harm to public servant.</p>
2559	843.19	3rd	<p>Injure, disable, or kill police dog or horse.</p>
2560	860.15 (3)	3rd	<p>Overcharging for repairs and parts.</p>
2561			

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2562

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

2563

893.13 (1) (a) 2. 3rd Sell, manufacture, or deliver cannabis, except when authorized under s. 893.03 (1) (c) 7. and (1) (c) 37. and chapters 468 and 499, ~~for other drugs~~ under s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) ~~drugs~~.

893.13 (1) (d) 2. 2nd Sell, manufacture, or deliver drugs under s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4), except when authorized under s. 893.03 (1) (c) 7. and

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2564

893.13(1)(f)2.

2nd

(1)(c) 37. and chapters 468 and 499, ~~drugs~~ within 1,000 feet of university.

Sell, manufacture, or deliver drugs under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4), except when authorized under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499, ~~drugs~~ within 1,000 feet of public housing facility.

2565

893.13(6)(a)

3rd

Possession of any controlled substance other than felony possession of cannabis and possession of cannabis, except when authorized under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468

	<u>and 499.</u>
<p>2566</p> <p>893.13 (7) (a) 8.</p>	<p>3rd Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.</p>
<p>2567</p> <p>893.13 (7) (a) 9.</p>	<p>3rd Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.</p>
<p>2568</p> <p>893.13 (7) (a) 10.</p>	<p>3rd Affix false or forged label to package of controlled substance.</p>
<p>2569</p> <p>893.13 (7) (a) 11.</p>	<p>3rd Furnish false or fraudulent material information on any document or record required by chapter 893.</p>
<p>2570</p> <p>893.13 (8) (a) 1.</p>	<p>3rd Knowingly assist a patient,</p>

2571	893.13(8)(a)2.	3rd	<p>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.</p>
2572	893.13(8)(a)3.	3rd	<p>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.</p>
2573	893.13(8)(a)4.	3rd	<p>Knowingly write a prescription for a controlled substance for a fictitious person.</p> <p>Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the</p>

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2574			prescription is a monetary benefit for the practitioner.
2575	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
2576	944.47 (1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
2577	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
2578	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
2579	(e) LEVEL 5		
2580	Florida	Felony	
2581	Statute	Degree	Description
	316.027(1)(a)	3rd	Accidents involving

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2582	316.1935 (4) (a)	2nd	personal injuries, failure to stop; leaving scene.
2583	322.34 (6)	3rd	Aggravated fleeing or eluding.
2584	327.30 (5)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
2585	379.367 (4)	3rd	Vessel accidents involving personal injury; leaving scene.
2586	379.3671 (2) (c) 3.	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
			Willful molestation, possession, or removal of a commercial harvester's trap

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2587	381.0041 (11) (b)	3rd	contents or trap gear by another harvester. Donate blood, plasma, or organs knowing HIV positive.
2588	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
2589	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
2590	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
2591	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate

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2592			or authority; premium collected \$20,000 or more but less than \$100,000.
2593	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
2594	790.01 (2)	3rd	Carrying a concealed firearm.
2595	790.162	2nd	Threat to throw or discharge destructive device.
2596	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
2597	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
	790.23	2nd	Felons in possession of firearms, ammunition, or

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2598			electronic weapons or devices.
2599	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
2600	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
2601	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
2602	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
2603	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.

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2604	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
2605	812.131(2)(b)	3rd	Robbery by sudden snatching.
2606	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
2607	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
2608	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
2609	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.

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2610	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.
2611	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
2612	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
2613	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

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2614	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
2615	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.
2616	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
2617	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
2618	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
	847.0138	3rd	Transmission of material

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2619	(2) & (3)	harmful to minors to a minor by electronic device or equipment.
2620	874.05 (1) (b)	2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
2621	874.05 (2) (a)	2nd Encouraging or recruiting person under 13 to join a criminal gang.
2622	893.13 (1) (a) 1.	2nd 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).
2622	893.13 (1) (c) 2.	2nd Sell, manufacture, or deliver cannabis, <u>except when authorized under s.</u> <u>893.03 (1) (c) 7. and</u> <u>(1) (c) 37. and chapters 468</u> <u>and 499, or other drugs</u>

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under ~~for other~~ s.
 893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3.,
 (2)(c)5., (2)(c)6.,
 (2)(c)7., (2)(c)8.,
 (2)(c)9., (3), or (4), drugs
~~drugs~~ within 1,000 feet of
 a child care facility,
 school, or state, county,
 or municipal park or
 publicly owned recreational
 facility or community
 center.

2623

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

2624

893.13(1)(e)2. 2nd Sell, manufacture, or
 deliver cannabis, except
when authorized under s.

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2625

893.13(1)(f)1.

1st

893.03(1)(c)7. and
(1)(c)37. and chapters 468
and 499, or other drug
 prohibited under s.
 893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3.,
 (2)(c)5., (2)(c)6.,
 (2)(c)7., (2)(c)8.,
 (2)(c)9., (3), or (4)
 within 1,000 feet of
 property used for religious
 services or a specified
 business site.

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

2626

893.13(4)(b)

2nd

Deliver to minor cannabis,
except when authorized under

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2627	893.1351 (1)	3rd	<p><u>s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499, for other drugs under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs.</u></p> <p>Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.</p>
2628	(g) LEVEL 7		
2629			
2630	Florida Statute	Felony Degree	Description
2631	316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
2632	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily

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2633	316.1935 (3) (b)	1st	<p>injury.</p> <p>Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.</p>
2634	327.35 (3) (c) 2.	3rd	<p>Vessel BUI resulting in serious bodily injury.</p>
2635	402.319 (2)	2nd	<p>Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.</p>
2636	409.920	3rd	<p>Medicaid provider</p>

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2637	(2) (b) 1.a.		fraud; \$10,000 or less.
	409.920	2nd	Medicaid provider
	(2) (b) 1.b.		fraud; more than \$10,000, but less than \$50,000.
2638	456.065 (2)	3rd	Practicing a health care profession without a license.
2639	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
2640	458.327 (1)	3rd	Practicing medicine without a license.
2641	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
2642	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
2643			

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2644	461.012 (1)	3rd	Practicing podiatric medicine without a license.
2645	462.17	3rd	Practicing naturopathy without a license.
2646	463.015 (1)	3rd	Practicing optometry without a license.
2647	464.016 (1)	3rd	Practicing nursing without a license.
2648	465.015 (2)	3rd	Practicing pharmacy without a license.
2649	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
2650	467.201	3rd	Practicing midwifery without a license.
2651	468.366	3rd	Delivering respiratory care services without a license.

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2652	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
2653	483.901 (9)	3rd	Practicing medical physics without a license.
2654	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
2655	484.053	3rd	Dispensing hearing aids without a license.
2656	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
	560.123 (8) (b) 1.	3rd	Failure to report currency or payment

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2657	560.125 (5) (a)	3rd	<p>instruments exceeding \$300 but less than \$20,000 by a money services business.</p> <p>Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.</p>
2658	655.50 (10) (b) 1.	3rd	<p>Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.</p>
2659	775.21 (10) (a)	3rd	<p>Sexual predator; failure to register; failure to renew <u>driver</u> driver's license or identification card; other registration violations.</p>
2660	775.21 (10) (b)	3rd	<p>Sexual predator working where children regularly</p>

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2661	775.21 (10) (g)	3rd	<p>congregate.</p> <p>Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.</p>
2662	782.051 (3)	2nd	<p>Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.</p>
2663	782.07 (1)	2nd	<p>Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).</p>
2664	782.071	2nd	<p>Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).</p>
2665			

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2666	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
2667	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
2668	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
2669	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
2670	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
2671	784.048 (7)	3rd	Aggravated stalking; violation of court order.
	784.07 (2) (d)	1st	Aggravated battery on law

2672			enforcement officer.
	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
2673			
	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
2674			
	784.081 (1)	1st	Aggravated battery on specified official or employee.
2675			
	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
2676			
	784.083 (1)	1st	Aggravated battery on code inspector.
2677			
	787.06 (3) (a)	1st	Human trafficking using coercion for labor and services.
2678			

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	787.06(3)(e)	1st	Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.
2679	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
2680	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
2681	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
2682	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
2683			

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2684	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
2685	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
2686	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
2687	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.
2688	796.03	2nd	Procuring any person under 16 years for prostitution.

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2689	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
2690	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
2691	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
2692	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
2693	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
	810.02 (3) (d)	2nd	Burglary of occupied

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2694	810.02 (3) (e)	2nd	conveyance; unarmed; no assault or battery. Burglary of authorized emergency vehicle.
2695	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.
2696	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
2697	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
2698			

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2699	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
2700	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
2701	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
2702	812.131 (2) (a)	2nd	Robbery by sudden snatching.
2703	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
	817.034 (4) (a) 1.	1st	Communications fraud, value greater than

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2704			\$50,000.
2704	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
2705	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
2706	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
2707	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
2708	817.535 (2) (a)	3rd	Filing false lien or other

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2709	825.102 (3) (b)	2nd	unauthorized document.
2710	825.103 (2) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
2711	827.03 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
2712	827.04 (3)	3rd	Neglect of a child causing great bodily harm, disability, or disfigurement.
2713	837.05 (2)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
			Giving false information about alleged capital felony

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2714			to a law enforcement officer.
2715	838.015	2nd	Bribery.
2716	838.016	2nd	Unlawful compensation or reward for official behavior.
2717	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
2718	838.22	2nd	Bid tampering.
2719	843.0855 (2)	3rd	Impersonation of a public officer or employee.
2720	843.0855 (3)	3rd	Unlawful simulation of legal process.
2721	843.0855 (4)	3rd	Intimidation of a public officer or employee.
2722	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.

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2723	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
2724	872.06	2nd	Abuse of a dead human body.
2725	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
2726	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. within 1,000

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2727	893.13(1)(e)1.	1st	<p>feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.</p> <p>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.</p>
2728	893.13(4)(a)	1st	<p>Deliver to minor cocaine for other <u>drugs</u> under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs.</p>
2729	893.135(1)(a)1.	1st	<p>Trafficking in cannabis<u>,</u></p>

2730	893.135 (1) (b) 1.a.	1st	<p><u>except when authorized</u> <u>under s. 893.03(1) (c) 7.</u> <u>and (1) (c) 37. and chapters</u> <u>468 and 499,</u> more than 25 lbs., less than 2,000 lbs.</p>
2731	893.135 (1) (c) 1.a.	1st	<p>Trafficking in cocaine, more than 28 grams, less than 200 grams.</p>
2732	893.135 (1) (c) 1.a.	1st	<p>Trafficking in illegal drugs, more than 4 grams, less than 14 grams, <u>excluding cannabis and</u> <u>tetrahydrocannabinols, when excepted</u> <u>under s. 893.03(1) (c) 7. and (1) (c) 37.</u> <u>and chapters 468 and 499.</u></p>
2733	893.135 (1) (d) 1.	1st	<p>Trafficking in phencyclidine, more than 28 grams, less than 200 grams.</p>
2733	893.135 (1) (e) 1.	1st	<p>Trafficking in methaqualone, more than 200 grams, less than 5</p>

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2734	893.135 (1) (f) 1.	1st	kilograms. Trafficking in amphetamine, more than 14 grams, less than 28 grams.
2735	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
2736	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
2737	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4- Butanediol, 1 kilogram or more, less than 5 kilograms.
2738	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
2739			

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2740	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
2741	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
2742	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
2743	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent

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2744	943.0435(9) (a)	3rd	to leave; failure to comply with reporting requirements.
2745	943.0435(13)	3rd	Sexual offender; failure to comply with reporting requirements.
2746	943.0435(14)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2747	944.607(9)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
2748	944.607(10) (a)	3rd	Sexual offender; failure to submit to the taking

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2749	944.607(12)	3rd	<p>of a digitized photograph.</p> <p>Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.</p>
2750	944.607(13)	3rd	<p>Sexual offender; failure to report and reregister; failure to respond to address verification.</p>
2751	985.4815(10)	3rd	<p>Sexual offender; failure to submit to the taking of a digitized photograph.</p>
2752	985.4815(12)	3rd	<p>Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.</p>
2753			

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2754	985.4815 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
2755	(h) LEVEL 8		
2756			
2757	Florida Statute	Felony Degree	Description
2758	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
2759	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
2760	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
2761	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
	499.0051 (8)	1st	Knowing forgery of

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2762	560.123 (8) (b) 2.	2nd	prescription labels or prescription drug labels.
2763	560.125 (5) (b)	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
2764	655.50 (10) (b) 2.	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
2765	777.03 (2) (a)	1st	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
			Accessory after the

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2766	782.04 (4)	2nd	fact, capital felony. 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.
2767	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).
2768	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
2769	782.072 (2)	1st	Committing vessel homicide

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2770	787.06(3)(b)	1st	<p>and failing to render aid or give information.</p> <p>Human trafficking using coercion for commercial sexual activity.</p>
2771	787.06(3)(c)	1st	<p>Human trafficking using coercion for labor and services of an unauthorized alien.</p>
2772	787.06(3)(f)	1st	<p>Human trafficking using coercion for commercial sexual activity by the transfer or transport of any individual from outside Florida to within the state.</p>
2773	790.161(3)	1st	<p>Discharging a destructive device which results in bodily harm or property damage.</p>
2774			

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2775	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
2776	794.08(3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
2777	800.04(4)	2nd	Lewd or lascivious battery.
2778	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
2779	810.02(2)(a)	1st, PBL	Burglary with assault or battery.
	810.02(2)(b)	1st, PBL	Burglary; armed with explosives or

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2780	810.02 (2) (c)	1st	<p>dangerous weapon.</p> <p>Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.</p>
2781	812.014 (2) (a) 2.	1st	<p>Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.</p>
2782	812.13 (2) (b)	1st	<p>Robbery with a weapon.</p>
2783	812.135 (2) (c)	1st	<p>Home-invasion robbery, no firearm, deadly weapon, or other weapon.</p>
2784	817.535 (2) (b)	2nd	<p>Filing false lien or other unauthorized document; second or subsequent</p>

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2785	817.535 (3) (a)	2nd	offense. Filing false lien or other unauthorized document; property owner is a public officer or employee.
2786	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
2787	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
2788	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
2789			

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2790	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
2791	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
2792	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
2793	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
2794	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.

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2795	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
2796	860.16	1st	Aircraft piracy.
2797	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).
2798	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
2799	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
2799	893.135 (1) (a) 2.	1st	Trafficking in cannabis, <u>except when authorized</u>

			<p><u>under s. 893.03(1)(c)7.</u> <u>and (1)(c)37. and chapters</u> <u>468 and 499, more than</u> 2,000 lbs., less than 10,000 lbs.</p>
2800	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
2801	893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams, <u>excluding cannabis and</u> <u>tetrahydrocannabinols, when excepted</u> <u>under s. 893.03(1)(c)7. and (1)(c)37.</u> <u>and chapters 468 and 499.</u>
2802	893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
2803	893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
2804			

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2805	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
2806	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
2807	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
2808	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4- Butanediol, 5 kilograms or more, less than 10 kilograms.
2809	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there, <u></u>

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2810	895.03 (1)	1st	<p><u>excluding cannabis and tetrahydrocannabinols, when excepted under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499.</u></p> <p>Use or invest proceeds derived from pattern of racketeering activity.</p>
2811	895.03 (2)	1st	<p>Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.</p>
2812	895.03 (3)	1st	<p>Conduct or participate in any enterprise through pattern of racketeering activity.</p>
2813	896.101 (5) (b)	2nd	<p>Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.</p>
2814	896.104 (4) (a) 2.	2nd	<p>Structuring transactions</p>

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2815				to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
2816	(i)	LEVEL 9		
2817				
	Florida		Felony	
	Statute		Degree	Description
2818				
	316.193		1st	DUI manslaughter; failing to render aid or give information.
	(3) (c) 3.b.			
2819				
	327.35 (3) (c) 3.b.		1st	BUI manslaughter; failing to render aid or give information.
2820				
	409.920		1st	Medicaid provider fraud; \$50,000 or more.
	(2) (b) 1.c.			
2821				
	499.0051 (9)		1st	Knowing sale or purchase of contraband prescription

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2822	560.123 (8) (b) 3.	1st	drugs resulting in great bodily harm. Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
2823	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
2824	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
2825	775.0844	1st	Aggravated white collar crime.
2826	782.04 (1)	1st	Attempt, conspire, or solicit

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2827	782.04 (3)	1st, PBL	<p>to commit premeditated murder.</p> <p>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.</p>
2828	782.051 (1)	1st	<p>Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3) .</p>
2829	782.07 (2)	1st	<p>Aggravated manslaughter of an elderly person or disabled adult.</p>
2830	787.01 (1) (a) 1.	1st, PBL	<p>Kidnapping; hold for ransom or reward or</p>

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2831	787.01 (1) (a) 2.	1st, PBL	as a shield or hostage.
2832	787.01 (1) (a) 4.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
2833	787.02 (3) (a)	1st	Kidnapping with intent to interfere with performance of any governmental or political function.
2834	787.06 (3) (d)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
			Human trafficking using coercion for commercial

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2835			sexual activity of an unauthorized alien.
	787.06(3)(g)	1st,PBL	Human trafficking for commercial sexual activity of a child under the age of 18.
2836			
	787.06(4)	1st	Selling or buying of minors into human trafficking.
2837			
	790.161	1st	Attempted capital destructive device offense.
2838			
	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
2839			
	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
2840			
	794.011(2)	Life	Sexual battery; offender younger than

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2841	794.011(4)	1st	<p>18 years and commits sexual battery on a person less than 12 years.</p> <p>Sexual battery; victim 12 years or older, certain circumstances.</p>
2842	794.011(8)(b)	1st	<p>Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.</p>
2843	794.08(2)	1st	<p>Female genital mutilation; victim younger than 18 years of age.</p>
2844	796.035	1st	<p>Selling or buying of minors into prostitution.</p>
2845	800.04(5)(b)	Life	<p>Lewd or lascivious molestation; victim less than 12 years; offender 18</p>

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2846			years or older.
2847	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
2848	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
2849	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
2850	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
2851	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.

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	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.
2852	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.
2853	827.03 (2) (a)	1st	Aggravated child abuse.
2854	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
2855	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
2856			

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2857	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.
2858	893.135	1st	Attempted capital trafficking offense.
2859	893.135 (1) (a) 3.	1st	Trafficking in cannabis, <u>except when authorized</u> <u>under s. 893.03(1) (c) 7.</u> <u>and (1) (c) 37. and chapters</u> <u>468 and 499,</u> more than 10,000 lbs.
2860	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms, <u>excluding cannabis and</u> <u>tetrahydrocannabinols, when excepted</u>

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			<u>under s. 893.03(1)(c)7. and (1)(c)37.</u>
			<u>and chapters 468 and 499.</u>
2861	893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
2862	893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
2863	893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
2864	893.135 (1)(h)1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more.
2865	893.135 (1)(j)1.c.	1st	Trafficking in 1,4- Butanediol, 10 kilograms or more.
2866	893.135 (1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
2867	896.101(5)(c)	1st	Money laundering, financial instruments

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2868

896.104(4)(a)3.

1st

totaling or exceeding
\$100,000.

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

2869

2870

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