A bill to be entitled
An act relating to the medical use of cannabis;
providing a short title; creating part XVII of ch.
468, F.S.; creating s. 468.901, F.S.; providing a
purpose; creating s. 468.902, F.S.; providing
legislative findings and intent; creating s. 468.903,
F.S.; defining terms; creating s. 468.904, F.S.;
requiring the Department of Business and Professional
Regulation to regulate the manufacture, cultivation,
possession, wholesale distribution, dispensing,
purchase, delivery, and sale of cannabis for medical
use and the manufacture, possession, purchase, sale,
use, and delivery of drug paraphernalia; providing
that the department is responsible for the licensure
and permitting of dispensaries and medical cannabis
farms and the registration of owners, directors,
officers, members, incorporators, employees, and
agents of such farms and dispensaries; requiring the
department to require medical cannabis farms and
dispensaries to maintain certain records and
information; requiring the department to develop and
make available educational materials, conduct
inspections, and revoke or suspend registrations,
licenses, and permits; requiring the department to
adopt certain rules; creating s. 468.905, F.S.;
authorizing a medical cannabis farm to cultivate,
sell, manufacture, or deliver, or possess with the
intent to sell, manufacture, or deliver, cannabis and
cannabis plants for wholesale in this state;
authorizing a medical cannabis farm to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia; requiring a medical cannabis farm to be permitted with the department before possessing, manufacturing, cultivating, delivering, distributing, and wholesaling cannabis, cannabis-based products, cannabis plants, or drug paraphernalia; requiring agricultural classification of land used as a medical cannabis farm; prohibiting a medical cannabis farm from conducting retail sales or transactions; requiring a medical cannabis farm to implement a security plan and maintain procedures in which cannabis and cannabis-based products are accessible only to authorized personnel; providing that the active ingredient in all cannabis-based products cultivated, manufactured, and wholesaled to a licensed dispensary in this state must be wholly derived from cannabis plants cultivated in this state, except for cannabis seeds and seedlings; providing that a medical cannabis farm is provided certain protections and is not deemed a public nuisance solely because its farm product includes the production of cannabis; creating s. 468.906, F.S.; authorizing a dispensary to distribute, purchase, sell or deliver, or possess with the intent to sell or deliver cannabis, cannabis-based products, cannabis plants, and drug paraphernalia in order to dispense and sell to a qualifying patient or patient’s caregiver and to purchase, distribute, deliver, or
possess with intent to deliver drug paraphernalia;
requiring a dispensary to be licensed with the
department before possessing, purchasing, delivering,
distributing, or retailing cannabis, cannabis-based
products, cannabis plants, or drug paraphernalia;
requiring a dispensary to purchase cannabis, cannabis-
based products, and cannabis plants from a medical
cannabis farm that has a department-issued permit;
prohibiting a dispensary from conducting wholesale
sales or transactions; authorizing a dispensary to
retail to a qualifying patient or patient’s caregiver
cannabis, cannabis-based products, cannabis plants, or
drug paraphernalia if the qualifying patient or
patient’s caregiver meets certain conditions; limiting
a certain amount of usable cannabis and number of
cannabis plant seedlings that a qualifying patient and
a patient’s caregiver may purchase within a certain
time period; requiring a dispensary to maintain
certain records for a specified number of years;
requiring a dispensary to implement a security plan;
requiring a dispensary to make available educational
materials; requiring a dispensary to prohibit a
qualifying patient from administering or using, and
prohibiting a caregiver from assisting a qualifying
patient in administering or using, any form of
cannabis while on the property of the dispensary;
providing that a person who administers or uses, or
assists another to administer or use, any form of
cannabis on the property of a dispensary subjects the
dispensary to penalties; creating s. 468.907, F.S.;
requiring a person to register with the department if
he or she desires to be an owner, director, officer,
member, incorporator, agent, or employee of a medical
cannabis farm or dispensary; requiring the department
to establish certain registration fees and determine
if the registrant has certain felony convictions;
prohibiting the department from approving a registrant
as an owner, director, officer, member, incorporator,
agent, or employee of a medical cannabis farm or
dispensary if such registrant has certain felony
convictions; providing that a person who violates or
has violated this act may not be an owner, director,
officer, member, incorporator, agent, or employee of a
medical cannabis farm or dispensary; providing that
any prior authorization of such person shall be
immediately revoked; requiring the department to
suspend the license or permit of the medical cannabis
farm or dispensary until such person resigns or is
removed from such position; authorizing a registrant
to commence an action in a court of competent
jurisdiction to compel the department to perform
certain actions if the department fails to adopt rules
by a specified date; creating s. 468.908, F.S.;
prohibiting a person from operating a medical cannabis
farm except in accordance with part XVII of ch. 468,
F.S.; requiring an applicant for an initial permit or
for a renewal permit to operate a medical cannabis
farm to provide certain information in the
application; requiring the department to establish by
rule application fees and permitting fees; providing
maximum amounts for the fees; requiring a person who
possesses, cultivates, manufactures, delivers,
distributes, or wholesales cannabis, cannabis-based
products, or cannabis plants at one or more locations
to possess a current, valid permit for each location;
authorizing an applicant for a permit to operate a
medical cannabis farm to commence an action in a court
of competent jurisdiction to compel the Department of
Business and Professional Regulation to perform
certain actions if the department fails to adopt rules
by a specified date; creating s. 468.909, F.S.;
prohibiting a person from operating a dispensary in
this state except in accordance with part XVII of ch.
468, F.S.; requiring an applicant for an initial
license or for a renewal license to operate a
dispensary to provide certain information in the
application; requiring the department to establish by
rule application fees and licensure fees; providing
maximum amounts for the fees; requiring a person who
conducts the wholesale purchase or retail sale of drug
paraphernalia or any form of cannabis at more than one
location to possess a current, valid license for each
location; authorizing an applicant for a license to
operate a dispensary to commence an action in a court
of competent jurisdiction to compel the department to
perform certain actions if the department fails to
adopt rules by a specified date; creating s. 468.910,
F.S.; providing requirements for submitting an
application for a license or a permit; authorizing the
department to require an applicant to furnish other
information or data; creating s. 468.911, F.S.;
providing requirements for licenses and permits;
authorizing the department to include other
information on a license or permit; providing that a
license or permit may not be issued, renewed, or
allowed to remain in effect in certain circumstances;
prohibiting a person from knowingly submitting or
presenting to the department a false, fictitious, or
misrepresented application, identification, document,
information, statement, or data intended or likely to
deceive the department in order to obtain a license or
permit; creating s. 468.912, F.S.; authorizing the use
of certain terms to designate a medical cannabis farm
that has a department-issued permit or a licensed
dispensary; requiring conspicuous display of a license
or permit; providing specified dates for validity and
expiration of licenses and permits; providing
application procedures for obtaining initial and
renewal licenses and permits; authorizing the
department to seize all forms of cannabis and drug
paraphernalia and dispose of them if the licensee or
permittee fails to renew a license or permit;
requiring funds collected from such disposal to be
deposited in the Professional Regulation Trust Fund;
providing the fee structure for reactivating an
inactive license or permit; creating s. 468.913, F.S.;
requiring the reporting of a loss, theft, or unexplained shortage of cannabis, cannabis-based products, cannabis plants, or drug paraphernalia to the local law enforcement agency and the department; requiring an investigating law enforcement agency to forward a copy of its written report to the department; requiring the department to retain such reports; requiring any sheriff or law enforcement officer in this state to give immediate notice to the department of a theft, illegal use, or illegal possession of cannabis, cannabis-based product, cannabis plants, or drug paraphernalia and to forward a copy of his or her final written report to the department; creating s. 468.914, F.S.; authorizing the department to issue cease and desist orders and to impose administrative fines for violations of part XVII of ch. 468, F.S., and applicable department rules; authorizing the department to seek injunctive relief and to apply for temporary and permanent orders for certain violations; authorizing the department to revoke or suspend all licenses or permits held by a person; providing requirements for an order of suspension and an order of revocation; providing for application of an order of revocation or suspension to a newly issued permit or license; providing that a person whose permit or license has been suspended or revoked may not be issued a new permit or license under any other name or company name until the expiration of the suspension or revocation;
authorizing the department to revoke or suspend a license or permit for certain violations or acts; providing criminal penalties; providing that other lawful remedies are not affected; requiring that all fines, monetary penalties, and costs received by the department in connection with this part be deposited into the Professional Regulation Trust Fund of the Department of Business and Professional Regulation; creating s. 468.915, F.S.; requiring that all hearings and review of orders from the department be conducted in accordance with ch. 120, F.S.; creating s. 468.916, F.S.; prohibiting a county or municipality from creating or imposing an ordinance or rule that is inconsistent with the provisions contained in this act and the applicable department rules; creating s. 468.917, F.S.; requiring that all moneys collected and deposited in the Professional Regulation Trust Fund be used by the department in the administration of part XVII of ch. 468, F.S.; requiring the department to maintain a separate account in the Professional Regulation Trust Fund for the Drugs, Devices, and Cosmetics program; creating s. 468.918, F.S.; requiring the Department of Business and Professional Regulation and the Department of Revenue to adopt rules by a specified date, including rules that specify persons who may legally possess cannabis for the purpose of teaching, research, or testing; requiring the fees collected by the departments to be applied first to the cost of administering the act;
authorizing a state resident to commence an action in a court of competent jurisdiction if the departments fail to adopt rules by a specified date; creating part III of ch. 499, F.S.; creating s. 499.802, F.S.; defining terms; creating s. 499.803, F.S.; authorizing a qualifying patient to cultivate, possess, and administer cannabis for medical use and to possess and use drug paraphernalia for a specified purpose; authorizing the patient’s caregiver to cultivate, possess, and administer cannabis for medical use for a qualifying patient and to possess, deliver, and use drug paraphernalia for a specified purpose; providing that a registry identification card, or its equivalent, issued from another jurisdiction has the same force and effect as a registry identification card issued by the Department of Health; requiring a qualifying patient to present to a law enforcement officer a registry identification card to confirm that the patient may cultivate, possess, and administer cannabis for medical use and possess and use drug paraphernalia; requiring a patient’s caregiver to present to a law enforcement officer a registry identification card to confirm that the caregiver may cultivate, possess, and administer cannabis for a qualifying patient and possess, deliver, and use drug paraphernalia; authorizing a qualifying patient or the patient’s caregiver to purchase, possess, administer, or deliver cannabis, cannabis-based products, cannabis plants, and drug paraphernalia that is obtained only
from a dispensary or medical cannabis farm or to
cultivate cannabis and cannabis plants for only the
qualifying patient’s possession and administration;
authorizing a qualifying patient who is a minor to
possess, use, or administer medical cannabis only in
the presence of the minor’s parent or legal guardian
and only if the minor’s parent or legal guardian signs
a written statement; providing requirements for the
written statement; providing a procedure for changing
the patient’s designation of a caregiver; providing a
procedure for replacing a lost registry identification
card; providing that a registration form to obtain a
registry identification card is a registry
identification card if the department fails to issue
or deny the registration within a specified number of
days; authorizing the department to revoke a
cardholder’s registry identification card; creating s.
499.804, F.S.; requiring a person who seeks
designation as a qualifying patient or the patient’s
caregiver to register with the department; authorizing
the maximum number of qualifying patients a patient’s
caregiver may be connected to through the department’s
registration process; requiring a qualifying patient
or the patient’s caregiver to deliver or distribute
cannabis in a labeled container or sealed package;
prescribing the maximum amount of cannabis which a
qualifying patient or the patient’s caregiver may
possess; requiring a cardholder to cultivate cannabis
plants in certain venues that are out of the public
view; providing exceptions for delivering or
distributing cannabis plants under certain
circumstances; authorizing cannabis to be administered
in certain medical treatment facilities under certain
circumstances; prohibiting medical cannabis from being
administered at a dispensary or in a public place,
other than at a medical treatment facility; providing
that the act does not allow a person to undertake a
task under the influence of cannabis when doing so
constitutes negligence or malpractice; providing that
the medical use of cannabis does not create a defense
to certain offenses; providing that evidence of a
person’s voluntary intoxication that results from the
medical use of cannabis is not admissible in a
judicial proceeding to show lack of specific intent or
insanity; providing an exception; authorizing a person
or entity to provide information about the existence
or operation of a medical cannabis farm or dispensary
to another person; prohibiting a law enforcement
officer from further stopping or detaining a person
stopped by the officer if that person is in compliance
with the laws and rules regulating the medical use of
cannabis or drug paraphernalia; creating s. 499.805,
F.S.; authorizing a physician to prescribe, in
writing, the medical use of cannabis under certain
circumstances; providing requirements for the written
prescription; providing that a physician is not
subject to arrest, prosecution, penalty, disciplinary
proceedings, or denial of a right or privilege for
advising a qualifying patient about the medical use of
cannabis, recommending the medical use of cannabis,
providing a written prescription for a patient’s
medical use of cannabis, or stating that, in the
physician’s professional opinion, the potential
benefits of the medical use of cannabis likely
outweigh the health risks for a patient; prohibiting a
physician from having a professional office located at
a medical cannabis farm or dispensary or receiving
financial compensation from a medical cannabis farm or
dispensary or its owners, directors, officers,
members, incorporators, agents, or employees; creating
s. 499.806, F.S.; providing that qualifying patients
and their caregivers and certain nurse practitioners,
registered nurses, pharmacists, and other persons are
not subject to arrest, prosecution, penalty, or denial
of any right or privilege as a result of the lawful
applicable activity regarding the medical use of
cannabis under certain circumstances; prohibiting a
school, employer, or property owner from refusing to
enroll, employ, or lease to or otherwise penalizing a
person who is a cardholder; creating a presumption
when a qualifying patient or the patient’s caregiver
is engaged in the medical use of cannabis under
certain circumstances; authorizing the use of evidence
to rebut that presumption; authorizing the patient’s
caregiver to be reimbursed for certain costs;
providing that such reimbursement does not constitute
the sale of a controlled substance under s. 893.13,
F.S.; providing that a qualifying patient’s medical use of cannabis is equivalent to the use of any other medication used at the direction of a physician; providing that such use does not constitute the use of an illicit drug under s. 893.03, F.S.; providing that a person, cardholder, medical cannabis farm, or dispensary that cultivates, manufactures, possesses, administers, dispenses, distributes, or uses cannabis, or manufactures, possesses, distributes, or uses drug paraphernalia, in a manner not authorized by this act, is subject to criminal prosecution and sanctions under the Florida Comprehensive Drug Abuse Prevention and Control Act; providing that a person who makes a fraudulent representation to a law enforcement officer relating to certain activities involving medical use of cannabis or drug paraphernalia is subject to a criminal fine in addition to other penalties under law; creating s. 499.807, F.S.; providing additional defenses to a prosecution involving cannabis; authorizing the clerk of the court to assess a fee for dismissal of a criminal charge of possession, use, or administration of a legal amount of cannabis for medical use or drug paraphernalia under certain circumstances; authorizing a cardholder to assert the purpose for the medical use of cannabis in a motion to dismiss; providing that certain interests or rights to property related to a qualifying patient’s medical use of cannabis may not be forfeited under the Florida Contraband Forfeiture Act under certain circumstances;
creating s. 499.808, F.S.; providing that the act does not require a governmental, private, or other health insurance provider or health care services plan to cover, or prohibit it from covering, a claim for reimbursement for the medical use of cannabis; creating s. 499.809, F.S.; prohibiting an employer, laboratory, employee assistance program, or alcohol and drug rehabilitation program and their agents from releasing certain information without written consent; providing requirements for written consent; prohibiting information regarding a qualifying patient or the patient’s caregiver from being released or used in a criminal proceeding; providing that such information is inadmissible as evidence; authorizing the Department of Health and its employees to have access to information regarding a qualifying patient or the patient’s caregiver under certain circumstances; creating s. 499.810, F.S.; requiring the department to adopt rules by a specified date; requiring the fees collected by the Department of Health to be applied first to the cost of administering part III of ch. 499; authorizing a state resident to commence an action in a court of competent jurisdiction if the departments fail to adopt rules by a specified date; conforming provisions to changes made by the act; authorizing the executive director of the Department of Revenue to adopt emergency rules; amending ss. 812.14, 893.03, 893.13, 893.1351, 893.145, 893.147, and 921.0022, F.S.; providing an
Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

(2) Provide consumer protection regarding the medical use of cannabis by regulating the cultivation, manufacturing, wholesale distribution, prescribing, and retailing of cannabis, cannabis-based products, cannabis plants, and drug paraphernalia in the state in order to:
(a) Safeguard the public health, safety, and welfare.  
(b) Protect the public from being misled by unscrupulous and unauthorized persons or criminal activity.  
(c) Ensure the highest degree of conduct on the part of owners, directors, officers, members, employees, and agents of medical cannabis farms and dispensaries.  
(d) Ensure the availability of controlled distribution and use of high-quality cannabis, cannabis-based products, cannabis plants, and drug paraphernalia in this state for the benefit of a qualifying patient who is prescribed cannabis for medical use.  
468.902 Legislative findings and intent.—  
(1) The Legislature finds that:  
(a) Modern medical research has discovered beneficial uses for cannabis in treating or alleviating pain, nausea, and other symptoms associated with certain qualifying medical conditions, as indicated by the National Academy of Sciences’ Institute of Medicine (IOM) in its report dated March 1999, cited by the United States Department of Health and Human Services, which found that “there is substantial consensus among experts in the relevant disciplines on the scientific evidence about potential medical uses of marijuana.”  
(b) The prohibition against the use of cannabis has been in effect for many years and is rooted in outdated scientific evidence that does not make a reasonable distinction between its recreational use and beneficial medicinal use.  
(c) Although federal law currently prohibits any use of marijuana and cannabis, the laws of Alaska, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Maine, Massachusetts, Michigan, Montana, Nevada, New 
Hampshire, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and Washington allow the medical use of cannabis and the cultivation of marijuana as of January 2014. This state joins in this effort for the health, safety, and welfare of its residents through enacting the Cathy Jordan Medical Cannabis Act and creating license and permit regulations in this part.

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

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

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

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

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

(1) “Administer” has the same meaning as provided in s. 893.02.

(2) “Cannabis” has the same meaning as provided in s. 893.02.

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

(4) “Cannabis plant” has the same meaning as provided in s. 893.135.

(5) “Cultivating” has the same meaning as provided in s. 893.02.

(6) “Deliver” or “delivery” has the same meaning as provided in s. 893.02.

(7) “Department” means the Department of Business and Professional Regulation.

(8) “Dispensary” means a facility that is:

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

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

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

(10) “Distribute” has the same meaning as provided in s. 893.02.

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

(12) “Manufacture” means the production, preparation,
propagation, compounding, conversion, or processing of cannabis,
directly or indirectly, by extraction from substances of natural
origin, independently by means of chemical synthesis, or by a
combination of extraction and chemical synthesis, and includes
the packaging or repackaging of the substance and the labeling
or relabeling of its container.

(13) “Medical cannabis farm” means land that:

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

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

(14) “Medical use” means the prescriptive use of any form
of cannabis to treat a qualifying medical condition and the
symptoms associated with that condition or to alleviate the side
effects of a qualifying medical treatment.
(15) “Patient’s caregiver” or “caregiver” means a person who is:
(a) Designated by a qualifying patient and registered with the Department of Health as the person authorized, on the qualifying patient’s behalf, to cultivate, deliver, possess, purchase, and assist in the administration of cannabis; and
(b) At least 18 years of age.

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

(17) “Qualifying medical condition” means:
(a) Acquired immune deficiency syndrome (AIDS) or positive status for human immunodeficiency virus (HIV);
(b) Alzheimer’s disease or agitation of Alzheimer’s disease;
(c) Amyotrophic lateral sclerosis (ALS);
(d) Anorexia;
(e) Cachexia;
(f) Cancer;
(g) Chronic debilitating pain;
(h) Damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity;
(i) Decompensated cirrhosis;
(j) Epilepsy and other disorders characterized by seizures;
(k) Fibromyalgia;
(l) Glaucoma;
(m) Hepatitis C;
(n) Inflammatory bowel disease, including Crohn’s disease;
(o) Multiple sclerosis and other disorders characterized by
muscle spasticity;
   (p) Muscular dystrophy;
   (q) Nail-patella syndrome;
   (r) Neuroborreliosis;
   (s) Organ transplantation;
   (t) Painful peripheral neuropathy;
   (u) Parkinson’s disease;
   (v) Persistent nausea or severe emesis;
   (w) Post-traumatic stress disorder (PTSD); or
   (x) Terminal illness, if the physician has determined a
   prognosis of less than 12 months of life.

(18) “Qualifying medical treatment” means:
   (a) Chemotherapy;
   (b) Radiotherapy;
   (c) The use of azidothymidine or protease inhibitors; or
   (d) Treatment of a qualifying medical condition as
   specified in subsection (17).

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

(20) “Registry identification card” means a nontransferable
   document issued by the Department of Health which identifies a
   person as a qualifying patient or a patient’s caregiver.

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

468.904 Department duties and responsibilities.—

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

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

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

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

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

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

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

4. Any other information required by the department.

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

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

(b) Inform the public and private hospitals, health care
providers, pharmacists, and duly licensed dispensaries in this
state of the medical use of cannabis to help avoid harmful drug
interactions;

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

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

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

468.905 Medical cannabis farms.—

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

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

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

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

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

(4) A medical cannabis farm shall implement a security plan to prevent the theft or diversion of all cannabis, cannabis-based products, and raw ingredients, including, but not limited to, cannabis plants; derivatives of cannabis plants; and seedlings and seeds, whether in ground or not in ground, visible or not visible to the public.
(5) A medical cannabis farm shall maintain procedures under which cannabis, cannabis-based products, and raw ingredients, including all cannabis plants; derivatives of cannabis plants; seedlings and seeds, whether in ground or not in ground, visible or not visible to the public, are accessible only to authorized personnel.

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

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

468.906 Dispensaries.—

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

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

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

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

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

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

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

1. Two hundred and fifty grams of usable cannabis for each qualifying patient that the caregiver is connected to through the Department of Health’s registration process as indicated on his or her valid registry identification card; and
2. Six cannabis plant seedlings for each qualifying patient that the caregiver is connected to through the Department of Health’s registration process as indicated on his or her valid registry identification card.

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

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

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

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

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

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

468.907 Owners, directors, officers, members, incorporators, agents, or employees of medical cannabis farms and dispensaries.—

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

(a) Establish by rule the following fees:

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

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

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

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

(3) If the department fails to adopt these rules by January 1, 2015, a registrant may commence an action in a court of competent jurisdiction to compel the department to perform the actions mandated under this section.
(1) A person may not operate a medical cannabis farm in this state except in accordance with this part.

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

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

(b) The suitability of the proposed facility.

(c) The proposed staffing plan.

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

(e) The proposed cultivation plan.

(f) The proposed manufacturing plan.

(g) The proposed storage and inventory control plan.

(h) The proposed labeling plan.

(i) The proposed product safety plan.

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

(a) Application fee, $2,500.

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

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

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

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

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

468.909 Dispensary license.—

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

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

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

(b) The suitability of the proposed facility.

(c) The proposed staffing plan.

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

(e) The proposed retail plan.

(f) The proposed marketing plan.

(g) The proposed storage and inventory control plan.

(h) The proposed labeling plan.

(i) The proposed product safety plan.

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

(a) Application fee, $1,000.

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

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

(d) Renewal license fee, $5,000.
(4) A person who conducts the wholesale purchase or retail
sale of drug paraphernalia or any form of cannabis at or from
more than one location must possess a current valid license for
each location.

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

468.910 Applications for licenses and permits.—
(1) An application for a license or permit required under
this part must be filed in writing with the department. An
application must include, at a minimum, the full name, date of
birth, place of birth, social security number, physical
description, residence address and telephone number, and
business address and telephone number of the applicant. Each
application must be accompanied by an accurate and current
photograph of the applicant and a complete set of fingerprints
of the applicant taken by an authorized law enforcement agency;
however, a set of fingerprints is not required if the applicant
has possessed a valid license or permit under this part during
the previous licensing or permitting year and such license or
permit has not lapsed or been suspended or revoked. If
fingerprints are required, the department shall submit the set
of fingerprints to the Department of Law Enforcement for state
processing. If the application does not require a set of
fingerprints, the department shall submit the name and other
identifying data to the Department of Law Enforcement for
processing. The application must be in a form to provide the
data and other information set forth in this subsection and must be sworn to by the applicant or, if the applicant is a corporation, by each officer and director of the corporation. The officers and directors applying on behalf of a corporation shall provide all of the required identifying data and information. This section does not preclude electronic filing of the application.

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

468.911 Issuance of licenses and permits; prohibitions.—

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

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

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

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

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

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

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

1. “Adjudicated mentally defective” has the same meaning as in s. 790.065.
2. “Adjudicated mentally incompetent” means a determination by a court that a person who, because of mental illness, intellectual disability, senility, excessive use of drugs or alcohol, or other mental incapacity, is incapable of managing his or her property or caring for himself or herself or both.

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

468.912 License and permit to be displayed.—

(1) A medical cannabis farm that has a valid department-issued permit may use the term “medical cannabis farm” or “permitted medical cannabis farm,” in connection with the permittee’s name or place of business, to denote permitting under this part.

(2) A licensed dispensary may use the term “dispensary,” “licensed dispensary,” or “licensed medical cannabis dispensary,” in connection with the licensee’s name or place of
business, to denote licensure under this part.

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

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

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

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

468.913 Reports of theft, illegal use, or illegal
(1) A licensee or permittee who incurs a loss, theft, or unexplained shortage of cannabis, cannabis-based products, cannabis plants, or drug paraphernalia, or who has knowledge of a loss, theft, or unexplained shortage of cannabis, cannabis-based products, cannabis plants, or drug paraphernalia, shall, within 12 hours after the discovery, report such loss, theft, or unexplained shortage to the county sheriff or police chief of the jurisdiction in which the loss, theft, or unexplained shortage occurred. This loss, theft, or unexplained shortage shall also be reported to the department by the close of the next business day following the discovery.

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

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

468.914 Administrative relief; civil relief; penalties; allocation and disposition of moneys collected.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

468.918 Rules.—
(1) By October 1, 2014, the department shall adopt rules to administer this part, including rules that:

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

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

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

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

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

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

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

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

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

(2) By January 1, 2015, the Department of Revenue shall adopt rules that govern the manner in which:
(a) Medical cannabis farms are subject to taxation and reporting for the wholesale distribution of cannabis for medical use.

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

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

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

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

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

(1) “Administer” has the same meaning as in s. 893.02.

(2) “Bona fide physician-patient relationship” means a relationship between a physician and patient in which the physician has:

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

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

(3) “Cannabis” has the same meaning as provided in s.
(4) “Cannabis plant” has the same meaning as provided in s. 893.135.

(5) “Cardholder” means a qualifying patient, or the patient’s caregiver, who has been issued and possesses a valid registry identification card.

(6) “Cultivating” has the same meaning as in s. 893.02.

(7) “Department” means the Department of Health.

(8) “Dispensary” has the same meaning as provided in s. 468.903.

(9) “Dispense” has the same meaning as provided in s. 468.903.

(10) “Distribute” has the same meaning as provided in s. 468.903.

(11) “Drug paraphernalia” has the same meaning as provided in s. 468.903.

(12) “Manufacture” has the same meaning as provided in s. 468.903.

(13) “Medical cannabis farm” has the same meaning as provided in s. 468.903.

(14) “Medical treatment facility” means a facility that provides, as its primary purpose, human medical diagnostic services or nonsurgical human medical treatment. The term does not include an office maintained by a dentist or endodontist for the practice of dentistry or endodontics.

(15) “Medical use” has the same meaning as provided in s. 468.903.

(16) “Patient’s caregiver” or “caregiver” has the same meaning as provided in s. 468.903.
(17) “Physician” has the same meaning as provided in s. 468.903.

(18) “Qualifying medical condition” has the same meaning as provided in s. 468.903.

(19) “Qualifying medical treatment” has the same meaning as provided in s. 468.903.

(20) “Qualifying patient” has the same meaning as provided in s. 468.903.

(21) “Registry identification card” has the same meaning as provided in s. 468.903.

(22) “Usable cannabis” has the same meaning as provided in s. 499.803.

Cannabis for medical use.—

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

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

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

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

(5) A patient’s caregiver shall, upon demand, present to a law enforcement officer his or her registry identification card to confirm that he or she is authorized to cultivate, possess, deliver, and use drug paraphernalia in accordance with this part and department rule.

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

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

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

(7) A qualifying patient who is a minor may possess and administer cannabis and cannabis-based products for medical use and possess and use drug paraphernalia in accordance with this part and department rule only:
(a) In the presence of the minor’s parent or legal guardian; and
(b) If the minor’s parent or legal guardian has signed a written statement affirming that the parent or legal guardian:
   1. Understands the minor’s qualifying medical condition or qualifying medical treatment;
   2. Understands the potential benefits and potential adverse effects of the medical use of cannabis, generally and specifically, in the case of the minor;
   3. Consents to the medical use of cannabis by the minor; and
   4. Consents to the designation of, or designates, an authorized person to serve as the minor’s caregiver and to control the medical use of cannabis by the minor.

(8) If a qualifying patient who possesses a registry identification card changes his or her designation of a caregiver, the department shall issue a registry identification card to the qualifying patient’s new caregiver and:
   (a) Notify the qualifying patient’s former caregiver within 10 days after the department has issued a registry identification card to the qualifying patient’s new caregiver. The registry identification card of the qualifying patient’s former caregiver expires 10 days after such notification by the department; or
   (b) If the former caregiver remains connected through the department’s registration process to other qualifying patients, issue a new registry identification card to the qualifying patient’s former caregiver which indicates an updated list of qualifying patients to whom the caregiver remains connected.
through the department’s registration process. The caregiver’s registry identification card that indicates the former qualifying patient immediately expires upon the caregiver’s receipt of the new registry identification card.

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

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

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

499.804 Restrictions on the use of cannabis for medical use.—

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

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

(3) A qualifying patient or the patient’s caregiver shall deliver or distribute cannabis in a labeled container or sealed package in a manner and method established by rule.
(a) The maximum amount of cannabis which a qualifying patient may possess at any given time is 250 grams of usable cannabis, eight mature cannabis plants, and eight immature cannabis plants.

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

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

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

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

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

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

(b) To the property of the cardholder or, in the case of a
caregiver, to the property of the caregiver’s qualifying patient.

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

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

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

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

(9) A person who is stopped by a law enforcement officer upon reasonable suspicion or probable cause that he or she is in possession of cannabis may not be further detained or arrested on this sole basis if the person is in compliance with this part and department rule.
499.805 Physicians; prescriptions for the medical use of cannabis.—
(1) A physician may prescribe the medical use of cannabis to a qualifying patient if the physician:
(a) Is in a bona fide physician-patient relationship with the qualifying patient; and
(b) Determines that the prescription is needed based on the qualifying patient’s medical history and current medical condition and a review of other approved medications and treatments that may provide the qualifying patient with relief from a qualifying medical condition or its symptoms or the side effects of a qualifying medical treatment.
(2) If a physician prescribes cannabis for medical use to a qualifying patient, the physician shall complete a written prescription pursuant to s. 456.42 and include:
(a) A statement that the qualifying patient may use cannabis;
(b) The physician’s federal controlled substance registry number; and
(c) A statement that the prescription for the medical use of cannabis is necessary.
(3) A physician is not subject to arrest, prosecution, or penalty, including, but not limited to, civil penalty or disciplinary action by the department or by any other business licensing board, occupational licensing board, or professional licensing board, or subject to denial of any right or privilege, solely for advising a patient about the medical use of cannabis, prescribing the medical use of cannabis in accordance with this part and department rule, providing a written prescription in
accordance with this section, or stating that, in the physician’s professional opinion, the potential benefits of the medical use of cannabis likely outweigh the health risks for a patient.

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

Arrest and prosecution.—

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

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

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

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

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

(3) A presumption is created that a qualifying patient or
the patient’s caregiver is engaged in the medical use of
cannabis if the qualifying patient or the patient’s caregiver is
in possession of a valid registry identification card and if the
number of cannabis plants or the amount of cannabis does not
(4) A presumption of the medical use or possession of cannabis under this section may be rebutted by evidence that the conduct related to cannabis was not intended to treat, or assist with the treatment of, a qualifying medical condition or the symptoms associated with that condition or to alleviate the side effects of a qualifying medical treatment.

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

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

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

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

499.807 Defenses.—

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

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

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

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

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

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

(a) Upon demand by a law enforcement officer, was unable to
    present to the law enforcement officer a registry identification
    card to confirm that the cardholder may possess or use drug
    paraphernalia or possess, use, or administer legal amounts of
    cannabis for medical use; and
(b) Before, or at the time of, the cardholder’s court appearance, produces in court or to the clerk of the court in which the charge is pending the cardholder’s registry identification card that was valid at the time of the cardholder’s arrest.

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

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

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

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

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

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

499.809 Confidentiality.—

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

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

(b) The purpose of the disclosure.

(c) The precise information to be disclosed.

(d) The duration of the consent.

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

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

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

499.810 Rules.—
(1) By October 1, 2014, the department shall adopt rules to administer this part, including rules to:

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

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

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

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

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

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

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

Section 5. Subsection (6) of section 812.14, Florida
Statutes, is amended to read:
812.14 Trespass and larceny with relation to utility
fixtures; theft of utility services.—
(6) It is prima facie evidence of a person’s intent to
violate subsection (5) if:
(a) A controlled substance and materials for manufacturing
the controlled substance intended for sale or distribution to
another were found in a dwelling or structure;
(b) Except as provided in this chapter, chapter 468, or
chapter 499 and notwithstanding s. 893.13, the dwelling or
structure has been visibly modified to accommodate the use of
equipment to grow marijuana indoors, including, but not limited
to, the installation of equipment to provide additional air
conditioning, equipment to provide high-wattage lighting, or
equipment for hydroponic cultivation; and
(c) The person or entity that owned, leased, or subleased the dwelling or structure knew of, or did so under such circumstances as would induce a reasonable person to believe in, the presence of a controlled substance and materials for manufacturing a controlled substance in the dwelling or structure, regardless of whether the person or entity was involved in the manufacture or sale of a controlled substance or was in actual possession of the dwelling or structure.

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

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

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

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

1. Alpha-ethyltryptamine.
2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-methylinorex).
3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
4. 4-Bromo-2,5-dimethoxyamphetamine.
5. 4-Bromo-2,5-dimethoxyphenethylamine.
7. Cannabis, except as authorized in chapters 468 and 499.
8. Cathinone.
10. 2,5-Dimethoxyamphetamine.
11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
12. Dimethyltryptamine.
15. N-ethylamphetamine.
16. Fenethylline.
17. N-Hydroxy-3,4-methylenedioxyamphetamine.
18. Ibogaine.
19. Lysergic acid diethylamide (LSD).
20. Mescaline.
22. 5-Methoxy-3,4-methylenedioxyamphetamine.
23. 4-methoxyamphetamine.
24. 4-methoxymethamphetamine.
25. 4-Methyl-2,5-dimethoxyamphetamine.
26. 3,4-Methylenedioxy-N-ethylamphetamine.
27. 3,4-Methylenedioxyamphetamine.
28. N-Methyl-3-piperidyl benzilate.
29. N,N-dimethylamphetamine.
30. Parahexyl.
31. Peyote.
32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine analog of phencyclidine).
33. Psilocybin.
34. Psilocyn.
35. Salvia divinorum, except for any drug product approved by the United States Food and Drug Administration which contains Salvia divinorum or its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, if the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.
36. Salvinorin A, except for any drug product approved by the United States Food and Drug Administration which contains Salvinorin A or its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, if the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.
37. Tetrahydrocannabinols, except as authorized in chapters 468 and 499.
38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
(Thiophene analog of phencyclidine).

39. 3,4,5-Trimethoxyamphetamine.
40. 3,4-Methylenedioxyethylcathinone.
41. 3,4-Methylenedioxyethylpyrovalerone (MDPV).
42. Methylmethcathinone.
43. Methoxymethcathinone.
44. Fluoromethcathinone.
45. Methylmethcathinone.
46. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8) homologue.
47. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol, also known as HU-210.
48. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.
49. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.
50. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole, also known as JWH-200.
51. BZP (Benzylpiperazine).
52. Fluorophenylpiperazine.
53. Methylphenylpiperazine.
54. Chlorophenylpiperazine.
55. Methoxyphenylpiperazine.
56. DBZP (1,4-dibenzylpiperazine).
57. TFMPP (3-Trifluoromethylphenylpiperazine).
58. MBDB (Methylbenzodioxolylbutanamine).
59. 5-Hydroxy-alpha-methyltryptamine.
60. 5-Hydroxy-N-methyltryptamine.
61. 5-Methoxy-N-methyl-N-isopropyltryptamine.
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<td>DOI (4-Iodo-2,5-dimethoxyamphetamine).</td>
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<td>DOC (4-Chloro-2,5-dimethoxyamphetamine).</td>
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<td>2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).</td>
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<td>2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine).</td>
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<td>2C-I (4-Iodo-2,5-dimethoxyphenethylamine).</td>
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<td>81.</td>
<td>Butylone (beta-keto-N-methylbenzodioxolylpropylamine).</td>
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<td>82.</td>
<td>Ethcathinone.</td>
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<td>83.</td>
<td>Ethylone (3,4-methylenedioxy-N-ethylcathinone).</td>
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<td>84.</td>
<td>Naphyrone (naphthylpyrovalerone).</td>
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<td>85.</td>
<td>N-N-Dimethyl-3,4-methylenedioxycathinone.</td>
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<td>N-N-Diethyl-3,4-methylenedioxycathinone.</td>
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<td>87.</td>
<td>3,4-methylenedioxy-propiophenone.</td>
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<td>90.</td>
<td>N-Acetyl-3,4-methylenedioxycathinone.</td>
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91. N-Acetyl-N-Methyl-3,4-Methylenedioxyxycathinone.
92. N-Acetyl-N-Ethyl-3,4-Methylenedioxyxycathinone.
93. Bromomethcathinone.
94. Buphedrone (alpha-methylamino-butyrophenone).
95. Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
96. Dimethylcathinone.
97. Dimethylmethcathinone.
98. Pentylole (beta-Keto-Methylbenzodioxolylpentanamine).
99. (MDPPP) 3,4-Methylenedioxy-alpha-pyrrolidinopropiophenone.
100. (MDPBP) 3,4-Methylenedioxy-alpha-pyrrolidinobutiophenone.
102. Methyl-alpha-pyrrolidinoheptiophenone (MPHP).
103. Benocyclidine (BCP) or benzothiophenylcyclohexylpiperidine (BTCP).
104. Fluoromethylaminobutyrophenone (F-MABP).
105. Methoxypyrrolidinobutyrophenone (MeO-PBP).
106. Ethyl-pyrrolidinobutyrophenone (Et-PBP).
107. 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).
108. Methylethylaminobutyrophenone (Me-EABP).
110. Pyrrolidinopropiophenone (PPP).
111. Pyrrolidinobutiophenone (PBP).
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113. Methyl-alpha-pyrrolidinopropiophenone (MPPP).
114. JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).
115. JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).
116. JWH-019 (Naphthalen-1-yl-(1-hexylindol-3-yl)methanone).
117. JWH-020 (1-heptyl-3-(1-naphthoyl)indole).
118. JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-yl)methanone).
119. JWH-081 (Naphthalen-1-yl-(1-propyl-1H-indol-3-yl)methanone).
120. JWH-122 (1-pentyl-3-(4-methyl-1-naphthoyl)indole).
121. JWH-133 ((6aR,10aR)-3- (1,1-Dimethylbutyl)-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran).
122. JWH-175 (3- (naphthalen-1-ylmethyl)-1-pentyl-1H-indole).
123. JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl)indole).
124. JWH-203 (2- (2-chlorophenyl)-1- (1-pentylindol-3-yl)ethanone).
125. JWH-210 (4-ethyl naphthalen-1-yl- (1-pentylindol-3-yl)methanone).
126. JWH-250 (2- (2-methoxyphenyl)-1- (1-pentylindol-3-yl)ethanone).
127. JWH-251 (2- (2-methylphenyl)-1- (1-pentyl-1H-indol-3-yl)ethanone).
128. JWH-302 (1-pentyl-3- (3-methoxyphenylacetyl)indole).
129. JWH-398 (1-pentyl-3- (4-chloro-1-naphthoyl)indole).
130. HU-211 ((6aS,10aS)-9- (Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
131. HU-308 (((R,2R,5R)-2- [2,6-dimethoxy-4- (2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).
132. HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-
methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-
1,4-dione).
133. CB-13 (Naphthalen-1-yl-(4-pentyloxynaphthalen-1-
yl)methanone).
134. CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-
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135. CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-
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136. CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-
hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol).
137. AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-(2-
iodophenyl)methanone).
138. AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-
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139. RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-
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140. RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-
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141. WIN55,212-2 ((R)-(+)2,3-Dihydro-5-methyl-3-(4-
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142. WIN55,212-3 ((3S)-2,3-Dihydro-5-methyl-3-(4-
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143. Pentetron (2-(methylamino)-1-phenyl-1-pentanone).
144. Fluoroamphetamine.
145. Fluoromethamphetamine.
146. Methoxetamine.
147. Methiopropamine.
148. 4-Methylbuphedrone (2-Methylamino-1-(4-methylphenyl)butan-1-one).
149. APB ((2-aminopropyl)benzofuran).
150. APDB ((2-aminopropyl)-2,3-dihydrobenzofuran).
151. UR-144 ((1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone).
152. XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone).
153. (1-(5-chloropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone.
154. AKB48 (1-pentyl-N-tricyclo[3.3.1.13,7]dec-1-yl-1H-indazole-3-carboxamide).
155. AM-2233((2-iodophenyl)[1-[(1-methyl-2-piperidinyl)methyl]-1H-indol-3-yl]-methanone).
156. STS-135 (1-(5-fluoropentyl)-N-tricyclo[3.3.1.13,7]dec-1-yl-1H-indole-3-carboxamide).
157. URB-597 ((3′-(aminocarbonyl)[1,1′-biphenyl]-3-yl)cyclohexylcarbamate).
158. URB-602 ([1,1′-biphenyl]-3-yl-carbamic acid, cyclohexyl ester).
159. URB-754 (6-methyl-2-[(4-methylphenyl)amino]-1-benzoazin-4-one).
160. 2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine).
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162. 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine).
163. 2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine).
164. 25I-NBOMe (4-iodo-2,5-dimethoxy-N-(2-methoxyphenyl)methyl] benzeneethanamine).
27-00264A-14  

165. 3,4-Methylenedioxymethamphetamine (MDMA).  
166. PB-22 (1-pentyl-8-quinolinyl ester-1H-indole-3- 
       carboxylic acid).  
167. 5-Fluoro PB-22 (8-quinolinyl ester-1-(5-fluoropentyl)- 
       1H-indole-3-carboxylic acid).  
168. BB-22 (1-(cyclohexylmethyl)-8-quinolinyl ester-1H- 
       indole-3-carboxylic acid).  
169. 5-Fluoro AKB48 (N-((3s,5s,7s)-adamantan-1-yl)-1-(5- 
       fluoropentyl)-1H-indazole-3-carboxamide).  

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

893.13 Prohibited acts; penalties.—  

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

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

2. A controlled substance named or described in 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) commits a felony of 
the third degree, punishable as provided in s. 775.082, s. 
775.083, or s. 775.084.  

3. A controlled substance named or described in s. 
893.03(5) commits a misdemeanor of the first degree, punishable 
as provided in s. 775.082 or s. 775.083.
(b) Except as provided in this chapter and chapters 468 and 499, a person may not it is unlawful to sell or deliver in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any mixture containing any such substance. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The defendant must be sentenced to a minimum term of imprisonment of 3 calendar years unless the offense was committed within 1,000 feet of the real property comprising a child care facility as defined in s.
402.302.

2. A controlled substance named or described in 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) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

2. A controlled substance named or described in 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) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

2. A controlled substance named or described in 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) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

2. A controlled substance named or described in 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) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

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

2. A controlled substance named or described in 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) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2)(a) Except as authorized by this chapter and chapters 468 and 499, it is unlawful for any person to purchase, or possess with intent to purchase, a controlled substance. Any person who violates this provision with respect to:

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

2. A controlled substance named or described in 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) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(b) Except as provided in this chapter and chapters 468 and 499, a person may not purchase in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any mixture containing any such substance. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

(b) A controlled substance named or described in 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) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

(b) A controlled substance named or described in 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) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

(b) Except as authorized in this chapter and chapters 468
and 499, if the offense is the possession of not more than 20 grams of cannabis, as defined in this chapter, or 3 grams or less of a controlled substance described in s. 893.03(1)(c)46.-50., 114.-142., 151.-159., or 166.-169., the person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For the purposes of this subsection, “cannabis” does not include the resin extracted from the plants of the genus Cannabis, or any compound manufacture, salt, derivative, mixture, or preparation of such resin, and a controlled substance described in s. 893.03(1)(c)46.-50., 114.-142., 151.-159., or 166.-169., does not include the substance in a powdered form.

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

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

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

893.1351 Ownership, lease, rental, or possession for trafficking in or manufacturing a controlled substance.—
(1) Except as authorized in this chapter and chapters 468 and 499, a person may not own, lease, or rent any place, structure, or part of such place or structure thereof, trailer, or other conveyance with the knowledge that the place, structure, trailer, or conveyance will be used for the purpose of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) Containers and other objects used, intended for use, or designed for use in storing, concealing, or transporting controlled substances.
(11) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.

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

(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls.
(b) Water pipes.
(c) Carburetion tubes and devices.
(d) Smoking and carburetion masks.
(e) Roach clips: meaning objects used to hold burning material, such as a cannabis cigarette, that has become too small or too short to be held in the hand.
(f) Miniature cocaine spoons, and cocaine vials.
(g) Chamber pipes.
(h) Carburetor pipes.
(i) Electric pipes.
(j) Air-driven pipes.
(k) Chillums.
(l) Bongs.
(m) Ice pipes or chillers.
(n) A cartridge or canister, which means a small metal device used to contain nitrous oxide.
(o) A charger, sometimes referred to as a “cracker,” which means a small metal or plastic device that contains an interior pin that may be used to expel nitrous oxide from a cartridge or
container.

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

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

(r) A tank.

(s) A balloon.

(t) A hose or tube.

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

(v) Duct tape.

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

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

(1) USE OR POSSESSION OF DRUG PARAPHERNALIA.—Except as authorized in chapters 468 and 499, a person may not use, or to possess with intent to use, drug paraphernalia:

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

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

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

(2) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.—Except as authorized in chapters 468 and 499, it is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used:

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

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

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

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

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

(b) It is unlawful for any person to sell or otherwise deliver hypodermic syringes, needles, or other objects that may be used, are intended for use, or are designed for use in parenterally injecting substances into the human body to any person under 18 years of age, except that hypodermic syringes, needles, or other such objects may be lawfully
dispensed to a person under 18 years of age by a licensed practitioner, parent, or legal guardian, or by a pharmacist pursuant to a valid prescription, or in accordance with the medical use of cannabis as provided in chapters 468 and 499 for same. Any person who violates the provisions of this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

(6) RETAIL SALE OF DRUG PARAPHERNALIA.—
(a) It is unlawful for a person to knowingly and willfully sell or offer for sale at retail any drug paraphernalia described in s. 893.145(12)(a)-(c) or (g)-(m), other than drug paraphernalia related to the medical use of cannabis or a pipe that is primarily made of briar, meerschaum, clay, or corn cob.

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

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

921.0022 Criminal Punishment Code; offense severity ranking chart.—

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

(4)(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

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<tr>
<td>Section</td>
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<td>Sell, exchange, give away certificate of title or identification number plate.</td>
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</table>
driver’s license; possession of simulated identification.

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

False application for driver’s license or identification card.

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

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

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

Defraud an innkeeper, food
<table>
<thead>
<tr>
<th>Section</th>
<th>Violation Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>517.302(1)</td>
<td>Violation of the Florida Securities and Investor Protection Act.</td>
</tr>
<tr>
<td>562.27(1)</td>
<td>Possess still or still apparatus.</td>
</tr>
<tr>
<td>713.69</td>
<td>Tenant removes property upon which lien has accrued, value more than $50.</td>
</tr>
<tr>
<td>812.014(3)(c)</td>
<td>Petit theft (3rd conviction); theft of any property not specified in subsection (2).</td>
</tr>
<tr>
<td>812.081(2)</td>
<td>Unlawfully makes or causes to be made a reproduction of a trade secret.</td>
</tr>
<tr>
<td>815.04(4)(a)</td>
<td>Offense against intellectual property (i.e., computer programs, data).</td>
</tr>
<tr>
<td>817.52(2)</td>
<td>Hiring with intent to defraud, motor vehicle</td>
</tr>
</tbody>
</table>

**CODING:** Words **stricken** are deletions; words **underlined** are additions.
<table>
<thead>
<tr>
<th>Section</th>
<th>Code</th>
<th>Chapter</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>817.569(2)</td>
<td>817</td>
<td>817.569</td>
<td>Use of public record or public records information to facilitate commission of a felony.</td>
</tr>
<tr>
<td>826.01</td>
<td>826</td>
<td>826.01</td>
<td>Bigamy.</td>
</tr>
<tr>
<td>828.122(3)</td>
<td>828</td>
<td>828.122</td>
<td>Fighting or baiting animals.</td>
</tr>
<tr>
<td>831.04(1)</td>
<td>831</td>
<td>831.04</td>
<td>Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.</td>
</tr>
<tr>
<td>831.31(1)(a)</td>
<td>831</td>
<td>831.31</td>
<td>Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.</td>
</tr>
<tr>
<td>832.041(1)</td>
<td>832</td>
<td>832.041</td>
<td>Stopping payment with intent to defraud $150 or more.</td>
</tr>
<tr>
<td>832.05(2)(b) &amp; (4)(c)</td>
<td>832</td>
<td>832.05</td>
<td>Knowing, making, issuing worthless checks $150 or more or obtaining property in return for worthless check $150 or more.</td>
</tr>
</tbody>
</table>

CODING: Words stricken are deletions; words underlined are additions.
838.15(2) 3rd Commercial bribe receiving.

838.16 3rd Commercial bribery.

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

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

849.01 3rd Keeping gambling house.

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.

849.23 3rd Gambling-related machines; “common offender” as to property rights.

849.25(2) 3rd Engaging in bookmaking.

860.08 3rd Interfere with a railroad signal.

CODING: Words stricken are deletions; words underlined are additions.
860.13(1)(a) 3rd Operate aircraft while under the influence.

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

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

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

(b) LEVEL 2

Florida Statute Felony Degree Description

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

CODING: Words struck through are deletions; words underlined are additions.
379.2431 (1)(e) 4.
3rd Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.

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.

517.07(2) 3rd Failure to furnish a prospectus meeting requirements.

590.28(1) 3rd Intentional burning of lands.

784.05(3) 3rd Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

787.04(1) 3rd In violation of court
order, take, entice, etc., minor beyond state limits.

806.13(1)(b)3.  3rd Criminal mischief; damage $1,000 or more to public communication or any other public service.

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

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

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

812.014(2)(d)  3rd Grand theft, 3rd degree; $100 or more but less than $300, taken from unenclosed curtilage of dwelling.
<table>
<thead>
<tr>
<th>Code</th>
<th>Section</th>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>812.015(7)</td>
<td>812.015(7)</td>
<td>3rd</td>
<td>Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.</td>
</tr>
<tr>
<td>817.234(1)(a)2</td>
<td>817.234(1)(a)</td>
<td>3rd</td>
<td>False statement in support of insurance claim.</td>
</tr>
<tr>
<td>817.481(3)(a)</td>
<td>817.481(3)</td>
<td>3rd</td>
<td>Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over $300.</td>
</tr>
<tr>
<td>817.52(3)</td>
<td>817.52(3)</td>
<td>3rd</td>
<td>Failure to redeliver hired vehicle.</td>
</tr>
<tr>
<td>817.54</td>
<td>817.54</td>
<td>3rd</td>
<td>With intent to defraud, obtain mortgage note, etc., by false representation.</td>
</tr>
<tr>
<td>817.60(5)</td>
<td>817.60(5)</td>
<td>3rd</td>
<td>Dealing in credit cards of another.</td>
</tr>
<tr>
<td>817.60(6)(a)</td>
<td>817.60(6)(a)</td>
<td>3rd</td>
<td>Forger; purchase goods, services with false</td>
</tr>
</tbody>
</table>
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2496
817.61 3rd Fraudulent use of credit cards over $100 or more within 6 months.

2497
826.04 3rd Knowingly marries or has sexual intercourse with person to whom related.

2498
831.01 3rd Forgery.

2499
831.02 3rd Uttering forged instrument; utters or publishes alteration with intent to defraud.

2500
831.07 3rd Forging bank bills, checks, drafts, or promissory notes.

2501
831.08 3rd Possessing 10 or more forged notes, bills, checks, or drafts.

2502
831.09 3rd Uttering forged notes, bills, checks, drafts, or promissory notes.
831.11  3rd  Bringing into the state forged bank bills, checks, drafts, or notes.

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

843.08  3rd  Falsely impersonating an officer.

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

893.147(2)  3rd  Manufacture or delivery of drug paraphernalia, except when authorized under chapters 468 and 499.

(c) LEVEL 3
<table>
<thead>
<tr>
<th>Florida Statute</th>
<th>Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>119.10(2)(b)</td>
<td>3rd</td>
<td>Unlawful use of confidential information from police reports.</td>
</tr>
<tr>
<td>316.066(3)(b)-(d)</td>
<td>3rd</td>
<td>Unlawfully obtaining or using confidential crash reports.</td>
</tr>
<tr>
<td>316.193(2)(b)</td>
<td>3rd</td>
<td>Felony DUI, 3rd conviction.</td>
</tr>
<tr>
<td>316.1935(2)</td>
<td>3rd</td>
<td>Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.</td>
</tr>
<tr>
<td>319.30(4)</td>
<td>3rd</td>
<td>Possession by junkyard of motor vehicle with identification number plate removed.</td>
</tr>
<tr>
<td>319.33(1)(a)</td>
<td>3rd</td>
<td>Alter or forge any certificate of title to a motor vehicle or mobile home.</td>
</tr>
</tbody>
</table>
319.33(1)(c)  3rd  Procure or pass title on stolen vehicle.

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

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

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

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

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

379.2431  3rd  Taking, disturbing, mutilating, destroying,
<table>
<thead>
<tr>
<th>379.2431 (1)(e)6.</th>
<th>3rd</th>
<th>Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.</th>
</tr>
</thead>
<tbody>
<tr>
<td>400.9935(4)</td>
<td>3rd</td>
<td>Operating a clinic without a license or filing false license application or other required information.</td>
</tr>
<tr>
<td>440.1051(3)</td>
<td>3rd</td>
<td>False report of workers’ compensation fraud or retaliation for making such a report.</td>
</tr>
<tr>
<td>501.001(2)(b)</td>
<td>2nd</td>
<td>Tampers with a consumer product or the container using materially false/misleading</td>
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<td>2528</td>
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<tr>
<td>624.401(4)(a)</td>
<td>3rd</td>
<td>Transacting insurance without a certificate of authority.</td>
</tr>
<tr>
<td>2529</td>
<td></td>
<td></td>
</tr>
<tr>
<td>624.401(4)(b)1.</td>
<td>3rd</td>
<td>Transacting insurance without a certificate of authority; premium collected less than $20,000.</td>
</tr>
<tr>
<td>2530</td>
<td></td>
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</tr>
<tr>
<td>626.902(1)(a) &amp; (b)</td>
<td>3rd</td>
<td>Representing an unauthorized insurer.</td>
</tr>
<tr>
<td>2531</td>
<td></td>
<td></td>
</tr>
<tr>
<td>697.08</td>
<td>3rd</td>
<td>Equity skimming.</td>
</tr>
<tr>
<td>2532</td>
<td></td>
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</tr>
<tr>
<td>790.15(3)</td>
<td>3rd</td>
<td>Person directs another to discharge firearm from a vehicle.</td>
</tr>
<tr>
<td>2533</td>
<td></td>
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<tr>
<td>796.05(1)</td>
<td>3rd</td>
<td>Live on earnings of a prostitute.</td>
</tr>
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<td>2534</td>
<td></td>
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</tr>
<tr>
<td>806.10(1)</td>
<td>3rd</td>
<td>Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.</td>
</tr>
<tr>
<td>Section</td>
<td>Degree</td>
<td>Description</td>
</tr>
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<td>---------</td>
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</tr>
<tr>
<td>806.10(2)</td>
<td>3rd</td>
<td>Interferes with or assaults firefighter in performance of duty.</td>
</tr>
<tr>
<td>810.09(2)(c)</td>
<td>3rd</td>
<td>Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.</td>
</tr>
<tr>
<td>812.014(2)(c)2.</td>
<td>3rd</td>
<td>Grand theft; $5,000 or more but less than $10,000.</td>
</tr>
<tr>
<td>812.0145(2)(c)</td>
<td>3rd</td>
<td>Theft from person 65 years of age or older; $300 or more but less than $10,000.</td>
</tr>
<tr>
<td>815.04(4)(b)</td>
<td>2nd</td>
<td>Computer offense devised to defraud or obtain property.</td>
</tr>
<tr>
<td>817.034(4)(a)3.</td>
<td>3rd</td>
<td>Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.</td>
</tr>
<tr>
<td>817.233</td>
<td>3rd</td>
<td>Burning to defraud insurer.</td>
</tr>
<tr>
<td>817.234</td>
<td>3rd</td>
<td>Unlawful solicitation of</td>
</tr>
<tr>
<td>27-00264A-14</td>
<td>2014962</td>
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<tr>
<td>(8)(b)-(c)</td>
<td></td>
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</tr>
</tbody>
</table>

persons involved in motor vehicle accidents.

<table>
<thead>
<tr>
<th>2543</th>
</tr>
</thead>
<tbody>
<tr>
<td>817.234(11)(a)</td>
</tr>
</tbody>
</table>

Insurance fraud; property value less than $20,000.

<table>
<thead>
<tr>
<th>2544</th>
</tr>
</thead>
<tbody>
<tr>
<td>817.236</td>
</tr>
</tbody>
</table>

Filing a false motor vehicle insurance application.

<table>
<thead>
<tr>
<th>2545</th>
</tr>
</thead>
<tbody>
<tr>
<td>817.2361</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>2546</th>
</tr>
</thead>
<tbody>
<tr>
<td>817.413(2)</td>
</tr>
</tbody>
</table>

Sale of used goods as new.

<table>
<thead>
<tr>
<th>2547</th>
</tr>
</thead>
<tbody>
<tr>
<td>817.505(4)</td>
</tr>
</tbody>
</table>

Patient brokering.

<table>
<thead>
<tr>
<th>2548</th>
</tr>
</thead>
<tbody>
<tr>
<td>828.12(2)</td>
</tr>
</tbody>
</table>

Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

<table>
<thead>
<tr>
<th>2549</th>
</tr>
</thead>
<tbody>
<tr>
<td>831.28(2)(a)</td>
</tr>
</tbody>
</table>

Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.

CODING: Words struck are deletions; words underlined are additions.
<table>
<thead>
<tr>
<th>Statute</th>
<th>Section</th>
<th>Grade</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>831.29</td>
<td>2nd</td>
<td>Possession of instruments for counterfeiting <strong>drivers’</strong> licenses or identification cards.</td>
<td></td>
</tr>
<tr>
<td>838.021(3)(b)</td>
<td>3rd</td>
<td>Threatens unlawful harm to public servant.</td>
<td></td>
</tr>
<tr>
<td>843.19</td>
<td>3rd</td>
<td>Injure, disable, or kill police dog or horse.</td>
<td></td>
</tr>
<tr>
<td>860.15(3)</td>
<td>3rd</td>
<td>Overcharging for repairs and parts.</td>
<td></td>
</tr>
<tr>
<td>870.01(2)</td>
<td>3rd</td>
<td>Riot; inciting or encouraging.</td>
<td></td>
</tr>
<tr>
<td>893.13(1)(a)2.</td>
<td>3rd</td>
<td>Sell, manufacture, or deliver cannabis, except when authorized under s. 893.03(1)(c), (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</td>
<td></td>
</tr>
</tbody>
</table>
(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 (1)(c)37. and chapters 468 and 499, drugs within 1,000 feet of university.

893.13(1)(f)2. 2nd Sell, manufacture, or deliver drugs under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4), except when authorized under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499, drugs within 1,000 feet of public housing facility.
<table>
<thead>
<tr>
<th>Section</th>
<th>Date</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>893.13(6)(a)</td>
<td>3rd</td>
<td>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 and 499.</td>
</tr>
<tr>
<td>893.13(7)(a)8.</td>
<td>3rd</td>
<td>Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.</td>
</tr>
<tr>
<td>893.13(7)(a)9.</td>
<td>3rd</td>
<td>Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.</td>
</tr>
<tr>
<td>893.13(7)(a)10.</td>
<td>3rd</td>
<td>Affix false or forged label to package of controlled substance.</td>
</tr>
<tr>
<td>893.13(7)(a)11.</td>
<td>3rd</td>
<td>Furnish false or fraudulent material information on any document or record required by chapter 893.</td>
</tr>
</tbody>
</table>
893.13(8)(a)1. 3rd Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner’s practice.

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

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

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

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<table>
<thead>
<tr>
<th>Florida Statute</th>
<th>Felony Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>918.13(1)(a)</td>
<td>3rd</td>
<td>Alter, destroy, or conceal investigation evidence.</td>
</tr>
<tr>
<td>944.47(1)(a)</td>
<td>3rd</td>
<td>Introduce contraband to correctional facility.</td>
</tr>
<tr>
<td>944.47(1)(c)</td>
<td>2nd</td>
<td>Possess contraband while upon the grounds of a correctional institution.</td>
</tr>
<tr>
<td>985.721</td>
<td>3rd</td>
<td>Escapes from a juvenile facility (secure detention or residential commitment facility).</td>
</tr>
<tr>
<td>316.027(1)(a)</td>
<td>3rd</td>
<td>Accidents involving personal injuries, failure to stop; leaving scene.</td>
</tr>
<tr>
<td>316.1935(4)(a)</td>
<td>2nd</td>
<td>Aggravated fleeing or</td>
</tr>
<tr>
<td>Section</td>
<td>Grade</td>
<td>Description</td>
</tr>
<tr>
<td>-----------</td>
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<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>322.34(6)</td>
<td>3rd</td>
<td>Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.</td>
</tr>
<tr>
<td>327.30(5)</td>
<td>3rd</td>
<td>Vessel accidents involving personal injury; leaving scene.</td>
</tr>
<tr>
<td>379.367(4)</td>
<td>3rd</td>
<td>Willful molestation of a commercial harvester’s spiny lobster trap, line, or buoy.</td>
</tr>
<tr>
<td>379.3671</td>
<td>3rd</td>
<td>Willful molestation, possession, or removal of a commercial harvester’s trap contents or trap gear by another harvester.</td>
</tr>
<tr>
<td>381.0041(11)(b)</td>
<td>3rd</td>
<td>Donate blood, plasma, or organs knowing HIV positive.</td>
</tr>
<tr>
<td>440.10(1)(g)</td>
<td>2nd</td>
<td>Failure to obtain</td>
</tr>
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<td>Code</td>
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<tr>
<td>440.105(5)</td>
<td>2nd</td>
<td></td>
</tr>
<tr>
<td>440.381(2)</td>
<td>2nd</td>
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</tr>
<tr>
<td>624.401(4)(b)2.</td>
<td>2nd</td>
<td></td>
</tr>
<tr>
<td>626.902(1)(c)</td>
<td>2nd</td>
<td></td>
</tr>
<tr>
<td>790.01(2)</td>
<td>3rd</td>
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</tbody>
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<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>790.162</td>
<td>2nd</td>
<td>Threat to throw or discharge destructive device.</td>
</tr>
<tr>
<td>790.163(1)</td>
<td>2nd</td>
<td>False report of deadly explosive or weapon of mass destruction.</td>
</tr>
<tr>
<td>790.221(1)</td>
<td>2nd</td>
<td>Possession of short-barreled shotgun or machine gun.</td>
</tr>
<tr>
<td>790.23</td>
<td>2nd</td>
<td>Felons in possession of firearms, ammunition, or electronic weapons or devices.</td>
</tr>
<tr>
<td>800.04(6)(c)</td>
<td>3rd</td>
<td>Lewd or lascivious conduct; offender less than 18 years.</td>
</tr>
<tr>
<td>800.04(7)(b)</td>
<td>2nd</td>
<td>Lewd or lascivious exhibition; offender 18 years or older.</td>
</tr>
<tr>
<td>806.111(1)</td>
<td>3rd</td>
<td>Possess, manufacture, or dispense fire bomb with intent to damage any</td>
</tr>
<tr>
<td>Code</td>
<td>Section</td>
<td>Degree</td>
</tr>
<tr>
<td>--------------</td>
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</tr>
<tr>
<td>812.0145(2)(b)</td>
<td>812.0145(2)(b)</td>
<td>2nd</td>
</tr>
<tr>
<td>812.015(8)</td>
<td>812.015(8)</td>
<td>3rd</td>
</tr>
<tr>
<td>812.019(1)</td>
<td>812.019(1)</td>
<td>2nd</td>
</tr>
<tr>
<td>812.131(2)(b)</td>
<td>812.131(2)(b)</td>
<td>3rd</td>
</tr>
<tr>
<td>812.16(2)</td>
<td>812.16(2)</td>
<td>3rd</td>
</tr>
<tr>
<td>817.034(4)(a)2</td>
<td>817.034(4)(a)2</td>
<td>2nd</td>
</tr>
<tr>
<td>817.234(11)(b)</td>
<td>817.234(11)(b)</td>
<td>2nd</td>
</tr>
<tr>
<td>Line</td>
<td>Section</td>
<td>Codification</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
<td>--------------</td>
</tr>
<tr>
<td>2601</td>
<td>817.2341 (1), (2)(a) &amp; (3)(a)</td>
<td>3rd</td>
</tr>
<tr>
<td>2602</td>
<td>817.568 (2)(b)</td>
<td>2nd</td>
</tr>
<tr>
<td>2603</td>
<td>817.625 (2)(b)</td>
<td>2nd</td>
</tr>
<tr>
<td>2604</td>
<td>825.1025 (4)</td>
<td>3rd</td>
</tr>
</tbody>
</table>
presence of an elderly person or disabled adult.

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

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

Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

Resist officer with violence to person; resist arrest with violence.
<table>
<thead>
<tr>
<th>27-00264A-14</th>
<th>2014962__</th>
</tr>
</thead>
<tbody>
<tr>
<td>847.0135(5)(b)</td>
<td>2nd</td>
</tr>
<tr>
<td>847.0137</td>
<td>3rd</td>
</tr>
<tr>
<td>(2) &amp; (3)</td>
<td></td>
</tr>
<tr>
<td>847.0138</td>
<td>3rd</td>
</tr>
<tr>
<td>(2) &amp; (3)</td>
<td></td>
</tr>
<tr>
<td>874.05(1)(b)</td>
<td>2nd</td>
</tr>
<tr>
<td>874.05(2)(a)</td>
<td>2nd</td>
</tr>
<tr>
<td>893.13(1)(a)1.</td>
<td>2nd</td>
</tr>
</tbody>
</table>
893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b),
or (2)(c)4. drugs.

893.13(1)(c)2.
2nd Sell, manufacture, or
deliver cannabis, except
when authorized under s.
893.03(1)(c)7. and
(1)(c)37. and chapters
468 and 499, or other
drugs under (or other s.
893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3.,
(2)(c)5., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (3), or (4)
drugs) within 1,000 feet
of a child care
facility, school, or
state, county, or
municipal park or
publicly owned
recreational facility or
community center.

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

893.13(1)(e)2. 2nd
Sell, manufacture, or
deliver cannabis, except
when authorized under s.
893.03(1)(c)7. and
(1)(c)37. and chapters
468 and 499, or other
drug prohibited under s.
893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3.,
(2)(c)5., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (3), or (4)
within 1,000 feet of
property used for
religious services or a
specified business site.

893.13(1)(f)1. 1st
Sell, manufacture, or
deliver cocaine for
other drugs under s.
893.03(1)(a), (1)(b),
(1)(d), or (2)(a),
(2)(b), or (2)(c)4.
drugs) within 1,000 feet
<table>
<thead>
<tr>
<th>Florida Statute</th>
<th>Felony Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>316.027(1)(b)</td>
<td>1st</td>
<td>Accident involving death, failure to stop; leaving</td>
</tr>
<tr>
<td>893.13(4)(b)</td>
<td>2nd</td>
<td>Deliver to minor cannabis, except when authorized under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499, or other drugs under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs.</td>
</tr>
<tr>
<td>893.1351(1)</td>
<td>3rd</td>
<td>Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.</td>
</tr>
</tbody>
</table>

(g) LEVEL 7
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>316.193(3)(c)2</td>
<td>3rd DUI resulting in serious bodily injury.</td>
</tr>
<tr>
<td>316.1935(3)(b)</td>
<td>1st Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.</td>
</tr>
<tr>
<td>327.35(3)(c)2</td>
<td>3rd Vessel BUI resulting in serious bodily injury.</td>
</tr>
<tr>
<td>402.319(2)</td>
<td>2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.</td>
</tr>
<tr>
<td>409.920(2)(b)1.a</td>
<td>3rd Medicaid provider fraud; $10,000 or less.</td>
</tr>
</tbody>
</table>

**CODING:** Words **stricken** are deletions; words **underlined** are additions.
409.920 (2)(b)1.b. 2nd Medicaid provider fraud; more than $10,000, but less than $50,000.

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

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

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

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

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

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

462.17 3rd Practicing naturopathy
<p>| 2638 | 463.015(1) | 3rd | Practicing optometry without a license. |
| 2639 | 464.016(1) | 3rd | Practicing nursing without a license. |
| 2640 | 465.015(2) | 3rd | Practicing pharmacy without a license. |
| 2641 | 466.026(1) | 3rd | Practicing dentistry or dental hygiene without a license. |
| 2642 | 467.201    | 3rd | Practicing midwifery without a license. |
| 2643 | 468.366    | 3rd | Delivering respiratory care services without a license. |
| 2644 | 483.828(1) | 3rd | Practicing as clinical laboratory personnel without a license. |
| 2645 | 483.901(9) | 3rd | Practicing medical physics without a license. |</p>
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>484.013(1)(c)</td>
<td>Preparing or dispensing optical devices without a prescription.</td>
</tr>
<tr>
<td>484.053</td>
<td>Dispensing hearing aids without a license.</td>
</tr>
<tr>
<td>494.0018(2)</td>
<td>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.</td>
</tr>
<tr>
<td>560.123(8)(b)1.</td>
<td>Failure to report currency or payment instruments exceeding $300 but less than $20,000 by a money services business.</td>
</tr>
<tr>
<td>560.125(5)(a)</td>
<td>Money services business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000.</td>
</tr>
<tr>
<td>655.50(10)(b)1.</td>
<td>Failure to report financial transactions</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>775.21(10)(a)</td>
<td>Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.</td>
</tr>
<tr>
<td>775.21(10)(b)</td>
<td>Sexual predator working where children regularly congregate.</td>
</tr>
<tr>
<td>775.21(10)(g)</td>
<td>Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.</td>
</tr>
<tr>
<td>782.051(3)</td>
<td>Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.</td>
</tr>
<tr>
<td>782.07(1)</td>
<td>Killing of a human being by the act, procurement,</td>
</tr>
</tbody>
</table>
or culpable negligence of another (manslaughter).

782.071 2nd Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).

782.072 2nd Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

784.045(1)(a)1. 2nd Aggravated battery; intentionally causing great bodily harm or disfigurement.

784.045(1)(a)2. 2nd Aggravated battery; using deadly weapon.

784.045(1)(b) 2nd Aggravated battery; perpetrator aware victim pregnant.

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

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

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

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

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

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

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

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

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

CODING: Words stricken are deletions; words underlined are additions.
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>787.06(3)(e)</td>
<td>Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.</td>
</tr>
<tr>
<td>790.07(4)</td>
<td>Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).</td>
</tr>
<tr>
<td>790.16(1)</td>
<td>Discharge of a machine gun under specified circumstances.</td>
</tr>
<tr>
<td>790.165(2)</td>
<td>Manufacture, sell, possess, or deliver hoax bomb.</td>
</tr>
<tr>
<td>790.165(3)</td>
<td>Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.</td>
</tr>
<tr>
<td>Section</td>
<td>Code</td>
</tr>
<tr>
<td>---------</td>
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</tr>
<tr>
<td>790.166(3)</td>
<td>2nd</td>
</tr>
<tr>
<td>790.166(4)</td>
<td>2nd</td>
</tr>
<tr>
<td>790.23</td>
<td>1st,PBL</td>
</tr>
<tr>
<td>794.08(4)</td>
<td>3rd</td>
</tr>
<tr>
<td>796.03</td>
<td>2nd</td>
</tr>
<tr>
<td>800.04(5)(c)1.</td>
<td>2nd</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>800.04(5)(c)2.</td>
<td>2nd Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.</td>
</tr>
<tr>
<td>806.01(2)</td>
<td>2nd Maliciously damage structure by fire or explosive.</td>
</tr>
<tr>
<td>810.02(3)(a)</td>
<td>2nd Burglary of occupied dwelling; unarmed; no assault or battery.</td>
</tr>
<tr>
<td>810.02(3)(b)</td>
<td>2nd Burglary of unoccupied dwelling; unarmed; no assault or battery.</td>
</tr>
<tr>
<td>810.02(3)(d)</td>
<td>2nd Burglary of occupied conveyance; unarmed; no assault or battery.</td>
</tr>
<tr>
<td>810.02(3)(e)</td>
<td>2nd Burglary of authorized emergency vehicle.</td>
</tr>
</tbody>
</table>
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.

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

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

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

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

812.019(2) 1st Stolen property;
initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

812.131(2)(a) 2nd Robbery by sudden snatching.

812.133(2)(b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

817.034(4)(a)1. 1st Communications fraud, value greater than $50,000.

817.234(8)(a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

817.234(9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

817.234(11)(c) 1st Insurance fraud; property value $100,000 or more.

817.2341 1st Making false entries of
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>(2)(b) &amp; (3)(b)</td>
<td>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.</td>
</tr>
<tr>
<td>817.535(2)(a)</td>
<td>3rd Filing false lien or other unauthorized document.</td>
</tr>
<tr>
<td>825.102(3)(b)</td>
<td>2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.</td>
</tr>
<tr>
<td>825.103(2)(b)</td>
<td>2nd Exploiting an elderly person or disabled adult and property is valued at $20,000 or more, but less than $100,000.</td>
</tr>
<tr>
<td>827.03(2)(b)</td>
<td>2nd Neglect of a child causing great bodily harm, disability, or disfigurement.</td>
</tr>
<tr>
<td>827.04(3)</td>
<td>3rd Impregnation of a child</td>
</tr>
</tbody>
</table>

**CODING:** Words struck are deletions; words underlined are additions.
<p>| 2706 | 837.05(2) | 3rd | Giving false information about alleged capital felony to a law enforcement officer. |
| 2707 | 838.015 | 2nd | Bribery. |
| 2708 | 838.016 | 2nd | Unlawful compensation or reward for official behavior. |
| 2709 | 838.021(3)(a) | 2nd | Unlawful harm to a public servant. |
| 2710 | 838.22 | 2nd | Bid tampering. |
| 2711 | 843.0855(2) | 3rd | Impersonation of a public officer or employee. |
| 2712 | 843.0855(3) | 3rd | Unlawful simulation of legal process. |
| 2713 | 843.0855(4) | 3rd | Intimidation of a public officer or employee. |</p>
<table>
<thead>
<tr>
<th>Code</th>
<th>Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>847.0135(3)</td>
<td>3rd</td>
<td>Solicitation of a child, via a computer service, to commit an unlawful sex act.</td>
</tr>
<tr>
<td>847.0135(4)</td>
<td>2nd</td>
<td>Traveling to meet a minor to commit an unlawful sex act.</td>
</tr>
<tr>
<td>872.06</td>
<td>2nd</td>
<td>Abuse of a dead human body.</td>
</tr>
<tr>
<td>874.05(2)(b)</td>
<td>1st</td>
<td>Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.</td>
</tr>
<tr>
<td>874.10</td>
<td>1st,PBL</td>
<td>Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.</td>
</tr>
<tr>
<td>893.13(1)(c)1.</td>
<td>1st</td>
<td>Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or</td>
</tr>
</tbody>
</table>
(2)(c)4. within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

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

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

893.135(1)(a)1. 1st Trafficking in cannabis, except when authorized under s. 893.03(1)(c)7. and (1)(c)37. and chapters
893.135 (1)(b)1.a. 1st Trafficking in cocaine, more than 28 grams, less than 200 grams.

893.135 (1)(c)1.a. 1st Trafficking in illegal drugs, more than 4 grams, less than 14 grams, excluding cannabis and tetrahydrocannabinols, when excepted under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499.

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

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

893.135(1)(f)1. 1st Trafficking in amphetamine, more than 14...
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>893.135</td>
<td>1st</td>
</tr>
<tr>
<td>(1)(g)1.a.</td>
<td>Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.</td>
</tr>
<tr>
<td>893.135</td>
<td>1st</td>
</tr>
<tr>
<td>(1)(h)1.a.</td>
<td>Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.</td>
</tr>
<tr>
<td>893.135</td>
<td>1st</td>
</tr>
<tr>
<td>(1)(j)1.a.</td>
<td>Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.</td>
</tr>
<tr>
<td>893.135</td>
<td>1st</td>
</tr>
<tr>
<td>(1)(k)2.a.</td>
<td>Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.</td>
</tr>
<tr>
<td>893.1351(2)</td>
<td>2nd</td>
</tr>
<tr>
<td>Possession of place for trafficking in or manufacturing of controlled substance.</td>
<td></td>
</tr>
<tr>
<td>896.101(5)(a)</td>
<td>3rd</td>
</tr>
<tr>
<td>Money laundering, financial transactions exceeding $300 but less</td>
<td></td>
</tr>
</tbody>
</table>

**CODING:** Words stricken are deletions; words underlined are additions.
Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.

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

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

Sexual offender; failure to comply with reporting requirements.

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
<table>
<thead>
<tr>
<th>Code</th>
<th>Section</th>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>943.0435(14)</td>
<td>3rd Sexual offender; failure to report and reregister; failure to respond to address verification.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>944.607(9)</td>
<td>3rd Sexual offender; failure to comply with reporting requirements.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>944.607(10)(a)</td>
<td>3rd Sexual offender; failure to submit to the taking of a digitized photograph.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>944.607(12)</td>
<td>3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>944.607(13)</td>
<td>3rd Sexual offender; failure to report and reregister; failure to respond to address verification.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>985.4815(10)</td>
<td>3rd Sexual offender; failure to submit to the taking of a digitized photograph.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
985.4815(12)  3rd  Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

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

(h) LEVEL 8

<table>
<thead>
<tr>
<th>Florida Statute</th>
<th>Felony Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>316.193(3)(c)3.a.</td>
<td>2nd</td>
<td>DUI manslaughter.</td>
</tr>
<tr>
<td>316.1935(4)(b)</td>
<td>1st</td>
<td>Aggravated fleeing or attempted eluding with serious bodily injury or death.</td>
</tr>
<tr>
<td>327.35(3)(c)3.</td>
<td>2nd</td>
<td>Vessel BUI manslaughter.</td>
</tr>
<tr>
<td>499.0051(7)</td>
<td>1st</td>
<td>Knowing trafficking in contraband prescription drugs.</td>
</tr>
</tbody>
</table>
499.0051(8)  1st  Knowing forgery of prescription labels or prescription drug labels.

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

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

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

777.03(2)(a)  1st  Accessory after the fact, capital felony.
<table>
<thead>
<tr>
<th>Section</th>
<th>Status</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>782.04(4)</td>
<td>2nd</td>
<td>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.</td>
</tr>
<tr>
<td>782.051(2)</td>
<td>1st</td>
<td>Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).</td>
</tr>
<tr>
<td>782.071(1)(b)</td>
<td>1st</td>
<td>Committing vehicular homicide and failing to render aid or give information.</td>
</tr>
<tr>
<td>782.072(2)</td>
<td>1st</td>
<td>Committing vessel homicide and failing to render aid or give information.</td>
</tr>
<tr>
<td>Section</td>
<td>Degree</td>
<td>Description</td>
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<tr>
<td>-------------</td>
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</tr>
<tr>
<td>787.06(3)(b)</td>
<td>1st</td>
<td>Human trafficking using coercion for commercial sexual activity.</td>
</tr>
<tr>
<td>787.06(3)(c)</td>
<td>1st</td>
<td>Human trafficking using coercion for labor and services of an unauthorized alien.</td>
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<tr>
<td>787.06(3)(f)</td>
<td>1st</td>
<td>Human trafficking using coercion for commercial sexual activity by the transfer or transport of any individual from outside Florida to within the state.</td>
</tr>
<tr>
<td>790.161(3)</td>
<td>1st</td>
<td>Discharging a destructive device which results in bodily harm or property damage.</td>
</tr>
<tr>
<td>794.011(5)</td>
<td>2nd</td>
<td>Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.</td>
</tr>
<tr>
<td>794.08(3)</td>
<td>2nd</td>
<td>Female genital mutilation, removal of a victim younger than 18 years of age from this state.</td>
</tr>
<tr>
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</tr>
<tr>
<td>800.04(4)</td>
<td>2nd</td>
<td>Lewd or lascivious battery.</td>
</tr>
<tr>
<td>806.01(1)</td>
<td>1st</td>
<td>Maliciously damage dwelling or structure by fire or explosive, believing person in structure.</td>
</tr>
<tr>
<td>810.02(2)(a)</td>
<td>1st, PBL</td>
<td>Burglary with assault or battery.</td>
</tr>
<tr>
<td>810.02(2)(b)</td>
<td>1st, PBL</td>
<td>Burglary; armed with explosives or dangerous weapon.</td>
</tr>
<tr>
<td>810.02(2)(c)</td>
<td>1st</td>
<td>Burglary of a dwelling or structure causing structural damage or $1,000 or more property damage.</td>
</tr>
<tr>
<td>812.014(2)(a)2.</td>
<td>1st</td>
<td>Property stolen; cargo</td>
</tr>
<tr>
<td>Code</td>
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</tr>
<tr>
<td>812.13(2)(b)</td>
<td>1st</td>
<td>Robbery with a weapon.</td>
</tr>
<tr>
<td>812.135(2)(c)</td>
<td>1st</td>
<td>Home-invasion robbery, no firearm, deadly weapon, or other weapon.</td>
</tr>
<tr>
<td>817.535(2)(b)</td>
<td>2nd</td>
<td>Filing false lien or other unauthorized document; second or subsequent offense.</td>
</tr>
<tr>
<td>817.535(3)(a)</td>
<td>2nd</td>
<td>Filing false lien or other unauthorized document; property owner is a public officer or employee.</td>
</tr>
<tr>
<td>817.535(4)(a)1.</td>
<td>2nd</td>
<td>Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.</td>
</tr>
<tr>
<td>817.535(5)(a)</td>
<td>2nd</td>
<td>Filing false lien or other unauthorized document.</td>
</tr>
</tbody>
</table>
document; owner of the property incurs financial loss as a result of the false instrument.

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

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

825.1025(2) 2nd Lewd or lascivious battery upon an elderly person or disabled adult.

825.103(2)(a) 1st Exploiting an elderly person or disabled adult and property is valued at $100,000 or more.

837.02(2) 2nd Perjury in official proceedings relating to prosecution of a capital felony.
<table>
<thead>
<tr>
<th>Statute Reference</th>
<th>Version</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>837.021(2)</td>
<td>2nd</td>
<td>Making contradictory statements in official proceedings relating to prosecution of a capital felony.</td>
</tr>
<tr>
<td>860.121(2)(c)</td>
<td>1st</td>
<td>Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.</td>
</tr>
<tr>
<td>860.16</td>
<td>1st</td>
<td>Aircraft piracy.</td>
</tr>
<tr>
<td>893.13(1)(b)</td>
<td>1st</td>
<td>Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).</td>
</tr>
<tr>
<td>893.13(2)(b)</td>
<td>1st</td>
<td>Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).</td>
</tr>
<tr>
<td>893.13(6)(c)</td>
<td>1st</td>
<td>Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).</td>
</tr>
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<td>27-00264A-14</td>
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</tr>
<tr>
<td>893.135(1)(a)2.</td>
<td>1st Traffic in cannabis, except when authorized under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499, more than 2,000 lbs., less than 10,000 lbs.</td>
<td></td>
</tr>
<tr>
<td>893.135(1)(b)1.b.</td>
<td>1st Traffic in cocaine, more than 200 grams, less than 400 grams.</td>
<td></td>
</tr>
<tr>
<td>893.135(1)(c)1.b.</td>
<td>1st Traffic in illegal drugs, more than 14 grams, less than 28 grams, excluding cannabis and tetrahydrocannabinols, when excepted under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499.</td>
<td></td>
</tr>
<tr>
<td>893.135(1)(d)1.b.</td>
<td>1st Traffic in phencyclidine, more than 200 grams, less than 400 grams.</td>
<td></td>
</tr>
<tr>
<td>893.135</td>
<td>1st Traffic in</td>
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</tbody>
</table>

**CODING:** Words **stricken** are deletions; words **underlined** are additions.
<table>
<thead>
<tr>
<th>Line</th>
<th>Codification</th>
<th>Language</th>
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</thead>
<tbody>
<tr>
<td>2797</td>
<td>893.135</td>
<td>(1)(e)1.b.</td>
</tr>
<tr>
<td>2798</td>
<td>893.135</td>
<td>(1)(f)1.b.</td>
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<tr>
<td>2799</td>
<td>893.135</td>
<td>(1)(g)1.b.</td>
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<tr>
<td>2800</td>
<td>893.135</td>
<td>(1)(h)1.b.</td>
</tr>
<tr>
<td>2801</td>
<td>893.135</td>
<td>(1)(j)1.b.</td>
</tr>
</tbody>
</table>

- **(1)(e)1.b.** methaqualone, more than 5 kilograms, less than 25 kilograms.
- **(1)(f)1.b.** Trafficking in amphetamine, more than 28 grams, less than 200 grams.
- **(1)(g)1.b.** Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
- **(1)(h)1.b.** Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
- **(1)(j)1.b.** Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
- **(1)(k)2.b.** Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
| 2802 | 893.1351(3) | 1st | Possession of a place used to manufacture controlled substance when minor is present or resides there, excluding cannabis and tetrahydrocannabinols, when excepted under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499. |
| 2803 | 895.03(1) | 1st | Use or invest proceeds derived from pattern of racketeering activity. |
| 2804 | 895.03(2) | 1st | Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property. |
| 2805 | 895.03(3) | 1st | Conduct or participate in any enterprise through pattern of racketeering activity. |
Money laundering, financial transactions totaling or exceeding $20,000, but less than $100,000.

Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding $20,000 but less than $100,000.

<table>
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<tr>
<th>Florida Statute</th>
<th>Felony Degree</th>
<th>Description</th>
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<tr>
<td>316.193 (3)(c)3.b.</td>
<td>1st</td>
<td>DUI manslaughter; failing to render aid or give information.</td>
</tr>
<tr>
<td>327.35(3)(c)3.b.</td>
<td>1st</td>
<td>BUI manslaughter; failing to render aid or give information.</td>
</tr>
<tr>
<td>409.920 (2)(b)1.c.</td>
<td>1st</td>
<td>Medicaid provider fraud; $50,000 or more.</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>------</td>
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<td></td>
</tr>
<tr>
<td>499.0051(9)</td>
<td>1st Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.</td>
<td></td>
</tr>
<tr>
<td>560.123(8)(b)3.</td>
<td>1st Failure to report currency or payment instruments totaling or exceeding $100,000 by money transmitter.</td>
<td></td>
</tr>
<tr>
<td>560.125(5)(c)</td>
<td>1st Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding $100,000.</td>
<td></td>
</tr>
<tr>
<td>655.50(10)(b)3.</td>
<td>1st Failure to report financial transactions totaling or exceeding $100,000 by financial institution.</td>
<td></td>
</tr>
<tr>
<td>775.0844</td>
<td>1st Aggravated white collar crime.</td>
<td></td>
</tr>
<tr>
<td>Section</td>
<td>Amendment</td>
<td>Description</td>
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<tr>
<td>-----------</td>
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</tr>
<tr>
<td>782.04(1)</td>
<td>1st</td>
<td>Attempt, conspire, or solicit to commit premeditated murder.</td>
</tr>
<tr>
<td>782.04(3)</td>
<td>1st, PBL</td>
<td>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.</td>
</tr>
<tr>
<td>782.051(1)</td>
<td>1st</td>
<td>Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).</td>
</tr>
<tr>
<td>782.07(2)</td>
<td>1st</td>
<td>Aggravated manslaughter of an elderly person or disabled adult.</td>
</tr>
<tr>
<td>787.01(1)(a)1</td>
<td>1st, PBL</td>
<td>Kidnapping; hold for ransom or reward or as a shield or hostage.</td>
</tr>
<tr>
<td>787.01(1)(a)2</td>
<td>1st, PBL</td>
<td>Kidnapping with intent to commit or facilitate</td>
</tr>
</tbody>
</table>
commission of any felony.

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

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

787.06(3)(d) 1st Human trafficking using coercion for commercial 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.

787.06(4) 1st Selling or buying of
<table>
<thead>
<tr>
<th>Code</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>790.161</td>
<td>1st Attempted capital destructive device offense.</td>
</tr>
<tr>
<td>790.166(2)</td>
<td>Possessing, selling, using, or attempting to use a weapon of mass destruction.</td>
</tr>
<tr>
<td>794.011(2)</td>
<td>1st Attempted sexual battery; victim less than 12 years of age.</td>
</tr>
<tr>
<td>794.011(2)</td>
<td>Life Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.</td>
</tr>
<tr>
<td>794.011(4)</td>
<td>1st Sexual battery; victim 12 years or older, certain circumstances.</td>
</tr>
<tr>
<td>794.011(8)(b)</td>
<td>1st Sexual battery; engage in sexual conduct with minor 12 to 18 years by</td>
</tr>
<tr>
<td>Section</td>
<td>Clause</td>
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<td>---------</td>
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</tr>
<tr>
<td>794.08(2)</td>
<td>1st</td>
</tr>
<tr>
<td>796.035</td>
<td>1st</td>
</tr>
<tr>
<td>800.04(5)(b)</td>
<td>Life</td>
</tr>
<tr>
<td>812.13(2)(a)</td>
<td>1st, PBL</td>
</tr>
<tr>
<td>812.133(2)(a)</td>
<td>1st, PBL</td>
</tr>
<tr>
<td>812.135(2)(b)</td>
<td>1st</td>
</tr>
</tbody>
</table>
| 817.535(3)(b) | 1st | Filing false lien or other unauthorized document; second or
subsequent offense; property owner is a public officer or employee.

817.535(4)(a)2.  1st  Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.

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.

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.
<table>
<thead>
<tr>
<th>Code</th>
<th>Section Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>827.03(2)(a)</td>
<td>1st                        Aggravated child abuse.</td>
</tr>
<tr>
<td>847.0145(1)</td>
<td>1st                        Selling, or otherwise transferring custody or control, of a minor.</td>
</tr>
<tr>
<td>847.0145(2)</td>
<td>1st                        Purchasing, or otherwise obtaining custody or control, of a minor.</td>
</tr>
<tr>
<td>859.01</td>
<td>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.</td>
</tr>
<tr>
<td>893.135</td>
<td>1st                        Attempted capital trafficking offense.</td>
</tr>
<tr>
<td>893.135(1)(a)3.</td>
<td>1st          Trafficking in cannabis, except when authorized under s. 893.03(1)(c)7. and (1)(c)37. and chapters 468 and 499, more than 10,000 lbs.</td>
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</tr>
<tr>
<td>893.135 (1)(b)1.c.</td>
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<tr>
<td>893.135 (1)(h)1.c.</td>
<td>1st</td>
</tr>
</tbody>
</table>
Section 12. This act shall take effect October 1, 2014.