

1 A bill to be entitled
2 An act relating to medical cannabis; creating part III
3 of ch. 499, F.S.; creating s. 499.801, F.S.; providing
4 a short title; creating s. 499.802, F.S.; providing
5 legislative findings; creating s. 499.803, F.S.;
6 providing a legislative purpose; creating s. 499.804,
7 F.S.; providing definitions; creating s. 499.805,
8 F.S.; authorizing a qualifying patient to possess and
9 administer medical cannabis, and possess and use
10 paraphernalia for a specified purpose; authorizing the
11 patient's caregiver to possess and administer medical
12 cannabis to a qualifying patient and to possess and
13 use paraphernalia for a specified purpose; providing
14 that a registry identification card, or its
15 equivalent, which is issued from another jurisdiction
16 has the same force and effect as a registry
17 identification card issued by the Department of
18 Health; requiring a qualifying patient or the
19 patient's caregiver to present to a law enforcement
20 officer a registry identification card to confirm that
21 the person is authorized to possess, use, or
22 administer medical cannabis or paraphernalia;
23 requiring a qualifying patient or the patient's
24 caregiver to possess, use, or administer only medical
25 cannabis that is obtained from a dispensary or medical
26 cannabis farm; authorizing a qualifying patient who is
27 a minor to possess, use, or administer medical
28 cannabis only if the parent or legal guardian signs a

29 | written statement; providing requirements for the
30 | written statement; providing a procedure to change the
31 | patient's designation of a caregiver; providing a
32 | procedure for replacing a lost registry identification
33 | card; providing that a registration form to obtain a
34 | registry identification card is deemed valid if the
35 | Department of Health fails to issue or deny the
36 | registration form within a specified number of days;
37 | authorizing the department to revoke a cardholder's
38 | registry identification card; creating s. 499.806,
39 | F.S.; providing restrictions for the use of medical
40 | cannabis; requiring a person who wishes to be a
41 | qualifying patient or the patient's caregiver to
42 | register with the department; providing the maximum
43 | amount of medical cannabis which a qualifying patient
44 | or the patient's caregiver may possess; prohibiting
45 | medical cannabis from being administered in a public
46 | place or at a dispensary; authorizing medical cannabis
47 | to be administered in certain medical treatment
48 | facilities; requiring a qualifying patient or the
49 | patient's caregiver to transport medical cannabis in a
50 | labeled container or sealed package; providing that
51 | the act does not allow a person to undertake a task
52 | under the influence of medical cannabis when doing so
53 | constitutes negligence or malpractice; providing that
54 | the use of medical cannabis does not create a defense
55 | to certain offenses; providing that evidence of a
56 | person's voluntary intoxication that results from the

57 use of medical cannabis is not admissible for certain
58 reasons; authorizing a person or entity to provide
59 information about the existence or operation of a
60 medical cannabis farm or dispensary to another person;
61 prohibiting a law enforcement officer from further
62 stopping or detaining a person if the law enforcement
63 officer determines that the person is in compliance
64 with the use of medical cannabis or paraphernalia;
65 creating s. 499.807, F.S.; authorizing a physician to
66 recommend use of medical cannabis under certain
67 circumstances; requiring the physician to sign a
68 written recommendation if he or she recommends the use
69 of medical cannabis; providing requirements for the
70 written recommendation; providing that a physician is
71 not subject to penalty, arrest, prosecution or
72 disciplinary proceedings or denial of a right or
73 privilege for advising a qualifying patient about the
74 use of medical cannabis, recommending the use of
75 medical cannabis, providing a written recommendation
76 for a patient's medical use of cannabis, or stating
77 that, in the physician's professional opinion, the
78 potential benefits of medical cannabis would likely
79 outweigh the health risks for a patient; prohibiting a
80 physician from having a professional office located at
81 a medical cannabis farm or dispensary or receiving
82 financial compensation from a medical cannabis farm or
83 dispensary or its directors, officers, members,
84 incorporators, agents, or employees; creating s.

85 | 499.808, F.S.; requiring the Department of Business
86 | and Professional Regulation to regulate the permitting
87 | and licensure of medical cannabis farms and
88 | dispensaries; requiring each medical cannabis farm to
89 | apply for permitting and each dispensary to apply for
90 | licensure with the Department of Business and
91 | Professional Regulation before manufacturing,
92 | cultivating, dispensing, possessing, or distributing
93 | medical cannabis, or manufacturing, possessing, using,
94 | or distributing paraphernalia; creating s. 499.809,
95 | F.S.; authorizing a dispensary or medical cannabis
96 | farm to possess, cultivate, manufacture, or possess
97 | medical cannabis and to manufacture, purchase,
98 | possess, and distribute paraphernalia for a specified
99 | purpose; authorizing a dispensary to dispense to a
100 | qualifying patient or the patient's caregiver medical
101 | cannabis and distribute paraphernalia; authorizing a
102 | qualifying patient or the patient's caregiver to
103 | obtain medical cannabis and paraphernalia from a
104 | dispensary under certain circumstances; prohibiting a
105 | dispensary from directly dispensing to a qualifying
106 | patient or through the patient's caregiver more than
107 | specified amount of medical cannabis, mature marijuana
108 | plants, immature marijuana plants, or marijuana plant
109 | seedlings within a specified time period; requiring
110 | each medical cannabis farm and dispensary to implement
111 | a security plan; requiring the Department of Business
112 | and Professional Regulation to develop educational

113 materials that a dispensary must distribute to a
114 qualifying patient or the patient's caregiver;
115 prohibiting a director, officer, member, incorporator,
116 agent, or employee of a medical cannabis farm or
117 dispensary from having certain felony convictions;
118 providing that a person who violates or has violated
119 the act may not be a director, officer, member,
120 incorporator, agent, or employee of a medical cannabis
121 farm or dispensary; requiring the Department of
122 Business and Professional Regulation to revoke the
123 permit or license of the medical cannabis farm or
124 dispensary until the convicted or formerly convicted
125 person is no longer a director, officer, member,
126 incorporator, agent, or employee of the medical
127 cannabis farm or dispensary; creating s. 499.810,
128 F.S.; providing that certain qualifying patients,
129 their caregivers, nurse practitioners, registered
130 nurses, pharmacists, and other persons are not subject
131 to arrest, prosecution, penalty, or denial of any
132 right or privilege regarding the medical use of
133 medical cannabis under certain circumstances;
134 prohibiting a school, employer, or property owner from
135 refusing to enroll, employ, or lease to or penalize a
136 person who is a cardholder; providing that a
137 presumption is created when a qualifying patient or
138 the patient's caregiver is engaged in the authorized
139 use of medical cannabis; authorizing the use of
140 evidence to rebut that presumption; authorizing the

141 patient's caregiver to be reimbursed for certain
142 costs; providing that such reimbursement is not the
143 sale of a controlled substance; providing that certain
144 interests or rights to property related to the medical
145 use of cannabis may not be forfeited under the Florida
146 Contraband Forfeiture Act; providing that a qualifying
147 patient's medical use of cannabis is the equivalent to
148 the authorized use of any other medication used at the
149 direction of a physician; providing that such use does
150 not constitute the use of an illicit drug under s.
151 893.03, F.S.; providing for affirmative defenses;
152 authorizing the clerk of the court to assess a fee for
153 dismissal of a case in certain circumstances;
154 authorizing a qualifying patient to operate, navigate,
155 or be in actual physical control of a motor vehicle,
156 aircraft or vessel under certain circumstances;
157 providing that a person who makes a fraudulent
158 representation to a law enforcement officer relating
159 to activities involving medical cannabis or
160 paraphernalia is subject to a criminal fine in
161 addition to other penalties under law; creating s.
162 499.811, F.S.; providing additional defenses to a
163 prosecution involving cannabis; authorizing a person
164 to assert the medical purpose for using cannabis in a
165 motion to dismiss; providing that certain interests or
166 rights to property related to a qualifying patient's
167 use of cannabis for medical purposes may not be
168 forfeited under the Florida Contraband Forfeiture Act

169 under certain circumstances; providing that a person
170 who cultivates, manufactures, possesses, administers,
171 dispenses, distributes, or uses cannabis, or
172 manufactures, possesses, distributes, or uses
173 paraphernalia, in a manner not authorized by this act
174 is subject to criminal prosecution and sanctions under
175 the Florida Comprehensive Drug Abuse Prevention and
176 Control Act; creating s. 499.812, F.S.; providing that
177 the act does not require a governmental, private, or
178 other health insurance provider or health care
179 services plan to cover, or prohibit it from covering,
180 a claim for reimbursement for the use of medical
181 cannabis; creating s. 499.813, F.S.; prohibiting an
182 employer, laboratory, employee assistance program, and
183 alcohol and drug rehabilitation program and their
184 agents from releasing certain information without a
185 written consent; providing requirements for the
186 written consent; prohibiting information regarding a
187 qualifying patient or the patient's caregiver from
188 being released or used in a criminal proceeding;
189 providing that such information is inadmissible as
190 evidence; authorizing the Department of Health and its
191 employees to have access to information regarding a
192 qualifying patient or the patient's caregiver under
193 certain circumstances; creating s. 499.814, F.S.;

194 requiring the Department of Health, the Department of
195 Business and Professional Regulation, and the
196 Department of Revenue to adopt rules by a specified

197 date; requiring the fees collected by the departments
198 to be applied first to the cost of administering the
199 act; authorizing a state resident to commence an
200 action in a court of competent jurisdiction if the
201 departments fail to adopt rules by a specified date;
202 creating part XVII of ch. 468, F.S.; creating s.
203 468.901, F.S.; providing a purpose; creating s.
204 468.902, F.S.; providing legislative findings and
205 intent; creating s. 468.903, F.S.; providing
206 definitions; creating s. 468.904, F.S.; requiring the
207 Department of Business and Professional Regulation to
208 adopt certain rules; establishing the medical cannabis
209 section within the Department of Business and
210 Professional Regulation; requiring the medical
211 cannabis section of the department to require medical
212 cannabis farms and dispensaries to maintain certain
213 records and information; requiring the medical
214 cannabis section of the department to develop
215 education materials, conduct inspections, and revoke
216 or suspend licenses or permits; requiring the medical
217 cannabis section of the department to adopt rules;
218 creating s. 468.905, F.S.; authorizing a medical
219 cannabis farm to possess, cultivate, and manufacture
220 medical cannabis, medical cannabis-based products, and
221 marijuana plants for wholesale in this state;
222 requiring a medical cannabis farm to be registered
223 with the department before possessing, manufacturing,
224 cultivating, and wholesaling medical cannabis, medical

225 | cannabis-based products, or marijuana plants;
226 | requiring agricultural classification for land used as
227 | a medical cannabis farm; prohibiting a medical
228 | cannabis farm from conducting retail sales or
229 | transactions; requiring a medical cannabis farm to
230 | implement a security plan and maintain procedures in
231 | which medical cannabis-based products are accessible
232 | only to authorized personnel; providing that the
233 | active ingredient in all medical cannabis-based
234 | products cultivated, manufactured, and wholesaled to a
235 | licensed dispensary in this state must be wholly
236 | derived from marijuana plants cultivated and grown in
237 | this state, except for marijuana seeds and seedlings;
238 | providing that a medical cannabis farm is provided
239 | certain protections and is not deemed a public
240 | nuisance solely because its farm product includes
241 | production of marijuana; creating s. 468.906, F.S.;
242 | authorizing a dispensary to dispense and sell to a
243 | qualifying patient or patient's caregiver medical
244 | cannabis, medical cannabis-based products, marijuana
245 | plants, and medical cannabis-related paraphernalia and
246 | to manufacture, purchase, possess, and distribute
247 | medical cannabis-related paraphernalia; requiring each
248 | dispensary to be registered with the department before
249 | possessing, purchasing, or retailing medical cannabis,
250 | medical cannabis-based products, marijuana plants, or
251 | medical cannabis-related paraphernalia; prohibiting a
252 | dispensary from conducting wholesale sales or

253 transactions; authorizing a dispensary to retail to a
254 qualifying patient or patient's caregiver medical
255 cannabis, medical cannabis-based products, marijuana
256 plants, or medical cannabis-related paraphernalia if
257 the qualifying patient or patient's caregiver meets
258 certain conditions; requiring a dispensary to purchase
259 its medical cannabis-based products from a medical
260 cannabis farm that has a department-issued permit;
261 prohibiting a dispensary from dispensing a certain
262 amount of medical cannabis and marijuana plant
263 seedlings to a qualifying patient or caregiver within
264 a certain time period; requiring a dispensary to
265 maintain certain records for a specified number of
266 years; requiring a dispensary to make available
267 educational materials; requiring a dispensary to
268 prohibit a qualifying patient or patient's caregiver
269 from using or administering any form of medical
270 cannabis while on the property of the dispensary;
271 creating s. 468.907, F.S.; prohibiting a person from
272 engaging in the business of a medical cannabis farm
273 except in conformity with part XVII of ch. 468, F.S.;;
274 providing factors for standards for qualifying for a
275 permit or for renewing a permit to operate a medical
276 cannabis farm; requiring the department to establish
277 permitting fees; providing maximum amounts for the
278 fees; requiring a person who cultivates, manufactures,
279 or wholesales medical cannabis, medical cannabis-based
280 products, or marijuana plant products at one or more

281 | locations to possess a current valid permit for each
282 | location; authorizing an applicant for a permit to
283 | operate a medical cannabis farm to commence an action
284 | in a court of competent jurisdiction to compel the
285 | Department of Business and Professional Regulation to
286 | perform certain actions if the department fails to
287 | adopt rules by a specified date; creating s. 468.908,
288 | F.S.; prohibiting a person from operating a dispensary
289 | in this state except in conformity with part XVII of
290 | ch. 468, F.S.; providing factors for standards for
291 | qualifying for a license or for renewing a license to
292 | operate a dispensary; requiring the Department of
293 | Business and Professional Regulation to establish by
294 | rule licensure fees; providing maximum amounts for the
295 | fees; requiring a person who conducts the wholesale
296 | purchase or retail sale of any form of medical
297 | cannabis products at more than one location to possess
298 | a current valid license for each location; authorizing
299 | an applicant for a license to operate a dispensary to
300 | commence an action in a court of competent
301 | jurisdiction to compel the department to perform
302 | certain actions if the department fails to adopt rules
303 | by a specified date; creating s. 468.909, F.S.;
304 | requiring the department to prescribe application
305 | forms; providing requirements for submitting an
306 | application for a license or a permit; authorizing the
307 | department to require an applicant to furnish other
308 | information or data; creating s. 468.910, F.S.;

309 providing requirements for licenses and permits;
310 authorizing the department to include other
311 information on a license or permit; providing that a
312 license or permit may not be issued, renewed, or
313 allowed to remain in effect for certain circumstances;
314 prohibiting a person from knowingly submitting
315 information or presenting to the department a false,
316 fictitious, or misrepresented application,
317 identification, document, information, statement, or
318 data intended or likely to deceive the department in
319 order to obtain a license or permit; authorizing the
320 department to adopt rules regarding persons who
321 legally possess medical cannabis for the purpose of
322 teaching, research, or testing in a laboratory
323 setting; authorizing the department to issue letters
324 of exemption; providing that a person who violates or
325 has violated any provision of this part may not be a
326 director, officer, member, incorporator, agent, or
327 employee of a medical cannabis farm or dispensary;
328 providing that any prior authorization of such person
329 shall be immediately revoked; requiring the department
330 to suspend the license or permit of the medical
331 cannabis farm or dispensary until the person is
332 removed from the position of director, officer,
333 member, incorporator, agent, or employee; creating s.
334 468.911, F.S.; providing that certain terms may be
335 used to designate a medical cannabis farm that has a
336 department-issued permit or a licensed dispensary;

337 requiring for conspicuous display of a license or
338 permit; providing specified dates for validity and
339 expiration of licenses and permits; providing
340 application procedures for obtaining initial licenses
341 and permits and renewal of licenses and permits;
342 providing the fee structure for reactivating an
343 inactive license or permit; creating s. 468.912, F.S.;
344 requiring the reporting of a loss, theft, or
345 unexplained shortage of medical cannabis product to
346 the local law enforcement agency and the department;
347 requiring any sheriff, police department, or law
348 enforcement officer in this state to give immediate
349 notice to the department of a theft, illegal use, or
350 illegal possession of medical cannabis and to forward
351 a copy of his or her final written report to the
352 department; requiring an investigating law enforcement
353 agency to forward a copy of its written report to the
354 department; requiring the department to retain the
355 reports; creating s. 468.913, F.S.; providing
356 procedures for the issuance of a cease and desist
357 order; creating s. 468.914, F.S.; authorizing the
358 department to impose administrative fines for
359 violations for part XVII of ch. 468, F.S., and
360 applicable department rules; providing procedures for
361 payment of administrative fines; providing that all
362 fines, monetary penalties, and costs received by the
363 department in connection with this part shall be
364 deposited in the Professional Regulation Trust Fund of

365 the Department of Business and Professional
366 Regulation; creating s. 468.915, F.S.; authorizing the
367 department to seek injunctive relief and to apply for
368 temporary and permanent orders for certain violations;
369 creating s. 468.916, F.S.; providing circumstances
370 that warrant immediate suspension of a license or
371 permit; requiring the department to enter an order
372 revoking or suspending all licenses or permits of a
373 licensee or permittee under certain circumstances;
374 providing requirements for an order of suspension and
375 an order of revocation; providing for application of
376 an order of revocation or suspension to a newly issued
377 permit or license; providing that a person whose
378 permit or license has been suspended or revoked may
379 not be issued a new permit or license under any other
380 name or company name until the expiration of the
381 suspension or revocation; creating s. 468.917, F.S.;
382 providing that all hearings and review of orders from
383 the department must be conducted in accordance with
384 ch. 120, F.S.; creating s. 468.918, F.S.; providing
385 for criminal penalties; creating s. 468.919, F.S.;
386 prohibiting a county or municipality from creating or
387 imposing an ordinance or rule that is more restrictive
388 than the provisions contained in this part and the
389 applicable department rules; creating s. 468.920,
390 F.S.; providing that all fees collected for licenses
391 and permits are deposited in the Professional
392 Regulation Trust Fund; providing that all moneys

393 collected and deposited in the Professional Regulation
 394 Trust Fund must be used by the department in the
 395 administration of part XVII of ch. 468, F.S.;

396 requiring the department to maintain a separate
 397 account in the Professional Regulation Trust Fund for
 398 the Drugs, Devices, and Cosmetics program; amending
 399 ss. 812.14, 893.03, 893.13, 893.1351, 893.145, and
 400 921.0022, F.S.; conforming provisions to changes made
 401 by the act; providing for severability; providing an
 402 effective date.

403

404 Be It Enacted by the Legislature of the State of Florida:

405

406 Section 1. Part III of chapter 499, Florida Statutes,
 407 consisting of sections 499.801, 499.802, 499.803, 499.804,
 408 499.805, 499.806, 499.807, 499.808, 499.809, 499.810, 499.811,
 409 499.812, 499.813, and 499.814, is created to read:

410 499.801 Short title.—This part may be cited as the "Cathy
 411 Jordan Medical Cannabis Act."

412 499.802 Legislative findings.—The Legislature finds that:

413 (1) Modern medical research has discovered beneficial uses
 414 for cannabis in treating or alleviating pain, nausea, and other
 415 symptoms associated with certain qualifying medical conditions,
 416 as indicated by the National Academy of Sciences' Institute of
 417 Medicine (IOM) in its report dated March 1999, cited by the
 418 United States Department of Health and Human Services, that
 419 "there is substantial consensus among experts in the relevant
 420 disciplines on the scientific evidence about potential medical

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421 uses of marijuana."

422 (2) The prohibition against the use of cannabis has been
423 in effect for 75 years and is rooted in outdated scientific
424 evidence that does not make a reasonable distinction between its
425 recreational use and beneficial medicinal use.

426 (3) This state leads the southeast region of the United
427 States in farm income, and the second largest industry in the
428 state is agriculture. In 2011, this state ranked first in the
429 United States in the value of production of oranges and
430 grapefruit; first in value of production of fresh-market snap
431 beans, cucumbers for fresh market, bell peppers, squash, sweet
432 corn, fresh-market tomatoes, and watermelons; and second in
433 value of production of cucumbers for pickles, strawberries,
434 tangerines, and sugarcane for sugar and seed.

435 499.803 Legislative purpose.—

436 (1) The purpose of this act is to make a distinction
437 between the medical and nonmedical use of cannabis and to
438 protect patients who have qualifying medical conditions, their
439 physicians, and their caregivers from arrest, criminal
440 prosecution, property forfeiture, and other penalties if such
441 patients engage in the medical use of cannabis. Compassionate
442 medicinal use of cannabis will also reduce state law enforcement
443 costs, including, but not limited to, state prison costs, local
444 jail costs, felony prosecution costs, court and probation costs,
445 costs associated with felony and misdemeanor arrests, and
446 alternative treatment costs by reducing the incidence of arrest
447 and prosecution of nonviolent medicinal cannabis and traffickers
448 in the state.

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449 (2) The economic impact of this act is expected to create
450 jobs, generate tax revenue, revitalize vacant farmlands, add to
451 the sale of farming machinery and supplies, and generate
452 occupancy of vacant commercial real estate. This economic impact
453 can be accomplished using this state's existing infrastructure
454 without the need for new appropriations.

455 (3) The Legislature enacts this part pursuant to its
456 police power to enact legislation for the protection of the
457 health of its residents, as reserved to the state in the Tenth
458 Amendment to the United States Constitution.

459 499.804 Definitions.—As used in this part, unless the
460 context clearly indicates otherwise, the term:

461 (1) "Administer" or "administration" means the direct
462 introduction of medical cannabis, whether by inhalation,
463 ingestion, vaporization, topical application, or other means
464 onto or into the body of a person.

465 (2) "Bona fide physician-patient relationship" means a
466 relationship between a physician and patient in which the
467 physician:

468 (a) Has completed a full assessment of the patient's
469 medical history and current medical condition, including a
470 personal physical examination; and

471 (b) Has responsibility for the ongoing care and treatment
472 of the patient.

473 (3) "Cannabis" has the same meaning as provided in s.
474 893.02.

475 (4) "Cardholder" means a qualifying patient, or the
476 patient's caregiver, who has been issued and possesses a valid

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477 registry identification card. The department shall adopt rules
478 that establish eligibility requirements for a cardholder.

479 (5) "Department" means the Department of Health.

480 (6) "Dispensary" means a facility operated by an
481 organization or business that is licensed under the Department
482 of Business and Professional Regulation pursuant to ss. 499.808
483 and 499.809 from or at which medical cannabis is possessed and
484 dispensed and paraphernalia is possessed and distributed to a
485 qualifying patient or the patient's caregiver.

486 (7) "Dispense" means to distribute medical cannabis to a
487 qualifying patient or the patient's caregiver in accordance with
488 this part and department rule.

489 (8) "Distribute" means the actual, constructive, or
490 attempted transfer from one person to another.

491 (9) "Manufacture" means the production, preparation,
492 propagation, compounding, conversion, or processing of cannabis
493 and marijuana, directly or indirectly, by extraction from
494 substances of natural origin, or independently by means of
495 chemical synthesis, or by a combination of extraction and
496 chemical synthesis, and includes the packaging or repackaging of
497 the substance and the labeling or relabeling of its container.

498 (10) "Marijuana" means a pistillate hemp plant with the
499 scientific name of *Cannabis sativa* whose dried leaves and
500 flowering tops yield the psychoactive ingredient
501 tetrahydrocannabinol (THC), which can be ingested, vaporized,
502 smoked, sprayed, applied topically, or manufactured as a
503 component ingredient in food, drink, or pill, or in hemp oil
504 form, to produce an intoxicating or physiological healing

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505 effect.

506 (11) "Mature marijuana plant" means a female marijuana
507 plant that has flowers or buds that are readily observable in an
508 unaided visual examination.

509 (12) "Medical cannabis" means any part of the cannabis
510 plant used as a physician-recommended form of medical or herbal
511 therapy, or a synthetic form of specific cannabinoids such as
512 tetrahydrocannabinol, which is used as a physician-recommended
513 form of medicine and is cultivated, manufactured, possessed,
514 distributed, dispensed, obtained, consumed, smoked, eaten,
515 digested, vaporized, or otherwise administered in accordance
516 with this part and the rules adopted pursuant to s. 499.814. The
517 term does not include a controlled substance listed in Schedule
518 II, Schedule III, Schedule IV, or Schedule V of s. 893.03.

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

520 (a) Has received a current agricultural classification
521 pursuant to s. 193.461 by the county property appraiser, a value
522 adjustment board, a court of competent jurisdiction, or the
523 board of county commissioners of the county in which the land is
524 situated, before application for a permit to use the land to
525 cultivate marijuana plants is granted, as defined in this
526 section; and

527 (b) Is or will be used primarily for bona fide
528 agricultural purposes.

529 (14) "Medical treatment facility" means:

530 (a) A facility that provides human medical diagnostic
531 services as its primary purpose;

532 (b) A facility that provides nonsurgical human medical

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533 treatment; or

534 (c) The practice of medicine in which the patient is
535 admitted to and discharged from a facility, including a
536 hospital, within the same working day or for a duration of days.

537
538 The term does not include a facility that exists for the primary
539 purpose of performing terminations of pregnancies or an office
540 maintained by a dentist or endodontist for the practice of
541 dentistry or endodontics.

542 (15) "Medical use" means the acquisition, possession,
543 cultivation, manufacture, use, delivery, transfer, or
544 transportation of cannabis or paraphernalia relating to the
545 consumption of cannabis to treat a qualifying medical condition
546 and the symptoms associated with that condition or to alleviate
547 the side effects of a qualifying medical treatment.

548 (16) "Minor" means a person under 18 years of age.

549 (17) "Paraphernalia" means:

550 (a) Objects and electronic devices, including vaporizers,
551 which are used, intended for use, or designed for use in
552 preparing, storing, ingesting, inhaling, spraying, applying, or
553 otherwise introducing medical cannabis into the human body; and

554 (b) Kits, objects, devices, or equipment used, intended
555 for use, or designed for use in planting, propagating,
556 manufacturing, cultivating, growing, harvesting, processing, or
557 preparing medical cannabis.

558 (18) "Patient's caregiver" or "caregiver" means a person
559 who:

560 (a) Is designated by a qualifying patient and registered

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561 with the department as the person authorized, on the qualifying
562 patient's behalf, to possess, obtain from a dispensary,
563 dispense, and assist in the administration of medical cannabis;
564 and

565 (b) Is at least 18 years of age.

566 (19) "Physician" means a person who is licensed under
567 chapter 458 or chapter 459 and who holds a valid federal
568 controlled substance registry number.

569 (20) "Qualifying medical condition" means:

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

572 (b) Alzheimer's disease or agitation of Alzheimer's
573 disease;

574 (c) Amyotrophic lateral sclerosis (ALS);

575 (d) Anorexia;

576 (e) Cachexia;

577 (f) Cancer;

578 (g) Chronic debilitating pain;

579 (h) Damage to the nervous tissue of the spinal cord with
580 objective neurological indication of intractable spasticity;

581 (i) Decompensated cirrhosis;

582 (j) Epilepsy and other disorders characterized by
583 seizures;

584 (k) Fibromyalgia;

585 (l) Glaucoma;

586 (m) Hepatitis C;

587 (n) Inflammatory bowel disease, including Crohn's disease;

588 (o) Multiple sclerosis and other disorders characterized

589 | by muscle spasticity;
 590 | (p) Muscular dystrophy;
 591 | (q) Nail-patella syndrome;
 592 | (r) Persistent nausea or severe vomiting;
 593 | (s) Neuroborreliosis;
 594 | (t) Organ transplantation;
 595 | (u) Painful peripheral neuropathy;
 596 | (v) Parkinson's disease;
 597 | (w) Post-traumatic stress disorder (PTSD); or
 598 | (x) Terminal illness, if the physician has determined a
 599 | prognosis of less than 12 months of life.
 600 | (21) "Qualifying medical treatment" means:
 601 | (a) Chemotherapy;
 602 | (b) Radiotherapy;
 603 | (c) The use of azidothymidine or protease inhibitors; or
 604 | (d) Treatment of a qualifying medical condition as defined
 605 | in this section.
 606 | (22) "Qualifying patient" means a person who is a resident
 607 | of this state and registered with the department as a person who
 608 | has been diagnosed by a physician as having a qualifying medical
 609 | condition or undergoing a qualifying medical treatment.
 610 | (23) "Registry identification card" means a
 611 | nontransferable document issued by the department which
 612 | identifies a person as a qualifying patient or the patient's
 613 | caregiver.
 614 | 499.805 Medical cannabis usage.-
 615 | (1) Notwithstanding any provision of law, a qualifying
 616 | patient may possess and administer medical cannabis and possess

617 and use paraphernalia in accordance with this part and
618 department rule only for treatment of a qualifying medical
619 condition or the side effects of a qualifying medical treatment
620 and only after obtaining a signed, written recommendation from a
621 physician in accordance with s. 499.807, and a nontransferable
622 registry identification card from the department.

623 (2) Notwithstanding any provision of law, a patient's
624 caregiver may possess and administer medical cannabis to a
625 qualifying patient and possess and use paraphernalia for the
626 sole purpose of assisting in the administration of medical
627 cannabis to the patient in accordance with this part and
628 department rule.

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

637 (4) A qualifying patient, or the patient's caregiver,
638 shall, upon demand, present to a law enforcement officer his or
639 her registry identification card to confirm that he or she is
640 authorized to possess, use, or administer medical cannabis or
641 paraphernalia.

642 (5) A qualifying patient or the patient's caregiver shall
643 possess, use, or administer only medical cannabis obtained from
644 a dispensary or medical cannabis farm that is issued a license

645 or permit from the Department of Business and Profession
646 Regulation.

647 (6) A qualifying patient who is a minor may possess, use,
648 or administer medical cannabis only if the parent or legal
649 guardian of the minor has signed a written statement affirming
650 that the parent or legal guardian:

651 (a) Understands the minor's qualifying medical condition
652 or qualifying medical treatment;

653 (b) Understands the potential benefits and potential
654 adverse effects of the use of medical cannabis, generally and
655 specifically, in the case of the minor;

656 (c) Consents to the use of medical cannabis for the
657 treatment of the minor's qualifying medical condition or
658 treatment of the side effects of the minor's qualifying medical
659 treatment; and

660 (d) Consents to the designation of, or designates, an
661 authorized person to serve as the patient's caregiver and to
662 control the acquisition, possession, dosage, and frequency of
663 use of medical cannabis by the qualifying patient.

664 (7) If a qualifying patient who possesses a registry
665 identification card changes his or her designation of a
666 caregiver, the department shall notify the patient's current
667 caregiver within 10 days after the department has issued a
668 registry identification card to the patient's new caregiver. The
669 patient's current caregiver's registry identification card
670 expires 10 days after notification by the department.

671 (8) If a cardholder loses his or her registry
672 identification card, he or she shall notify the department and

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673 submit a \$25 fee within 10 days after reporting the lost card.
674 Within 5 days after being notified, the department shall issue a
675 new registry identification card to the cardholder.

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

681 (10) If the department determines that a cardholder
682 willfully violates this part, the department may revoke the
683 cardholder's identification card.

684 499.806 Restrictions on the use of medicinal cannabis.—

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

687 (2) The maximum amount of medical cannabis which a
688 qualifying patient or the patient's caregiver may possess at any
689 given time is 4 ounces of dried medical cannabis, eight mature
690 marijuana plants, or eight immature marijuana plants. However,
691 the department, by rule, may increase the quantity of dried
692 medical cannabis which may be possessed. The department shall
693 adopt by rule limits on medical cannabis in a form other than
694 the dried form.

695 (3) Medical cannabis may not be administered by or to a
696 qualifying patient in a public place or at a dispensary. Medical
697 cannabis may be administered at a medical treatment facility, if
698 allowed by the facility, if a qualifying patient is receiving
699 medical care for a qualifying medical condition or treatment.

700 (4) A qualifying patient or the patient's caregiver shall

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701 transport medical cannabis in a labeled container or sealed
702 package in a manner and method established by rule.

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

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

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

720 (8) A qualifying patient, the patient's caregiver, or an
721 employee of a medical cannabis farm or a dispensary who is
722 stopped by a law enforcement officer upon reasonable suspicion
723 or probable cause that he or she is in possession of cannabis
724 may not be further detained or arrested on this basis alone, if
725 the law enforcement officer determines that the person is in
726 compliance with this part and department rule.

727 499.807 Physicians; recommendations.-

728 (1) A physician may recommend the use of medical cannabis

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729 to a qualifying patient if the physician:

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

732 (b) Makes the recommendation based upon the physician's
733 assessment of the qualifying patient's medical history, current
734 medical condition, and a review of other approved medications
735 and treatments that might provide the qualifying patient with
736 relief from a qualifying medical condition, its symptoms, or the
737 side effects of a qualifying medical treatment.

738 (2) If a physician recommends to a qualifying patient the
739 use of medical cannabis, the physician shall sign a written
740 recommendation that must include:

741 (a) A statement that the qualifying patient may use
742 medical cannabis;

743 (b) The physician's medical license number; and

744 (c) A statement that the use of medical cannabis is
745 necessary:

746 1. For the treatment of a qualifying medical condition or
747 the side effects of a qualifying medical treatment; or

748 2. To lessen the side effects of a qualifying medical
749 treatment.

750 (3) A physician's recommendation is valid only if it is
751 written on a form prescribed by the department.

752 (4) A physician is not subject to arrest, prosecution, or
753 penalty, including, but not limited to, civil penalty or
754 disciplinary action by the department or by any other business,
755 occupational, or professional licensing board or bureau, or
756 denial of any right or privilege, solely for advising a patient

757 about the use of medical cannabis, recommending the medical use
 758 of cannabis in accordance with this part and department rule,
 759 providing a written recommendation in accordance with this
 760 section, or stating that, in the physician's professional
 761 opinion, the potential benefits of medical cannabis would likely
 762 outweigh the health risks for a patient.

763 (5) A physician who recommends the use of medical cannabis
 764 to a qualifying patient may not have a professional office
 765 located at a medical cannabis farm or dispensary or receive
 766 financial compensation from a medical cannabis farm or
 767 dispensary, or a director, officer, member, incorporator, agent,
 768 or employee of a medical cannabis farm or dispensary.

769 499.808 Licensure of dispensaries and medical cannabis
 770 farms.-

771 (1) The Department of Business and Professional Regulation
 772 shall regulate the permitting of medical cannabis farms and the
 773 licensing of dispensaries in accordance with part XVII of
 774 chapter 468, in order to regulate the manufacture, cultivation,
 775 possession, wholesale distribution, and delivery of medical
 776 cannabis and the manufacture, possession, purchase, sale, and
 777 use of paraphernalia by medical cannabis farms and dispensaries.

778 (2) Each medical cannabis farm shall apply for permitting
 779 and each dispensary shall apply for licensure with the Medical
 780 Cannabis Licensing Board within the Department of Business and
 781 Professional Regulation before manufacturing, cultivating,
 782 dispensing, possessing, or distributing medical cannabis, or
 783 manufacturing, possessing, using, or distributing paraphernalia.

784 499.809 Medical cannabis farms and dispensaries.-

785 (1) Notwithstanding any provision of law, a dispensary may
 786 possess medical cannabis for the purpose of dispensing the
 787 medical cannabis to a qualifying patient or the patient's
 788 caregiver and may manufacture, purchase, possess, distribute,
 789 and use paraphernalia in accordance with this part, part XVII of
 790 chapter 468, and department rule.

791 (2) Notwithstanding any provision of law, a medical
 792 cannabis farm may cultivate, manufacture, and possess medical
 793 cannabis for the purpose of distribution to a dispensary and may
 794 manufacture, purchase, possess, and use paraphernalia in
 795 accordance with this part, part XVII of chapter 468, and
 796 department rule.

797 (3) A dispensary may dispense medical cannabis and
 798 distribute paraphernalia to a qualifying patient or the
 799 patient's caregiver, and a qualifying patient or the patient's
 800 caregiver may obtain medical cannabis and paraphernalia from a
 801 dispensary only if the qualifying patient or the patient's
 802 caregiver:

803 (a) Is registered to receive medical cannabis from that
 804 dispensary;

805 (b) Has been issued a valid registry identification card
 806 from the department; and

807 (c) Is in possession of the registry identification card
 808 at the time and place of purchase.

809 (4) A dispensary may not directly dispense within a 30-day
 810 period:

811 (a) More than 4 ounces of dried medical cannabis, eight
 812 mature marijuana plants, or eight immature marijuana plants to a

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813 qualifying patient or the patient's caregiver.

814 (b) More than 6 marijuana plant seedlings to a qualifying
815 patient or 18 marijuana plant seedlings to the patient's
816 caregiver.

817 (5) Each medical cannabis farm and dispensary shall
818 implement a security plan to prevent the theft or diversion of
819 medical cannabis, including maintaining all medical cannabis in
820 a secure, locked room that is accessible only by authorized
821 persons.

822 (6) The Department of Business and Professional Regulation
823 shall develop educational materials regarding potential harmful
824 drug interaction which a dispensary shall regularly distribute
825 to a qualifying patient or the patient's caregiver.

826 (7) A director, officer, member, incorporator, agent, or
827 employee of a medical cannabis farm or dispensary may not have:

828 (a) A drug-related felony conviction; or

829 (b) A nondrug-related felony conviction for which the
830 person has not been pardoned or has not had his or her civil
831 rights restored.

832 (8) A person found to have violated this part may not be a
833 director, officer, member, incorporator, agent, or employee of a
834 medical cannabis farm or dispensary. The Department of Business
835 and Professional Regulation shall immediately revoke the permit
836 or license of the medical cannabis farm or dispensary until the
837 person is no longer a director, officer, member, incorporator,
838 agent, or employee of the medical cannabis farm or dispensary.

839 499.810 Arrest and prosecution.—

840 (1) (a) A qualifying patient who has in his or her

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841 possession a valid registry identification card is not subject
842 to arrest, prosecution, or penalty, including, but not limited
843 to, civil penalty or disciplinary action by a business,
844 occupational, or professional licensing board or bureau, and may
845 not be denied any right or privilege, for the use of medical
846 cannabis if the qualifying patient possesses an amount of
847 cannabis which does not exceed eight mature marijuana plants,
848 eight immature marijuana plants, 4 ounces of dried medical
849 cannabis, or a measure of an end-product containing
850 tetrahydrocannabinol and cannabinoids in an amount to be
851 determined by department rule.

852 (b) A patient's caregiver who has in his or her possession
853 a valid registry identification card is not subject to arrest,
854 prosecution, or penalty, including, but not limited to, civil
855 penalty or disciplinary action by a business, occupational,
856 professional licensing board or bureau, and may not be denied
857 any right or privilege, for assisting a qualifying patient to
858 whom he or she is connected through the department's
859 registration process with the medical use of cannabis if the
860 patient's caregiver possesses an amount of cannabis which does
861 not exceed 4 ounces of dried medical cannabis, eight mature
862 marijuana plants, or eight immature marijuana plants for each
863 qualifying patient to whom he or she is connected through the
864 department's registration process.

865 (c) A nurse practitioner, registered nurse, or pharmacist
866 is not subject to arrest, prosecution, or penalty, including,
867 but not limited to, civil penalty or disciplinary action by a
868 business, occupational, or professional licensing board or

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869 bureau, and may not be denied any right or privilege, solely for
870 discussing with a patient the benefits or health risks of
871 medical cannabis or its interaction with other substances.

872 (d) A person is not subject to arrest or prosecution for
873 constructive possession, conspiracy, aiding and abetting, being
874 an accessory, or other offense for being in the presence or
875 vicinity of the medical use of cannabis as allowed under this
876 part or for assisting a qualifying patient in using or
877 administering medical cannabis as the patient's caregiver.

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

881 (3) A presumption is created that a qualifying patient or
882 the patient's caregiver is engaged in the authorized use of
883 medical cannabis if the qualifying patient or the patient's
884 caregiver is in possession of:

885 (a) A valid registry identification card; and

886 (b) An amount of cannabis or marijuana which does not
887 exceed the amount allowed under this section.

888 (4) A presumption of the authorized use or possession of
889 medical cannabis under this section may be rebutted by evidence
890 that the conduct related to medical cannabis was not intended to
891 treat a qualifying medical condition or the symptoms associated
892 with that condition or to alleviate the side effects of a
893 qualifying medical treatment.

894 (5) The patient's caregiver may be reimbursed for actual
895 costs associated with assisting a qualifying patient's medical
896 use of cannabis. This reimbursement does not constitute the sale

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897 of a controlled substance.

898 (6) For the purposes of medical care, a qualifying
899 patient's authorized medical use of cannabis or marijuana shall
900 be considered the equivalent of the authorized use of other
901 medication used at the direction of a physician. Such use does
902 not constitute the use of an illicit drug under s. 893.03.

903 (7) A qualifying patient may operate, navigate, or be in
904 actual physical control of a motor vehicle, aircraft, or vessel
905 while being in possession of a legal limit of medical cannabis
906 or paraphernalia if a qualifying patient's hair specimen taken
907 at the time of the alleged violation of state law does not test
908 positive for marijuana in excess of 10 pg/10 mg of hair specimen
909 when tested in a manner consistent with s. 112.0455(13)(b)1., or
910 does not test positive for marijuana metabolites in excess of 1
911 pg/10 mg of hair specimen (Delta-9-tetrahydrocannabinol-0-
912 carboxylic acid) when tested in a manner consistent with s.
913 112.0455(13)(b)2.

914 (8) A person who cultivates, manufactures, possesses,
915 administers, dispenses, distributes, or uses cannabis, or
916 manufactures, possesses, distributes, or uses paraphernalia, in
917 a manner not authorized by this part, part XVII of chapter 468,
918 or by department rule is subject to criminal prosecution and
919 sanctions under chapter 893.

920 (9) A person who makes a fraudulent representation to a
921 law enforcement officer of any fact or circumstance relating to
922 the person's cultivation, manufacture, possession,
923 administration, dispensing, distribution, or use of medical
924 cannabis, or possession or use of paraphernalia, to avoid arrest

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925 or prosecution is subject to a criminal fine not to exceed
926 \$1,000. The imposition of the fine is in addition to penalties
927 that may otherwise apply for the making of a false statement or
928 for the cultivation, manufacture, possession, administration,
929 dispensing, distribution, or use of medical cannabis or
930 possession or use of paraphernalia.

931 499.811 Defenses.—

932 (1) The following circumstances may be raised as an
933 affirmative defense to a criminal charge of possession or
934 distribution of cannabis or marijuana, or possession with intent
935 to distribute cannabis or marijuana:

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

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

940 (c)1. The possession or distribution, or possession with
941 intent to distribute, does not occur in a public place;

942 2. The possession or distribution, or possession with
943 intent to distribute, occurs at a medical facility that allows
944 the medical use of cannabis; or

945 3. The possession, distribution, or intent to distribute,
946 occurs in a medical cannabis farm or dispensary.

947 (2) The following circumstances may be raised as an
948 affirmative defense to a criminal charge of possession, use, or
949 administration of a legal amount of medical cannabis or
950 paraphernalia by a cardholder who:

951 (a) Upon demand by a law enforcement officer, is unable to
952 present to the law enforcement officer a registry identification

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953 card to confirm that the cardholder is authorized to possess,
954 use, or administer legal limits of medical cannabis or
955 paraphernalia; and

956 (b) Before, or at the time of, the cardholder's court
957 appearance, produces in court or to the clerk of the court in
958 which the charge is pending his or her registry identification
959 card that was valid at the time of the cardholder's arrest.

960

961 The clerk of the court may dismiss such case before the
962 cardholder's appearance in court and may assess a dismissal fee
963 of \$25.

964 (3) Except as provided in subsections (1) and (2), a
965 qualifying patient and the patient's caregiver may assert the
966 medical purpose for using cannabis as a defense to any
967 prosecution involving cannabis, and such defense is presumed
968 valid where the evidence shows that:

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

976 (b) The qualifying patient and the patient's caregiver, if
977 any, were collectively in possession of a quantity of cannabis
978 or marijuana which was not more than what is allowed under this
979 part to ensure the uninterrupted availability of cannabis for
980 the purpose of alleviating the side effects of the qualifying

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981 patient's qualifying medical treatment or treating the
982 qualifying patient's qualifying medical condition or the
983 symptoms associated with the qualifying medical condition.

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

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

992 499.812 Insurance.—This part does not require a
993 governmental, private, or other health insurance provider or
994 health care services plan to cover, or prohibit it from
995 covering, a claim for reimbursement for the use of medical
996 cannabis.

997 499.813 Confidentiality.—

998 (1) An employer, laboratory, employee assistance program,
999 alcohol and drug rehabilitation program, and their agents may
1000 not release information obtained pursuant to this part without a
1001 written consent form signed voluntarily by the qualifying
1002 patient or the patient's caregiver, unless such release is
1003 compelled by a hearing officer or a court of competent
1004 jurisdiction pursuant to an appeal taken under this part, or
1005 where deemed appropriate by a business, professional, or
1006 occupational licensing board in a related disciplinary
1007 proceeding. The consent form must contain, at a minimum:

1008 (a) The name of the person who is authorized to obtain the

1009 information.
 1010 (b) The purpose of the disclosure.
 1011 (c) The precise information to be disclosed.
 1012 (d) The duration of the consent.
 1013 (e) The signature of the person authorizing release of the
 1014 information.

1015 (2) Information regarding a qualifying patient or the
 1016 patient's caregiver may not be released or used in a criminal
 1017 proceeding against the qualifying patient or the patient's
 1018 caregiver. Information released contrary to this section is
 1019 inadmissible as evidence in a criminal proceeding.

1020 (3) This section does not prohibit the department or its
 1021 employees and agents from obtaining access to information
 1022 regarding a qualifying patient or the patient's caregiver if the
 1023 department or its employees and agents consult with legal
 1024 counsel in connection with actions brought under or related to
 1025 this part or where the information is relevant to the
 1026 department's defense in a civil or administrative proceeding.

1027 499.814 Rules.—

1028 (1) (a) By October 1, 2013, the department shall adopt
 1029 rules to:

1030 1. Create a registration form, a procedure, and
 1031 eligibility requirements to obtain and renew a registry
 1032 identification card for a qualifying patient and the patient's
 1033 caregiver. The department shall, by rule, establish registration
 1034 and renewal fees that generate revenues sufficient to offset all
 1035 expenses of implementing and administering this part.

1036 2. Adopt manufacturing practices with which medical

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1037 cannabis farms and dispensaries must comply in order to ensure
1038 that medical cannabis sold by medical cannabis farms and
1039 dispensaries is of pharmaceutical grade.

1040 3. Ensure that the labeling on medical cannabis sold by
1041 medical cannabis farms and dispensaries provides sufficient
1042 information for qualifying patients to be able to make informed
1043 choices about grades and forms of medical cannabis.

1044 (b) The department may adopt rules to inspect and audit
1045 medical cannabis farms and dispensaries to ensure compliance
1046 with department rule.

1047 (2) By October 1, 2013, the Department of Business and
1048 Professional Regulation shall adopt rules that:

1049 (a) Create an application form and a procedure for
1050 obtaining a permit to own or operate a medical cannabis farm.

1051 (b) Create an application form and a procedure for
1052 obtaining a license to own or operate a dispensary.

1053 (c) Determine the licensing and permitting fees to own or
1054 operate a dispensary or medical cannabis farm.

1055 (d) Determine the appropriate signage, outdoor lighting,
1056 security system, security plan, and theft prevention plan for
1057 medical cannabis farms and dispensaries.

1058 (e) Determine the hours during which medical cannabis
1059 farms and dispensaries may operate.

1060 (f) Establish the inspection and audit procedures for
1061 medical cannabis farms and dispensaries to ensure compliance
1062 with the rules of the Department of Business and Professional
1063 Regulation.

1064 (3) By October 1, 2013, the Department of Revenue shall

1065 adopt rules that govern the manner in which:

1066 (a) Medical cannabis farms are subject to taxation and
 1067 reporting for the wholesale distribution of medical cannabis.

1068 (b) Dispensaries are subject to taxation and reporting for
 1069 the retail distribution of medical cannabis.

1070 (4) The fees collected by the Department of Health, the
 1071 Department of Business and Professional Regulation, and the
 1072 Department of Revenue pursuant to this part shall be applied
 1073 first toward the cost of administering this part.

1074 (5) If the Department of Health, the Department of
 1075 Business and Professional Regulation, or the Department of
 1076 Revenue fails to adopt rules to administer this part by November
 1077 1, 2013, a resident of this state may commence an action in a
 1078 court of competent jurisdiction to compel performance of the
 1079 actions mandated pursuant to this section.

1080 Section 2. Part XVII of chapter 468, Florida Statutes,
 1081 consisting of sections 468.901, 468.902, 468.903, 468.904,
 1082 468.905, 468.906, 468.907, 468.908, 468.909, 468.910, 468.911,
 1083 468.912, 468.913, 468.914, 468.915, 468.916, 468.917, 468.918,
 1084 468.919, and 468.920, is created to read:

1085 468.901 Purpose.—The purpose of this part is to provide
 1086 for consumer protection by regulating the cultivation,
 1087 manufacturing, wholesaling, and retailing of medical cannabis,
 1088 medical cannabis-based products, marijuana plants, and medical
 1089 cannabis-related paraphernalia in the state in order to:

1090 (1) Safeguard the public health, safety, and welfare.

1091 (2) Protect the public from being misled by unscrupulous
 1092 and unauthorized persons or criminal activity.

1093 (3) Ensure the highest degree of regulatory conduct on the
 1094 part of directors, officers, members, agents, and employees of
 1095 medical cannabis farms and dispensaries.

1096 (4) Ensure the availability of high quality and controlled
 1097 distribution and use of medical cannabis, medical cannabis-based
 1098 products, and marijuana plants in the state for the benefit of
 1099 persons in need of such products.

1100 468.902 Legislative findings and intent.—

1101 (1) The Legislature finds that:

1102 (a) Although federal law currently prohibits any use of
 1103 marijuana and cannabis, the laws of Alaska, Arizona, California,
 1104 Colorado, Connecticut, Delaware, Hawaii, Maine, Massachusetts,
 1105 Michigan, Montana, Nevada, New Jersey, New Mexico, Oregon, Rhode
 1106 Island, Vermont, Washington, and the District of Columbia allow
 1107 the medical use of cannabis and the cultivation of marijuana.
 1108 The State of Florida joins in this effort for the health and
 1109 welfare of its residents through enacting the Cathy Jordan
 1110 Medical Cannabis Act and creating license and permit regulations
 1111 in this part.

1112 (b) Medical cannabis-based products offer a substantial
 1113 benefit to the health, safety, and welfare of the residents of
 1114 this state, and it is the intent of the Legislature that this
 1115 part be liberally construed to make these benefits available to
 1116 the residents of this state.

1117 (c) The states are not required to enforce federal law or
 1118 prosecute people for engaging in activities prohibited by
 1119 federal law. Therefore, compliance with this part does not put
 1120 this state in violation of federal law.

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1121 (2) The Tenth Amendment of the United States Constitution
1122 provides that powers not delegated to the federal government by
1123 the federal constitution, nor prohibited to the states, are
1124 reserved to the states or the people. The Legislature may,
1125 therefore, enact this part pursuant to its police power to enact
1126 legislation for the protection of the health of its residents.

1127 (3) The provisions of this part are cumulative and do not
1128 repeal or affect any powers, duties, or authority of the
1129 department under any other law of this state, except with
1130 respect to the regulation of medical cannabis as provided in
1131 this part. If the provisions of this part conflict with any
1132 other such law, the provisions of this part shall control.

1133 468.903 Definitions.—As used in this part, unless the
1134 context clearly indicates otherwise, the term:

1135 (1) "Cannabis" has the same meaning as provided in s.
1136 893.02.

1137 (2) "Department" means the Department of Business and
1138 Professional Regulation.

1139 (3) "Dispensary" means a facility operated by an
1140 organization or business that is licensed under the Department
1141 of Business and Professional Regulation pursuant to ss. 499.808
1142 and 499.809 from or at which medical cannabis is possessed and
1143 dispensed and paraphernalia is possessed and distributed to a
1144 qualifying patient or the patient's caregiver.

1145 (4) "Dispense" means to distribute medical cannabis to a
1146 qualifying patient or the patient's caregiver in accordance with
1147 this part and department rule.

1148 (5) "Distribute" means the actual, constructive, or

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1149 attempted transfer from one person to another.

1150 (6) "Manufacture" means the production, preparation,
1151 propagation, compounding, conversion, or processing of cannabis
1152 and marijuana, directly or indirectly, by extraction from
1153 substances of natural origin, or independently by means of
1154 chemical synthesis, or by a combination of extraction and
1155 chemical synthesis, and includes the packaging or repackaging of
1156 the substance and the labeling or relabeling of its container.

1157 (7) "Marijuana" means a pistillate hemp plant with the
1158 scientific name of *Cannabis sativa* whose dried leaves and
1159 flowering tops yield the psychoactive ingredient
1160 tetrahydrocannabinol (THC), which can be ingested, vaporized,
1161 smoked, sprayed, applied topically, or manufactured as a
1162 component ingredient in food, drink, or pill, or in hemp oil
1163 form, to produce an intoxicating or physiological healing
1164 effect.

1165 (8) "Marijuana plant" means a marijuana plant at any stage
1166 of its growth, including seedling and seed.

1167 (9) "Medical cannabis" means any part of the cannabis
1168 plant used as a physician-recommended form of medical or herbal
1169 therapy, or a synthetic form of specific cannabinoids such as
1170 tetrahydrocannabinol, which is used as a physician-recommended
1171 form of medicine and is cultivated, manufactured, possessed,
1172 distributed, dispensed, obtained, consumed, smoked, eaten,
1173 digested, vaporized, or otherwise administered in accordance
1174 with part III of chapter 499 and the rules adopted pursuant to
1175 s. 499.814. The term does not include a controlled substance
1176 listed in Schedule II, Schedule III, Schedule IV, or Schedule V

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1177 of s. 893.03.

1178 (10) "Medical cannabis farm" means land that:

1179 (a) Has received a current agricultural classification
1180 pursuant to s. 193.461 by the county property appraiser, a value
1181 adjustment board, a court of competent jurisdiction, or the
1182 board of county commissioners of the county in which the land is
1183 situated, before application for a permit to use the land to
1184 cultivate marijuana is granted, as defined in this section; and

1185 (b) Is or will be used primarily for bona fide
1186 agricultural purposes.

1187 (11) "Medical use" means the acquisition, possession,
1188 cultivation, manufacture, use, delivery, transfer, or
1189 transportation of cannabis or paraphernalia relating to the
1190 consumption of cannabis to treat a qualifying medical condition
1191 and the symptoms associated with that condition or to alleviate
1192 the side effects of a qualifying medical treatment.

1193 (12) "Paraphernalia" means:

1194 (a) Objects and electronic devices, including vaporizers,
1195 which are used, intended for use, or designed for use in
1196 preparing, storing, ingesting, inhaling, spraying, applying, or
1197 otherwise introducing medical cannabis into the human body; and

1198 (b) Kits, objects, devices, or equipment used, intended
1199 for use, or designed for use in planting, propagating,
1200 manufacturing, cultivating, growing, harvesting, processing, or
1201 preparing medical cannabis.

1202 (13) "Patient's caregiver" or "caregiver" means a person
1203 who:

1204 (a) Is designated by a qualifying patient and registered

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1205 with the Department of Health as the person authorized, on the
 1206 qualifying patient's behalf, to possess, obtain from a
 1207 dispensary, dispense, and assist in the administration of
 1208 medical cannabis; and

1209 (b) Is at least 18 years of age.

1210 (14) "Qualifying patient" means a person who is a resident
 1211 of this state and registered with the Department of Health as a
 1212 person who has been diagnosed by a physician as having a
 1213 qualifying medical condition or undergoing a qualifying medical
 1214 treatment.

1215 (15) "Registry identification card" means a
 1216 nontransferable document issued by the Department of Health
 1217 which identifies a person as a qualifying patient or the
 1218 patient's caregiver.

1219 468.904 The medical cannabis section of the department.-

1220 (1) The department shall adopt rules necessary to the
 1221 administer this section. The department shall establish rules
 1222 that are reasonably necessary to protect the health, welfare,
 1223 and safety of the public and persons who possess, cultivate,
 1224 manufacture, wholesale, and retail medical cannabis, medical
 1225 cannabis-based products, marijuana plants, and medical cannabis-
 1226 related paraphernalia, and shall provide application forms and
 1227 procedures, recordkeeping requirements, and security
 1228 requirements. The rules must be in substantial conformity with
 1229 generally accepted standards of safety concerning such subject
 1230 matter.

1231 (2) There is established the medical cannabis section of
 1232 the department which regulates the manufacture, cultivation,

1233 distribution, dispensing, purchase, delivery, sale, and
 1234 possession of medical cannabis and the manufacture, possession,
 1235 purchase, sale, and use of paraphernalia related to medical
 1236 cannabis. The medical cannabis section of the department is
 1237 responsible for the licensure and permitting of each medical
 1238 cannabis farm and dispensary in the state. The medical cannabis
 1239 section of the department shall require the registration and
 1240 approval of registration of each director, officer, and agent of
 1241 each medical cannabis farm or dispensary in this state.

1242 (3) The medical cannabis section of the department shall,
 1243 subject to department rule, require each medical cannabis farm
 1244 and dispensary to maintain true, complete, and current records
 1245 of the name, address, home telephone number, and date of birth
 1246 of each director, officer, and agent.

1247 (4) The medical cannabis section of the department shall,
 1248 subject to department rule, require each medical cannabis farm
 1249 and dispensary to maintain true, complete, and current records
 1250 of each transaction at a medical cannabis farm or dispensary,
 1251 including:

1252 (a) The quantity of medical cannabis distributed or
 1253 dispensed for each transaction;

1254 (b) A continuous inventory of the quantity of medical
 1255 cannabis, medical cannabis-based products, and marijuana plants
 1256 at the medical cannabis farm or dispensary;

1257 (c) Records of the disposal and disposal method used for
 1258 any medical cannabis, medical cannabis-based product, marijuana
 1259 plant's active ingredient or product, or marijuana plant that
 1260 was manufactured, cultivated, or acquired but not sold or

1261 inventoried; and

1262 (d) Any other information required by the department.

1263 (5) The medical cannabis section of the department shall,

1264 subject to department rule:

1265 (a) Develop and make available to each medical cannabis

1266 farm, dispensary, and the general public, educational materials

1267 about potential harmful drug interactions that could occur from

1268 using medical cannabis concurrently with other medical

1269 treatments, and the importance of informing public and private

1270 hospitals, health care providers, pharmacists, and duly licensed

1271 dispensaries in this state of the use of medical cannabis to

1272 help avoid harmful drug interactions;

1273 (b) Conduct announced and unannounced inspections of

1274 medical cannabis farms and dispensaries; and

1275 (c) Revoke or suspend the registration, license, or permit

1276 of a person if the department determines that the person has

1277 violated department rule, this part, or part III of chapter 499.

1278 468.905 Medical cannabis farms.—

1279 (1) Notwithstanding any other provision of law, a medical

1280 cannabis farm may possess, cultivate, and manufacture medical

1281 cannabis, medical cannabis-based products, and marijuana plants

1282 for wholesale in this state for the purpose of distribution to

1283 duly licensed medical cannabis dispensaries in the state in

1284 accordance with the department rule and part III of chapter 499.

1285 (2) Each medical cannabis farm must be registered with the

1286 department before possessing, manufacturing, cultivating, and

1287 wholesaling medical cannabis, medical cannabis-based products,

1288 or marijuana plants.

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1289 (3) A person who applies to the department for a permit to
1290 operate a medical cannabis farm must primarily use the land in
1291 which the farm will be located for bona fide agricultural
1292 purposes and obtain the agricultural classification pursuant to
1293 s. 193.461 from the county property appraiser, a value
1294 adjustment board, a court of competent jurisdiction, or the
1295 board of county commissioners of the county in which the land is
1296 situated, before applying for a medical cannabis farm permit.

1297 (4) A medical cannabis farm may not conduct retail sales
1298 or transactions.

1299 (5) Each medical cannabis farm shall implement a security
1300 plan to prevent the theft or diversion of all medical cannabis-
1301 based products and raw ingredients, including all marijuana
1302 plants; derivatives of marijuana plants; seedlings and seeds,
1303 whether in ground or not in ground, whether visible or not
1304 visible to the public.

1305 (6) Each medical cannabis farm shall maintain procedures
1306 under which all medical cannabis-based products and raw
1307 ingredients, including all marijuana plants; derivatives of
1308 marijuana plants; seedlings and seeds, whether in ground or not
1309 in ground, whether visible or not visible to the public, are
1310 accessible only to authorized personnel.

1311 (7) The active ingredient in all medical cannabis-based
1312 products cultivated, manufactured, and wholesaled to a licensed
1313 dispensary in this state must be wholly derived from marijuana
1314 plants cultivated and grown in this state, except for marijuana
1315 seeds and seedlings.

1316 (8) A medical cannabis farm is subject to the protections

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1317 of s. 823.14 and is not deemed a public nuisance solely because
1318 its farm product includes the production of marijuana or any
1319 product derived from the marijuana plant.

1320 468.906 Medical cannabis dispensaries.—

1321 (1) Notwithstanding any other law of this state, a
1322 dispensary may dispense and sell to a qualifying patient or the
1323 patient's caregiver medical cannabis, medical cannabis-based
1324 products, marijuana plants, and medical cannabis-related
1325 paraphernalia and may manufacture, purchase, possess, and
1326 distribute medical cannabis-related paraphernalia in accordance
1327 with department rule and part III of chapter 499.

1328 (2) Each dispensary must be registered with the department
1329 before possessing, purchasing, or retailing medical cannabis,
1330 medical cannabis-based products, marijuana plants, or medical
1331 cannabis related paraphernalia.

1332 (3) A dispensary may not conduct wholesale sales or
1333 transactions.

1334 (4) A dispensary may retail to a qualifying patient or
1335 patient's caregiver medical cannabis, medical cannabis-based
1336 products, marijuana plants, or medical cannabis-related
1337 paraphernalia if the qualifying patient or patient's caregiver:

1338 (a) Has been issued a valid registry identification card
1339 from the Department of Health; and

1340 (b) Is in possession of the registry identification card
1341 at the time and place of purchase.

1342 (5) All medical cannabis-based products sold by, at, or
1343 through a licensed dispensary shall be purchased from a medical
1344 cannabis farm that has a valid, department-issued permit.

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1345 (6) A dispensary may not directly dispense within a 30-day
1346 period:

1347 (a) More than 4 ounces of dried medical cannabis to a
1348 qualifying patient or through the patient's caregiver.

1349 (b) More than 6 marijuana plant seedlings to a qualifying
1350 patient or 18 marijuana plant seedlings to the patient's
1351 caregiver.

1352 (7) A dispensary shall maintain true, complete, and
1353 current records of the name and registry card identification
1354 number of each qualifying patient and patient's caregiver who
1355 purchases a medical cannabis-related product, except for medical
1356 cannabis-related paraphernalia, subject to the confidentiality
1357 limitations in part III of chapter 499. The records maintained
1358 under this paragraph shall be retained for 3 years and must
1359 include:

1360 (a) The amount paid for the medical cannabis, medical
1361 cannabis-based product, or marijuana plant transaction; and

1362 (b) The registry identification card number of each
1363 recipient of each medical cannabis, medical cannabis-based
1364 product, or marijuana plant transaction, subject to the
1365 confidentiality limitations in part III of chapter 499.

1366 (8) Each dispensary shall make available to each
1367 qualifying patient and patient's caregiver educational materials
1368 regarding potential harmful drug interactions which were
1369 developed and provided by the medical cannabis section of the
1370 department.

1371 (9) Each dispensary shall strictly prohibit a qualifying
1372 patient or patient's caregiver from using or administering any

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1373 form of medical cannabis while on the property of the
1374 dispensary. A person who violates this subsection subjects the
1375 dispensary to penalties prescribed by department rule and part
1376 III of chapter 499.

1377 468.907 Medical cannabis farm permit.—

1378 (1) A person may not engage in business as a medical
1379 cannabis farm in this state except in conformity with this part.

1380 (2) Permit qualification standards by which a person who
1381 applies for a permit to operate a medical cannabis farm will be
1382 evaluated to determine acceptance of the person's application
1383 for registration and permitting and renewal of registration and
1384 permitting, must include the following factors:

1385 (a) Knowledge of state and federal law relating to medical
1386 cannabis.

1387 (b) Suitability of the proposed facility.

1388 (c) Proposed staffing plan.

1389 (d) Proposed security plan that has been assessed by the
1390 local law enforcement agency of the county or municipality in
1391 which the medical cannabis farm is located.

1392 (e) Proposed cultivation plan.

1393 (f) Proposed manufacturing plan.

1394 (g) Proposed storage and inventory control plan.

1395 (h) Proposed labeling plan.

1396 (i) Proposed product safety plan.

1397 (3) The department shall establish by rule the annual fees
1398 for a medical cannabis farm permit. The fees may not exceed the
1399 following amounts:

1400 (a) Medical cannabis farm application fee, \$2,500.

1401 (b) Medical cannabis farm initial permit fee, \$20,000.

1402 (c) Medical cannabis farm application fee for renewing a
 1403 permit, \$1,000.

1404 (d) Medical cannabis farm renewal permit fee, \$15,000.

1405 (4) A person who cultivates, manufactures, or wholesales
 1406 medical cannabis, medical cannabis-based products, or marijuana
 1407 plant products at one or more locations must possess a current
 1408 valid permit for each location.

1409 (5) If the department fails to adopt rules to administer
 1410 this section before November 1, 2013, a medical cannabis farm
 1411 applicant may commence an action in a court of competent
 1412 jurisdiction to compel the department to perform the actions
 1413 mandated pursuant to this section.

1414 468.908 Dispensary license.-

1415 (1) A person or entity may not operate a dispensary in
 1416 this state except in conformity with the provisions of this
 1417 part.

1418 (2) License qualification standards by which a person who
 1419 applies for a license to operate a dispensary will be evaluated
 1420 to determine acceptance of the person's application for
 1421 registration and licensing and renewal of registration and
 1422 licensing, must include the following factors:

1423 (a) Knowledge of state and federal law relating to medical
 1424 cannabis.

1425 (b) Suitability of the proposed facility.

1426 (c) Proposed staffing plan.

1427 (d) Proposed security plan that has been assessed by the
 1428 dispensary's municipal police department.

1429 (e) Proposed retail plan.
 1430 (f) Proposed marketing plan.
 1431 (g) Proposed storage and inventory control plan.
 1432 (h) Proposed labeling plan.
 1433 (i) Proposed product safety plan.
 1434 (3) The department shall establish by rule the annual fees
 1435 for a dispensary license. The fees may not exceed the following
 1436 amounts:
 1437 (a) Dispensary application fee, \$1,000.
 1438 (b) Dispensary initial license fee, \$10,000.
 1439 (c) Dispensary renewal license application fee, \$500.
 1440 (d) Dispensary renewal license fee, \$7,500.
 1441 (4) A person who conducts the wholesale purchase or retail
 1442 sale of any form of medical cannabis products at or from more
 1443 than one location must possess a current valid license for each
 1444 location.
 1445 (5) If the department fails to adopt rules to administer
 1446 this section by November 1, 2013, an applicant to operate a
 1447 dispensary may commence an action in a court of competent
 1448 jurisdiction to compel the department to perform the actions
 1449 mandated pursuant to this section.
 1450 468.909 Forms for applications for licenses and permits.-
 1451 (1) The department shall prescribe the application forms
 1452 for obtaining a permit to operate a medical cannabis farm and a
 1453 license to operate a dispensary.
 1454 (2) Each application for a license or permit required by
 1455 this part must be filed in writing with the department. Each
 1456 application must require, as a minimum, the full name, date of

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1457 birth, place of birth, social security number, physical
1458 description of the applicant, residence address and telephone
1459 number, and business address and telephone number of the
1460 applicant. Each application must be accompanied by an accurate
1461 and current photograph of the applicant and a complete set of
1462 fingerprints of the applicant taken by an authorized law
1463 enforcement agency; however, a set of fingerprints is not
1464 required if the applicant has possessed a valid license or
1465 permit under this part during the previous licensing or
1466 permitting year and such license or permit has not lapsed or
1467 been suspended or revoked. If fingerprints are required, the
1468 department shall submit the set of fingerprints to the
1469 Department of Law Enforcement for state processing. If the
1470 application does not require a set of fingerprints, the
1471 department shall submit the name and other identifying data to
1472 the Department of Law Enforcement for processing. Each
1473 application must be in a form to provide the data and other
1474 information set forth in this subsection, must be sworn to by
1475 the applicant or, if the applicant is a corporation, by each
1476 officer and director of the corporation. The officers and
1477 directors applying on behalf of a corporation shall provide all
1478 the data and other information required. This section does not
1479 exclude electronic filing of the application.

1480 (3) The department may require an applicant to furnish
1481 other information or data not required by this section if the
1482 information or data is deemed necessary by the department.

1483 468.910 Issuance of licenses and permits; prohibitions.-

1484 (1) Each license and permit issued by the department in

1485 accordance with this part must set forth, at a minimum, the full
 1486 name, date of birth, and physical description of the licensee or
 1487 permittee and have permanently affixed an accurate and current
 1488 photograph of the licensee or permittee. A license or permit
 1489 issued to a corporation must set forth the full name, date of
 1490 birth, and physical description of the chief executive officer
 1491 and have permanently affixed an accurate and current photograph
 1492 of the chief executive officer. Each license and permit must
 1493 also contain a license or permit number.

1494 (2) The department may include other data or information
 1495 on the license or permit if deemed appropriate.

1496 (3) A license or permit may not be issued, renewed, or
 1497 allowed to remain in effect for:

1498 (a) A corporation or entity that has a corporate officer
 1499 who is under 18 years of age; or

1500 (b) A person who has been convicted in this state or any
 1501 other state or federal jurisdiction for the following offenses:

1502 1. A drug-related felony.

1503 2. A nondrug-related felony conviction for which the
 1504 person has not been pardoned or has not had his or her civil
 1505 rights restored.

1506 (4) A license or permit may not be issued, renewed, or
 1507 allowed to remain in effect for a person who has been
 1508 adjudicated mentally incompetent and has not had his or her
 1509 civil rights restored.

1510 (5) A person may not knowingly withhold information or
 1511 present to the department a false, fictitious, or misrepresented
 1512 application, identification, document, information, statement,

1513 or data intended or likely to deceive the department for
 1514 obtaining a license or permit.

1515 (6) The department may adopt rules regarding persons who
 1516 legally possess medical cannabis for the purpose of teaching,
 1517 research, or testing and issue letters of exemption to
 1518 facilitate the lawful possession of medical cannabis for those
 1519 persons.

1520 (7) A person who violates or has violated any provision of
 1521 this part may not be a director, officer, member, incorporator,
 1522 agent, or employee of a medical cannabis farm or dispensary. Any
 1523 prior authorization of such person shall be immediately revoked,
 1524 and the department shall suspend the license or permit of the
 1525 medical cannabis farm or dispensary until the person is removed
 1526 from the position of director, officer, member, incorporator,
 1527 agent, or employee.

1528 468.911 License and permit to be displayed.-

1529 (1) A medical cannabis farm that has a department-issued
 1530 permit may use the terms "medical cannabis farm" or "permitted
 1531 medical cannabis farm," in connection with the permittee's name
 1532 or place of business, to denote permitting under this part.

1533 (2) A licensed dispensary may use the terms "dispensary,"
 1534 "licensed dispensary," or "licensed medical cannabis
 1535 dispensary," in connection with the licensee's name or place of
 1536 business, to denote licensure under this part.

1537 (3) Each person who is issued a license or permit under
 1538 this part must keep such license or permit conspicuously
 1539 displayed in his or her office, place of business, or place of
 1540 employment and, whenever required, shall exhibit such license or

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1541 permit to any member or authorized representative of the
1542 department.

1543 (4) A license or permit that is issued by the department
1544 is valid beginning on October 1 of the year for which it is
1545 issued and expires on September 30 in the following year.

1546 (5) A medical cannabis farm that has a department-issued
1547 permit or a licensed dispensary shall renew its permit or
1548 license before its expiration date. If a renewal application and
1549 fee are not filed by the expiration date, the license or permit
1550 may be reinstated only if the licensee or permittee pays, within
1551 30 days after the date of expiration, a delinquent fee that must
1552 not exceed \$750 for a medical cannabis farm and \$500 for a
1553 dispensary, plus the required renewal fee. If a licensee or
1554 permittee fails to comply with the renewal requirements of this
1555 part, the department may seize all medical cannabis products and
1556 dispose of them in any manner deemed appropriate by the
1557 department by November 1 of the year the license or permit
1558 expires. Any funds collected from the disposal shall be placed
1559 in the Professional Regulation Trust Fund.

1560 (6) The fee structure for reactivation of an inactive
1561 license or permit, except when renewed within 30 days after the
1562 date of expiration, is the same as for an initial permit or
1563 license, including the application fee.

1564 468.912 Reports of theft, illegal use, or illegal
1565 possession.—

1566 (1) A licensee or permittee who incurs a loss, theft, or
1567 unexplained shortage of a medical cannabis product, or who has
1568 knowledge of a loss, theft, or unexplained shortage of a medical

1569 cannabis product, shall, within 12 hours after the discovery,
 1570 report such loss, theft, or unexplained shortage to the county
 1571 sheriff or police chief of the jurisdiction in which the loss,
 1572 theft, or unexplained shortage occurred. This loss, theft, or
 1573 unexplained shortage shall also be reported to the department by
 1574 the close of the next business day following the discovery.

1575 (2) Any sheriff, police department, or law enforcement
 1576 officer in this state shall give immediate notice to the
 1577 department of any theft, illegal use, or illegal possession of
 1578 medical cannabis which involves a person and forward a copy of
 1579 his or her final written police report to the department.

1580 (3) A law enforcement agency that investigates the causes
 1581 and circumstances of a loss, theft, or unexplained shortage of
 1582 medical cannabis shall forward a copy of its final written
 1583 report to the department. The department shall retain these
 1584 reports in the files of the affected licensee or permittee.

1585 468.913 Procedure for cease and desist orders.—If the
 1586 department determines that a provision of this part or
 1587 applicable department rule has been violated, the department
 1588 shall issue to the person charged with the violation an order
 1589 requiring the person to cease and desist from such violation or
 1590 shall impose an administrative fine, or both.

1591 468.914 Administrative fines.—

1592 (1) If a person violates this part or department rule
 1593 adopted pursuant to this part or violates a cease and desist
 1594 order issued by the department, the department may impose an
 1595 administrative fine, not to exceed \$5,000 for each violation per
 1596 day, or may suspend or revoke the license or permit issued to

1597 the person, or both. Each day that the violation continues
 1598 constitutes a separate violation, and each separate violation is
 1599 subject to a separate fine. The department shall allow the
 1600 licensee or permittee a reasonable period, not to exceed 30
 1601 days, to pay to the department the amount of the imposed fine.
 1602 If the licensee or permittee fails to pay the fine in its
 1603 entirety to the department at its office in Tallahassee within
 1604 30 days, the department shall revoke the person's license or
 1605 permit. The issuance of administrative fines under this
 1606 paragraph does not waive the state's right to pursue any
 1607 additional penalties for the violation.

1608 (2) All fines, monetary penalties, and costs received by
 1609 the department in connection with this part shall be deposited
 1610 in the Professional Regulation Trust Fund.

1611 468.915 Injunctive relief.—In addition to the penalties
 1612 and other enforcement provisions of this part, if a person who
 1613 is engaged in any of the activities covered by this part
 1614 violates a provision of this part, a department rule adopted
 1615 pursuant thereto, or any cease and desist order as provided by
 1616 this part, the department may seek injunctive relief in the
 1617 Circuit Court of Leon County and may apply for temporary and
 1618 permanent orders as the department deems necessary to restrain
 1619 such person from engaging in any activities of this part until
 1620 such person complies with this part, the department rules
 1621 adopted pursuant thereto, and the orders of the department as
 1622 authorized by this part.

1623 468.916 Suspension or revocation of license or permit.—

1624 (1) A licensee or permittee who knowingly makes or files a

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1625 report that is false, intentionally or negligently fails to file
1626 a report or record required by state law, or willfully impedes
1627 or obstructs such filing or induces another person to do so, is
1628 subject to immediate suspension of his or her license or permit.

1629 (2) A licensee or permittee who pays or receives, directly
1630 or indirectly, a commission, bonus, kickback, or rebate to or
1631 from, or engages in any split-fee arrangement in any form with a
1632 physician, organization, agency, or person, for patients
1633 referred to a provider of health care goods and services,
1634 including, but not limited to, a hospital, nursing home,
1635 clinical laboratory, ambulatory surgical center, or pharmacy, is
1636 subject to immediate suspension of his or her license or permit.

1637 (3) A violation of any provision of this part, any rule
1638 adopted pursuant thereto, or any cease and desist order issued
1639 by the department by a licensee or permittee as provided in this
1640 part is cause for revocation or suspension of all licenses or
1641 permits held by the licensee or permittee after the department
1642 has determined the licensee or permittee to be guilty of such
1643 violation.

1644 (4) If the department finds the licensee or permittee to
1645 be guilty of such violation as provided in subsection (3), it
1646 shall enter an order suspending or revoking the license or
1647 permit of the person charged.

1648 (a) An order of suspension must state the period of time
1649 of the suspension, which period must not exceed 1 year from the
1650 date of the order.

1651 (b) An order of revocation may be entered for a period not
1652 to exceed 5 years. The order affects the revocation of all

1653 licenses or permits held by the person. During such period, a
 1654 license or permit may not be issued to the person.

1655
 1656 If, during the period between the beginning of a proceeding to
 1657 revoke or suspend a license or permit and the entry of an order
 1658 of suspension or revocation by the department, a new license or
 1659 permit has been issued to the person, any order of suspension or
 1660 revocation shall operate effectively with respect to the new
 1661 license or permit held by such person.

1662 (5) A person whose permit or license has been suspended or
 1663 revoked may not be issued a new permit or license under any
 1664 other name or company name until the expiration of the
 1665 suspension or revocation.

1666 (6) The provisions of this section are cumulative and do
 1667 not affect any other lawful remedy available to the state,
 1668 including administrative fines and injunction relief.

1669 468.917 Conduct of hearings; review of orders of the
 1670 department.—All hearings shall be conducted in accordance with
 1671 chapter 120. All review of orders of the department shall be in
 1672 accordance with chapter 120.

1673 468.918 Penalties.—

1674 (1) A person who knowingly withholds information or
 1675 presents to the department a false, fictitious, or
 1676 misrepresented application, identification, document,
 1677 information, statement, or data intended or likely to deceive
 1678 the department for the purpose of obtaining a license or permit
 1679 commits a misdemeanor of the first degree, punishable as
 1680 provided in s. 775.082 or s. 775.083.

1681 (2) A person who knowingly withholds information or makes
 1682 a false or fictitious entry or misrepresentation upon any
 1683 invoice, receipt, sales ticket, sales slip, or account of
 1684 inventories commits a misdemeanor of the first degree,
 1685 punishable as provided in s. 775.082 or s. 775.083.

1686 (3) A licensee who knowingly fails to maintain written
 1687 accounts of inventories or records of sales or transfers commits
 1688 a misdemeanor of the first degree, punishable as provided in s.
 1689 775.082 or s. 775.083.

1690 (4) A permittee who knowingly fails to maintain written
 1691 inventories and records commits a misdemeanor of the first
 1692 degree, punishable as provided in s. 775.082 or s. 775.083.

1693 (5) A licensee or permittee who fails to report the loss,
 1694 theft, or unexplained shortage of medical cannabis commits a
 1695 misdemeanor of the first degree, punishable as provided in s.
 1696 775.082 or s. 775.083.

1697 468.919 County and municipal ordinances.—A county or
 1698 municipality in this state may not create or impose an ordinance
 1699 or rule pertaining to medical cannabis which is more restrictive
 1700 than the provisions contained in this part and the applicable
 1701 department rules.

1702 468.920 Deposit of fees.—All fees collected for licenses
 1703 and permits required by this part shall be deposited in the
 1704 Professional Regulation Trust Fund, and all moneys collected
 1705 under this part and deposited in the Professional Regulation
 1706 Trust Fund shall be used by the department in the administration
 1707 of this part. The department shall maintain a separate account
 1708 in the Professional Regulation Trust Fund for the Drugs,

1709 Devices, and Cosmetics program.

1710 Section 3. Subsection (6) of section 812.14, Florida
 1711 Statutes, is amended to read:

1712 812.14 Trespass and larceny with relation to utility
 1713 fixtures; theft of utility services.—

1714 (6) It is prima facie evidence of a person's intent to
 1715 violate subsection (5) if:

1716 (a) A controlled substance and materials for manufacturing
 1717 the controlled substance intended for sale or distribution to
 1718 another were found in a dwelling or structure;

1719 (b) Except as provided in this chapter, chapter 468, or
 1720 chapter 499, and notwithstanding s. 893.13, the dwelling or
 1721 structure has been visibly modified to accommodate the use of
 1722 equipment to grow marijuana indoors, including, but not limited
 1723 to, the installation of equipment to provide additional air
 1724 conditioning, equipment to provide high-wattage lighting, or
 1725 equipment for hydroponic cultivation; and

1726 (c) The person or entity that owned, leased, or subleased
 1727 the dwelling or structure knew of, or did so under such
 1728 circumstances as would induce a reasonable person to believe in,
 1729 the presence of a controlled substance and materials for
 1730 manufacturing a controlled substance in the dwelling or
 1731 structure, regardless of whether the person or entity was
 1732 involved in the manufacture or sale of a controlled substance or
 1733 was in actual possession of the dwelling or structure.

1734 Section 4. Paragraph (c) of subsection (1) of section
 1735 893.03, Florida Statutes, is amended to read:

1736 893.03 Standards and schedules.—The substances enumerated

1737 in this section are controlled by this chapter. The controlled
 1738 substances listed or to be listed in Schedules I, II, III, IV,
 1739 and V are included by whatever official, common, usual,
 1740 chemical, or trade name designated. The provisions of this
 1741 section shall not be construed to include within any of the
 1742 schedules contained in this section any excluded drugs listed
 1743 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
 1744 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
 1745 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
 1746 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
 1747 Anabolic Steroid Products."

1748 (1) SCHEDULE I.—A substance in Schedule I has a high
 1749 potential for abuse and has no currently accepted medical use in
 1750 treatment in the United States and in its use under medical
 1751 supervision does not meet accepted safety standards. The
 1752 following substances are controlled in Schedule I:

1753 (c) Unless specifically excepted or unless listed in
 1754 another schedule, any material, compound, mixture, or
 1755 preparation that contains any quantity of the following
 1756 hallucinogenic substances or that contains any of their salts,
 1757 isomers, and salts of isomers, if the existence of such salts,
 1758 isomers, and salts of isomers is possible within the specific
 1759 chemical designation:

- 1760 1. Alpha-ethyltryptamine.
- 1761 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-
 1762 methylaminorex).
- 1763 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 1764 4. 4-Bromo-2,5-dimethoxyamphetamine.

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- 1765 | 5. 4-Bromo-2,5-dimethoxyphenethylamine.
- 1766 | 6. Bufotenine.
- 1767 | 7. Cannabis, except as exempted in chapters 468 and 499.
- 1768 | 8. Cathinone.
- 1769 | 9. Diethyltryptamine.
- 1770 | 10. 2,5-Dimethoxyamphetamine.
- 1771 | 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 1772 | 12. Dimethyltryptamine.
- 1773 | 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
- 1774 | analog of phencyclidine).
- 1775 | 14. N-Ethyl-3-piperidyl benzilate.
- 1776 | 15. N-ethylamphetamine.
- 1777 | 16. Fenethylamine.
- 1778 | 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 1779 | 18. Ibogaine.
- 1780 | 19. Lysergic acid diethylamide (LSD).
- 1781 | 20. Mescaline.
- 1782 | 21. Methcathinone.
- 1783 | 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 1784 | 23. 4-methoxyamphetamine.
- 1785 | 24. 4-methoxymethamphetamine.
- 1786 | 25. 4-Methyl-2,5-dimethoxyamphetamine.
- 1787 | 26. 3,4-Methylenedioxy-N-ethylamphetamine.
- 1788 | 27. 3,4-Methylenedioxyamphetamine.
- 1789 | 28. N-Methyl-3-piperidyl benzilate.
- 1790 | 29. N,N-dimethylamphetamine.
- 1791 | 30. Parahexyl.
- 1792 | 31. Peyote.

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- 1793 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
 1794 analog of phencyclidine).
 1795 33. Psilocybin.
 1796 34. Psilocyn.
 1797 35. *Salvia divinorum*, except for any drug product approved
 1798 by the United States Food and Drug Administration which contains
 1799 *Salvia divinorum* or its isomers, esters, ethers, salts, and
 1800 salts of isomers, esters, and ethers, if the existence of such
 1801 isomers, esters, ethers, and salts is possible within the
 1802 specific chemical designation.
 1803 36. Salvinorin A, except for any drug product approved by
 1804 the United States Food and Drug Administration which contains
 1805 Salvinorin A or its isomers, esters, ethers, salts, and salts of
 1806 isomers, esters, and ethers, if the existence of such isomers,
 1807 esters, ethers, and salts is possible within the specific
 1808 chemical designation.
 1809 37. Tetrahydrocannabinols, except as exempted in chapters
 1810 468 and 499.
 1811 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
 1812 (Thiophene analog of phencyclidine).
 1813 39. 3,4,5-Trimethoxyamphetamine.
 1814 40. 3,4-Methylenedioxymethcathinone.
 1815 41. 3,4-Methylenedioxyprovalerone (MDPV).
 1816 42. Methylenedioxymethcathinone.
 1817 43. Methoxymethcathinone.
 1818 44. Fluoromethcathinone.
 1819 45. Methylethcathinone.
 1820 46. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-

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- 1821 | yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
 1822 | homologue.
- 1823 | 47. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
 1824 | methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
 1825 | also known as HU-210.
- 1826 | 48. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.
- 1827 | 49. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.
- 1828 | 50. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole,
 1829 | also known as JWH-200.
- 1830 | 51. BZP (Benzylpiperazine).
- 1831 | 52. Fluorophenylpiperazine.
- 1832 | 53. Methylphenylpiperazine.
- 1833 | 54. Chlorophenylpiperazine.
- 1834 | 55. Methoxyphenylpiperazine.
- 1835 | 56. DBZP (1,4-dibenzylpiperazine).
- 1836 | 57. TFMPP (3-Trifluoromethylphenylpiperazine).
- 1837 | 58. MBDB (Methylbenzodioxolylbutanamine).
- 1838 | 59. 5-Hydroxy-alpha-methyltryptamine.
- 1839 | 60. 5-Hydroxy-N-methyltryptamine.
- 1840 | 61. 5-Methoxy-N-methyl-N-isopropyltryptamine.
- 1841 | 62. 5-Methoxy-alpha-methyltryptamine.
- 1842 | 63. Methyltryptamine.
- 1843 | 64. 5-Methoxy-N,N-dimethyltryptamine.
- 1844 | 65. 5-Methyl-N,N-dimethyltryptamine.
- 1845 | 66. Tyramine (4-Hydroxyphenethylamine).
- 1846 | 67. 5-Methoxy-N,N-Diisopropyltryptamine.
- 1847 | 68. DiPT (N,N-Diisopropyltryptamine).
- 1848 | 69. DPT (N,N-Dipropyltryptamine).

- 1849 | 70. 4-Hydroxy-N,N-diisopropyltryptamine.
- 1850 | 71. N,N-Diallyl-5-Methoxytryptamine.
- 1851 | 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
- 1852 | 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
- 1853 | 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 1854 | 75. 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).
- 1855 | 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 1856 | 77. 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).
- 1857 | 78. 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).
- 1858 | 79. 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine).
- 1859 | 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- 1860 | 81. Butylone (beta-keto-N-methylbenzodioxolylpropylamine).
- 1861 | 82. Ethcathinone.
- 1862 | 83. Ethylone (3,4-methylenedioxy-N-ethylcathinone).
- 1863 | 84. Naphyrone (naphthylpyrovalerone).
- 1864 | 85. N-N-Dimethyl-3,4-methylenedioxycathinone.
- 1865 | 86. N-N-Diethyl-3,4-methylenedioxycathinone.
- 1866 | 87. 3,4-methylenedioxy-propiofenone.
- 1867 | 88. 2-Bromo-3,4-Methylenedioxypropiofenone.
- 1868 | 89. 3,4-methylenedioxy-propiofenone-2-oxime.
- 1869 | 90. N-Acetyl-3,4-methylenedioxycathinone.
- 1870 | 91. N-Acetyl-N-Methyl-3,4-Methylenedioxycathinone.
- 1871 | 92. N-Acetyl-N-Ethyl-3,4-Methylenedioxycathinone.
- 1872 | 93. Bromomethcathinone.
- 1873 | 94. Buphedrone (alpha-methylamino-butyrophenone).
- 1874 | 95. Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
- 1875 | 96. Dimethylcathinone.
- 1876 | 97. Dimethylmethcathinone.

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- 1877 | 98. Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).
- 1878 | 99. (MDPPP) 3,4-Methylenedioxy-alpha-
- 1879 | pyrrolidinopropiophenone.
- 1880 | 100. (MDPBP) 3,4-Methylenedioxy-alpha-
- 1881 | pyrrolidinobutiophenone.
- 1882 | 101. Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
- 1883 | 102. Methyl-alpha-pyrrolidinohexiophenone (MPHP).
- 1884 | 103. Benocyclidine (BCP) or
- 1885 | benzothiophenylcyclohexylpiperidine (BTCP).
- 1886 | 104. Fluoromethylaminobutyrophenone (F-MABP).
- 1887 | 105. Methoxypyrrolidinobutyrophenone (MeO-PBP).
- 1888 | 106. Ethyl-pyrrolidinobutyrophenone (Et-PBP).
- 1889 | 107. 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).
- 1890 | 108. Methylethylaminobutyrophenone (Me-EABP).
- 1891 | 109. Methylamino-butyrophenone (MABP).
- 1892 | 110. Pyrrolidinopropiophenone (PPP).
- 1893 | 111. Pyrrolidinobutiophenone (PBP).
- 1894 | 112. Pyrrolidinovalerophenone (PVP).
- 1895 | 113. Methyl-alpha-pyrrolidinopropiophenone (MPPP).
- 1896 | 114. JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).
- 1897 | 115. JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-
- 1898 | naphthalenylmethanone).
- 1899 | 116. JWH-019 (Naphthalen-1-yl-(1-hexylindol-3-
- 1900 | yl)methanone).
- 1901 | 117. JWH-020 (1-heptyl-3-(1-naphthoyl)indole).
- 1902 | 118. JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-
- 1903 | yl)methanone).
- 1904 | 119. JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-

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- 1905 | yl)methanone) .
- 1906 | 120. JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole) .
- 1907 | 121. JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-
- 1908 | 6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)) .
- 1909 | 122. JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-
- 1910 | indole) .
- 1911 | 123. JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl) indole) .
- 1912 | 124. JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-
- 1913 | yl)ethanone) .
- 1914 | 125. JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-
- 1915 | yl)methanone) .
- 1916 | 126. JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-
- 1917 | yl)ethanone) .
- 1918 | 127. JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-
- 1919 | yl)ethanone) .
- 1920 | 128. JWH-302 (1-pentyl-3-(3-methoxyphenylacetyl) indole) .
- 1921 | 129. JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl) indole) .
- 1922 | 130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
- 1923 | (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
- 1924 | ol) .
- 1925 | 131. HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-
- 1926 | methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-
- 1927 | enyl] methanol) .
- 1928 | 132. HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-
- 1929 | methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-
- 1930 | 1,4-dione) .
- 1931 | 133. CB-13 (Naphthalen-1-yl-(4-pentyloxynaphthalen-1-
- 1932 | yl)methanone) .

1933 | 134. CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-
 1934 | undecanamide).

1935 | 135. CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-
 1936 | undecanamide).

1937 | 136. CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-
 1938 | hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol).

1939 | 137. AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-2-
 1940 | iodophenyl)methanone).

1941 | 138. AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-
 1942 | (naphthalen-1-yl)methanone).

1943 | 139. RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-
 1944 | yl)methanone).

1945 | 140. RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-
 1946 | methoxyphenylethanone).

1947 | 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-
 1948 | morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
 1949 | naphthalenylmethanone).

1950 | 142. WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-
 1951 | morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
 1952 | naphthalenylmethanone).

1953 | Section 5. Subsections (1) through (6) of section 893.13,
 1954 | Florida Statutes, are amended to read:

1955 | 893.13 Prohibited acts; penalties.—

1956 | (1) (a) Except as authorized by this chapter and chapter
 1957 | 499, it is unlawful for any person to sell, manufacture, or
 1958 | deliver, or possess with intent to sell, manufacture, or
 1959 | deliver, a controlled substance. Any person who violates this
 1960 | provision with respect to:

1961 1. A controlled substance named or described in s.
 1962 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 1963 commits a felony of the second degree, punishable as provided in
 1964 s. 775.082, s. 775.083, or s. 775.084.

1965 2. Except as provided in this chapter, chapter 468, and
 1966 chapter 499, a controlled substance named or described in s.
 1967 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 1968 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 1969 the third degree, punishable as provided in s. 775.082, s.
 1970 775.083, or s. 775.084.

1971 3. A controlled substance named or described in s.
 1972 893.03(5) commits a misdemeanor of the first degree, punishable
 1973 as provided in s. 775.082 or s. 775.083.

1974 (b) Except as provided in this chapter, chapter 468, and
 1975 chapter 499, it is unlawful to sell or deliver in excess of 10
 1976 grams of any substance named or described in s. 893.03(1)(a) or
 1977 (1)(b), or any combination thereof, or any mixture containing
 1978 any such substance. Any person who violates this paragraph
 1979 commits a felony of the first degree, punishable as provided in
 1980 s. 775.082, s. 775.083, or s. 775.084.

1981 (c) Except as authorized by this chapter, chapter 468, and
 1982 chapter 499, it is unlawful for any person to sell, manufacture,
 1983 or deliver, or possess with intent to sell, manufacture, or
 1984 deliver, a controlled substance in, on, or within 1,000 feet of
 1985 the real property comprising a child care facility as defined in
 1986 s. 402.302 or a public or private elementary, middle, or
 1987 secondary school between the hours of 6 a.m. and 12 midnight, or
 1988 at any time in, on, or within 1,000 feet of real property

1989 | comprising a state, county, or municipal park, a community
 1990 | center, or a publicly owned recreational facility. For the
 1991 | purposes of this paragraph, the term "community center" means a
 1992 | facility operated by a nonprofit community-based organization
 1993 | for the provision of recreational, social, or educational
 1994 | services to the public. Any person who violates this paragraph
 1995 | with respect to:

1996 | 1. A controlled substance named or described in s.
 1997 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 1998 | commits a felony of the first degree, punishable as provided in
 1999 | s. 775.082, s. 775.083, or s. 775.084. The defendant must be
 2000 | sentenced to a minimum term of imprisonment of 3 calendar years
 2001 | unless the offense was committed within 1,000 feet of the real
 2002 | property comprising a child care facility as defined in s.
 2003 | 402.302.

2004 | 2. A controlled substance named or described in s.
 2005 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 2006 | (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 2007 | the second degree, punishable as provided in s. 775.082, s.
 2008 | 775.083, or s. 775.084.

2009 | 3. Any other controlled substance, except as lawfully
 2010 | sold, manufactured, or delivered, must be sentenced to pay a
 2011 | \$500 fine and to serve 100 hours of public service in addition
 2012 | to any other penalty prescribed by law.

2013 |
 2014 | This paragraph does not apply to a child care facility unless
 2015 | the owner or operator of the facility posts a sign that is not
 2016 | less than 2 square feet in size with a word legend identifying

2017 the facility as a licensed child care facility and that is
 2018 posted on the property of the child care facility in a
 2019 conspicuous place where the sign is reasonably visible to the
 2020 public.

2021 (d) Except as authorized by this chapter, chapter 468, and
 2022 chapter 499, it is unlawful for any person to sell, manufacture,
 2023 or deliver, or possess with intent to sell, manufacture, or
 2024 deliver, a controlled substance in, on, or within 1,000 feet of
 2025 the real property comprising a public or private college,
 2026 university, or other postsecondary educational institution. Any
 2027 person who violates this paragraph with respect to:

2028 1. A controlled substance named or described in s.
 2029 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 2030 commits a felony of the first degree, punishable as provided in
 2031 s. 775.082, s. 775.083, or s. 775.084.

2032 2. A controlled substance named or described in s.
 2033 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 2034 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 2035 the second degree, punishable as provided in s. 775.082, s.
 2036 775.083, or s. 775.084.

2037 3. Any other controlled substance, except as lawfully
 2038 sold, manufactured, or delivered, must be sentenced to pay a
 2039 \$500 fine and to serve 100 hours of public service in addition
 2040 to any other penalty prescribed by law.

2041 (e) Except as authorized by this chapter, chapter 468, and
 2042 chapter 499, it is unlawful for any person to sell, manufacture,
 2043 or deliver, or possess with intent to sell, manufacture, or
 2044 deliver, a controlled substance not authorized by law in, on, or

2045 | within 1,000 feet of a physical place for worship at which a
 2046 | church or religious organization regularly conducts religious
 2047 | services or within 1,000 feet of a convenience business as
 2048 | defined in s. 812.171. Any person who violates this paragraph
 2049 | with respect to:

2050 | 1. A controlled substance named or described in s.
 2051 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 2052 | commits a felony of the first degree, punishable as provided in
 2053 | s. 775.082, s. 775.083, or s. 775.084.

2054 | 2. A controlled substance named or described in s.
 2055 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 2056 | (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 2057 | the second degree, punishable as provided in s. 775.082, s.
 2058 | 775.083, or s. 775.084.

2059 | 3. Any other controlled substance, except as lawfully
 2060 | sold, manufactured, or delivered, must be sentenced to pay a
 2061 | \$500 fine and to serve 100 hours of public service in addition
 2062 | to any other penalty prescribed by law.

2063 | (f) Except as authorized by this chapter, chapter 468, and
 2064 | chapter 499, it is unlawful for any person to sell, manufacture,
 2065 | or deliver, or possess with intent to sell, manufacture, or
 2066 | deliver, a controlled substance in, on, or within 1,000 feet of
 2067 | the real property comprising a public housing facility at any
 2068 | time. For purposes of this section, the term "real property
 2069 | comprising a public housing facility" means real property, as
 2070 | defined in s. 421.03(12), of a public corporation created as a
 2071 | housing authority pursuant to part I of chapter 421. Any person
 2072 | who violates this paragraph with respect to:

2073 1. A controlled substance named or described in s.
 2074 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 2075 commits a felony of the first degree, punishable as provided in
 2076 s. 775.082, s. 775.083, or s. 775.084.

2077 2. A controlled substance named or described in s.
 2078 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 2079 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 2080 the second degree, punishable as provided in s. 775.082, s.
 2081 775.083, or s. 775.084.

2082 3. Any other controlled substance, except as lawfully
 2083 sold, manufactured, or delivered, must be sentenced to pay a
 2084 \$500 fine and to serve 100 hours of public service in addition
 2085 to any other penalty prescribed by law.

2086 (g) Except as authorized by this chapter, chapter 468, and
 2087 chapter 499, it is unlawful for any person to manufacture
 2088 methamphetamine or phencyclidine, or possess any listed chemical
 2089 as defined in s. 893.033 in violation of s. 893.149 and with
 2090 intent to manufacture methamphetamine or phencyclidine. If any
 2091 person violates this paragraph and:

2092 1. The commission or attempted commission of the crime
 2093 occurs in a structure or conveyance where any child under 16
 2094 years of age is present, the person commits a felony of the
 2095 first degree, punishable as provided in s. 775.082, s. 775.083,
 2096 or s. 775.084. In addition, the defendant must be sentenced to a
 2097 minimum term of imprisonment of 5 calendar years.

2098 2. The commission of the crime causes any child under 16
 2099 years of age to suffer great bodily harm, the person commits a
 2100 felony of the first degree, punishable as provided in s.

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2101 775.082, s. 775.083, or s. 775.084. In addition, the defendant
 2102 must be sentenced to a minimum term of imprisonment of 10
 2103 calendar years.

2104 (h) Except as authorized by this chapter, chapter 468, and
 2105 chapter 499, it is unlawful for any person to sell, manufacture,
 2106 or deliver, or possess with intent to sell, manufacture, or
 2107 deliver, a controlled substance in, on, or within 1,000 feet of
 2108 the real property comprising an assisted living facility, as
 2109 that term is used in chapter 429. Any person who violates this
 2110 paragraph with respect to:

2111 1. A controlled substance named or described in s.
 2112 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 2113 commits a felony of the first degree, punishable as provided in
 2114 s. 775.082, s. 775.083, or s. 775.084.

2115 2. A controlled substance named or described in s.
 2116 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 2117 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 2118 the second degree, punishable as provided in s. 775.082, s.
 2119 775.083, or s. 775.084.

2120 (2)(a) Except as authorized by this chapter, chapter 468,
 2121 and chapter 499, it is unlawful for any person to purchase, or
 2122 possess with intent to purchase, a controlled substance. Any
 2123 person who violates this provision with respect to:

2124 1. A controlled substance named or described in s.
 2125 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 2126 commits a felony of the second degree, punishable as provided in
 2127 s. 775.082, s. 775.083, or s. 775.084.

2128 2. A controlled substance named or described in s.

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2129 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
2130 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
2131 the third degree, punishable as provided in s. 775.082, s.
2132 775.083, or s. 775.084.

2133 3. A controlled substance named or described in s.
2134 893.03(5) commits a misdemeanor of the first degree, punishable
2135 as provided in s. 775.082 or s. 775.083.

2136 (b) Except as provided in this chapter, chapter 468, and
2137 chapter 499, it is unlawful to purchase in excess of 10 grams of
2138 any substance named or described in s. 893.03(1)(a) or (1)(b),
2139 or any combination thereof, or any mixture containing any such
2140 substance. Any person who violates this paragraph commits a
2141 felony of the first degree, punishable as provided in s.
2142 775.082, s. 775.083, or s. 775.084.

2143 (3) Except as provided in this chapter, chapter 468, and
2144 chapter 499, any person who delivers, without consideration, not
2145 more than 20 grams of cannabis, as defined in this chapter,
2146 commits a misdemeanor of the first degree, punishable as
2147 provided in s. 775.082 or s. 775.083. For the purposes of this
2148 paragraph, "cannabis" does not include the resin extracted from
2149 the plants of the genus *Cannabis* or any compound manufacture,
2150 salt, derivative, mixture, or preparation of such resin.

2151 (4) Except as authorized by this chapter, chapter 468, and
2152 chapter 499, it is unlawful for any person 18 years of age or
2153 older to deliver any controlled substance to a person under the
2154 age of 18 years, except for an emancipated minor, or to use or
2155 hire a person under the age of 18 years as an agent or employee
2156 in the sale or delivery of such a substance, or to use such

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2157 person to assist in avoiding detection or apprehension for a
 2158 violation of this chapter. Any person who violates this
 2159 provision with respect to:

2160 (a) A controlled substance named or described in s.
 2161 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 2162 commits a felony of the first degree, punishable as provided in
 2163 s. 775.082, s. 775.083, or s. 775.084.

2164 (b) A controlled substance named or described in s.
 2165 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 2166 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 2167 the second degree, punishable as provided in s. 775.082, s.
 2168 775.083, or s. 775.084.

2169
 2170 Imposition of sentence may not be suspended or deferred, nor
 2171 shall the person so convicted be placed on probation.

2172 (5) It is unlawful for any person to bring into this state
 2173 any controlled substance unless the possession of such
 2174 controlled substance is authorized by this chapter or chapter
 2175 499 or unless such person is licensed to do so by the
 2176 appropriate federal agency. Any person who violates this
 2177 provision with respect to:

2178 (a) A controlled substance named or described in s.
 2179 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 2180 commits a felony of the second degree, punishable as provided in
 2181 s. 775.082, s. 775.083, or s. 775.084.

2182 (b) A controlled substance named or described in s.
 2183 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 2184 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of

2185 | the third degree, punishable as provided in s. 775.082, s.
 2186 | 775.083, or s. 775.084.

2187 | (c) A controlled substance named or described in s.
 2188 | 893.03(5) commits a misdemeanor of the first degree, punishable
 2189 | as provided in s. 775.082 or s. 775.083.

2190 | (6)(a) It is unlawful for any person to be in actual or
 2191 | constructive possession of a controlled substance unless such
 2192 | controlled substance was lawfully obtained from a practitioner
 2193 | or pursuant to a valid prescription or order of a practitioner
 2194 | while acting in the course of his or her professional practice
 2195 | or to be in actual or constructive possession of a controlled
 2196 | substance except as otherwise authorized by this chapter,
 2197 | chapter 468, and chapter 499. Any person who violates this
 2198 | provision commits a felony of the third degree, punishable as
 2199 | provided in s. 775.082, s. 775.083, or s. 775.084.

2200 | (b) Except as provided in this chapter, chapter 468, and
 2201 | chapter 499, if the offense is the possession of not more than
 2202 | 20 grams of cannabis, as defined in this chapter, or 3 grams or
 2203 | less of a controlled substance described in s. 893.03(1)(c)46.-
 2204 | 50. and 114.-142., the person commits a misdemeanor of the first
 2205 | degree, punishable as provided in s. 775.082 or s. 775.083. For
 2206 | the purposes of this subsection, "cannabis" does not include the
 2207 | resin extracted from the plants of the genus *Cannabis*, or any
 2208 | compound manufacture, salt, derivative, mixture, or preparation
 2209 | of such resin, and a controlled substance described in s.
 2210 | 893.03(1)(c)46.-50. and 114.-142. does not include the substance
 2211 | in a powdered form.

2212 | (c) Except as provided in this chapter, chapter 468, and

2213 | chapter 499, it is unlawful to possess in excess of 10 grams of
 2214 | any substance named or described in s. 893.03(1)(a) or (1)(b),
 2215 | or any combination thereof, or any mixture containing any such
 2216 | substance. Any person who violates this paragraph commits a
 2217 | felony of the first degree, punishable as provided in s.
 2218 | 775.082, s. 775.083, or s. 775.084.

2219 | (d) Notwithstanding any provision to the contrary of the
 2220 | laws of this state relating to arrest, a law enforcement officer
 2221 | may arrest without warrant any person who the officer has
 2222 | probable cause to believe is violating the provisions of this
 2223 | chapter and chapter 499 relating to possession of cannabis.

2224 | Section 6. Section 893.1351, Florida Statutes, is amended
 2225 | to read:

2226 | 893.1351 Ownership, lease, rental, or possession for
 2227 | trafficking in or manufacturing a controlled substance.—

2228 | (1) Except as provided by this chapter, chapter 468, and
 2229 | chapter 499, a person may not own, lease, or rent any place,
 2230 | structure, or part thereof, trailer, or other conveyance with
 2231 | the knowledge that the place, structure, trailer, or conveyance
 2232 | will be used for the purpose of trafficking in a controlled
 2233 | substance, as provided in s. 893.135; for the sale of a
 2234 | controlled substance, as provided in s. 893.13; or for the
 2235 | manufacture of a controlled substance intended for sale or
 2236 | distribution to another. A person who violates this subsection
 2237 | commits a felony of the third degree, punishable as provided in
 2238 | s. 775.082, s. 775.083, or s. 775.084.

2239 | (2) Except as provided by this chapter, chapter 468, and
 2240 | chapter 499, a person may not knowingly be in actual or

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2241 constructive possession of any place, structure, or part
2242 thereof, trailer, or other conveyance with the knowledge that
2243 the place, structure, or part thereof, trailer, or conveyance
2244 will be used for the purpose of trafficking in a controlled
2245 substance, as provided in s. 893.135; for the sale of a
2246 controlled substance, as provided in s. 893.13; or for the
2247 manufacture of a controlled substance intended for sale or
2248 distribution to another. A person who violates this subsection
2249 commits a felony of the second degree, punishable as provided in
2250 s. 775.082, s. 775.083, or s. 775.084.

2251 (3) Except as provided by this chapter, chapter 468, and
2252 chapter 499, a person who is in actual or constructive
2253 possession of a place, structure, trailer, or conveyance with
2254 the knowledge that the place, structure, trailer, or conveyance
2255 is being used to manufacture a controlled substance intended for
2256 sale or distribution to another and who knew or should have
2257 known that a minor is present or resides in the place,
2258 structure, trailer, or conveyance commits a felony of the first
2259 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2260 775.084.

2261 (4) Except as provided by this chapter, chapter 468, and
2262 chapter 499, for the purposes of this section, proof of the
2263 possession of 25 or more cannabis plants constitutes prima facie
2264 evidence that the cannabis is intended for sale or distribution.

2265 Section 7. Section 893.145, Florida Statutes, is amended
2266 to read:

2267 893.145 "Drug paraphernalia" defined.—Except as provided
2268 in this chapter, chapter 468, and chapter 499, the term "drug

2269 paraphernalia" means all equipment, products, and materials of
 2270 any kind which are used, intended for use, or designed for use
 2271 in planting, propagating, cultivating, growing, harvesting,
 2272 manufacturing, compounding, converting, producing, processing,
 2273 preparing, testing, analyzing, packaging, repackaging, storing,
 2274 containing, concealing, transporting, injecting, ingesting,
 2275 inhaling, or otherwise introducing into the human body a
 2276 controlled substance in violation of this chapter or s. 877.111.
 2277 Drug paraphernalia is deemed to be contraband which shall be
 2278 subject to civil forfeiture. The term includes, but is not
 2279 limited to:

2280 (1) Kits used, intended for use, or designed for use in
 2281 the planting, propagating, cultivating, growing, or harvesting
 2282 of any species of plant which is a controlled substance or from
 2283 which a controlled substance can be derived.

2284 (2) Kits used, intended for use, or designed for use in
 2285 manufacturing, compounding, converting, producing, processing,
 2286 or preparing controlled substances.

2287 (3) Isomerization devices used, intended for use, or
 2288 designed for use in increasing the potency of any species of
 2289 plant which is a controlled substance.

2290 (4) Testing equipment used, intended for use, or designed
 2291 for use in identifying, or in analyzing the strength,
 2292 effectiveness, or purity of, controlled substances.

2293 (5) Scales and balances used, intended for use, or
 2294 designed for use in weighing or measuring controlled substances.

2295 (6) Diluents and adulterants, such as quinine
 2296 hydrochloride, mannitol, mannite, dextrose, and lactose, used,

2297 | intended for use, or designed for use in cutting controlled
 2298 | substances.

2299 | (7) Separation gins and sifters used, intended for use, or
 2300 | designed for use in removing twigs and seeds from, or in
 2301 | otherwise cleaning or refining, cannabis.

2302 | (8) Blenders, bowls, containers, spoons, and mixing
 2303 | devices used, intended for use, or designed for use in
 2304 | compounding controlled substances.

2305 | (9) Capsules, balloons, envelopes, and other containers
 2306 | used, intended for use, or designed for use in packaging small
 2307 | quantities of controlled substances.

2308 | (10) Containers and other objects used, intended for use,
 2309 | or designed for use in storing, concealing, or transporting
 2310 | controlled substances.

2311 | (11) Hypodermic syringes, needles, and other objects used,
 2312 | intended for use, or designed for use in parenterally injecting
 2313 | controlled substances into the human body.

2314 | (12) Objects used, intended for use, or designed for use
 2315 | in ingesting, inhaling, or otherwise introducing cannabis,
 2316 | cocaine, hashish, hashish oil, or nitrous oxide into the human
 2317 | body, such as:

2318 | (a) Metal, wooden, acrylic, glass, stone, plastic, or
 2319 | ceramic pipes, with or without screens, permanent screens,
 2320 | hashish heads, or punctured metal bowls.

2321 | (b) Water pipes.

2322 | (c) Carburetion tubes and devices.

2323 | (d) Smoking and carburetion masks.

2324 | (e) Roach clips: meaning objects used to hold burning

2325 material, such as a cannabis cigarette, that has become too
 2326 small or too short to be held in the hand.

2327 (f) Miniature cocaine spoons, and cocaine vials.

2328 (g) Chamber pipes.

2329 (h) Carburetor pipes.

2330 (i) Electric pipes.

2331 (j) Air-driven pipes.

2332 (k) Chillums.

2333 (l) Bonges.

2334 (m) Ice pipes or chillers.

2335 (n) A cartridge or canister, which means a small metal
 2336 device used to contain nitrous oxide.

2337 (o) A charger, sometimes referred to as a "cracker," which
 2338 means a small metal or plastic device that contains an interior
 2339 pin that may be used to expel nitrous oxide from a cartridge or
 2340 container.

2341 (p) A charging bottle, which means a device that may be
 2342 used to expel nitrous oxide from a cartridge or canister.

2343 (q) A whip-it, which means a device that may be used to
 2344 expel nitrous oxide.

2345 (r) A tank.

2346 (s) A balloon.

2347 (t) A hose or tube.

2348 (u) A 2-liter-type soda bottle.

2349 (v) Duct tape.

2350 Section 8. Present subsection (3) of section 921.0022,
 2351 Florida Statutes, is redesignated as subsection (4), a new
 2352 subsection (3) is added to that section, and paragraphs (a),

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2353 (b), (c), (e), (g), (h), and (i) of present subsection (3) of
 2354 that section are amended, to read:

2355 921.0022 Criminal Punishment Code; offense severity
 2356 ranking chart.—

2357 (3) For the purpose of this section, the term "cannabis"
 2358 does not include any form of cannabis which is cultivated,
 2359 manufactured, possessed, and distributed in the form of medical
 2360 cannabis in compliance with chapter 499.

2361 (4)~~(3)~~ OFFENSE SEVERITY RANKING CHART

2362 (a) LEVEL 1

2363

Florida	Felony	
Statute	Degree	Description

2364

24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
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2365

212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
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2366

212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
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2367

316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
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2368

319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
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2369	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
2370	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
2371	322.212 (1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
2372	322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
2373	322.212(5)(a)	3rd	False application for driver's license or identification card.
2374	414.39(2)	3rd	Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than \$200.
2375	414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
2376	443.071(1)	3rd	False statement or representation to

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			obtain or increase reemployment assistance benefits.
2377			
	509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
2378			
	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
2379			
	562.27(1)	3rd	Possess still or still apparatus.
2380			
	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
2381			
	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
2382			
	812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
2383			
	815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
2384			
	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
2385			
	817.569(2)	3rd	Use of public record or public records

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2386			information to facilitate commission of a felony.
2387	826.01	3rd	Bigamy.
2388	828.122 (3)	3rd	Fighting or baiting animals.
2389	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
2390	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
2391	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
2392	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
2393	838.15 (2)	3rd	Commercial bribe receiving.
2394	838.16	3rd	Commercial bribery.
	843.18	3rd	Fleeing by boat to elude a law enforcement officer.

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2395	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
2396	849.01	3rd	Keeping gambling house.
2397	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.
2398	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
2399	849.25(2)	3rd	Engaging in bookmaking.
2400	860.08	3rd	Interfere with a railroad signal.
2401	860.13(1)(a)	3rd	Operate aircraft while under the influence.
2402	893.13(2)(a)2.	3rd	Purchase of cannabis, <u>except as authorized by this chapter, chapter 468, and chapter 499.</u>
2403	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams), <u>except as authorized by this chapter, chapter 468, and chapter 499.</u>

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

(b) LEVEL 2

Florida	Felony	
Statute	Degree	Description

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

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

403.413(5)(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.

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2414	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
2415	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
2416	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
2417	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
2418	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
2419	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
2420	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.

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2421	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
2422	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
2423	817.52(3)	3rd	Failure to redeliver hired vehicle.
2424	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
2425	817.60(5)	3rd	Dealing in credit cards of another.
2426	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
2427	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
2428	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
2429	831.01	3rd	Forgery.
2430	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to

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defraud.

2431

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

2432

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

2433

831.09 3rd Uttering forged notes, bills, checks, drafts, or promissory notes.

2434

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

2435

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

2436

843.08 3rd Falsely impersonating an officer.

2437

893.13(2)(a)2. 3rd Purchase of any 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.

2438

893.147(2) 3rd Manufacture or delivery of drug paraphernalia, except as authorized by this chapter, chapter 468, and chapter 499.

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2439			
2440	(c)	LEVEL 3	
2441			
	Florida	Felony	
	Statute	Degree	Description
2442			
	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
2443			
	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
2444			
	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
2445			
	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
2446			
	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
2447			
	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
2448			
	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
2449			
	319.33 (4)	3rd	With intent to defraud, possess, sell,

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etc., a blank, forged, or unlawfully
obtained title or registration.

2450

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

2451

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

2452

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

2453

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

2454

379.2431 3rd Taking, disturbing, mutilating,
(1) (e) 5. destroying, causing to be destroyed,
transferring, selling, offering to sell,
molesting, or harassing marine turtles,
marine turtle eggs, or marine turtle
nests in violation of the Marine Turtle
Protection Act.

2455

379.2431 3rd Soliciting to commit or conspiring to
(1) (e) 6. commit a violation of the Marine Turtle
Protection Act.

2456

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2457	400.9935 (4)	3rd	Operating a clinic without a license or filing false license application or other required information.
2458	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
2459	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
2460	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
2461	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
2462	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
2463	697.08	3rd	Equity skimming.
2464	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
	796.05 (1)	3rd	Live on earnings of a prostitute.

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2465	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
2466	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
2467	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
2468	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
2469	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
2470	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
2471	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
2472	817.233	3rd	Burning to defraud insurer.
2473			

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2474	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
2475	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
2476	817.236	3rd	Filing a false motor vehicle insurance application.
2477	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
2478	817.413 (2)	3rd	Sale of used goods as new.
2479	817.505 (4)	3rd	Patient brokering.
2480	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
2481	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.

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2482 | 838.021(3)(b) | 3rd | Threatens unlawful harm to public
servant.

2483 | 843.19 | 3rd | Injure, disable, or kill police dog or
horse.

2484 | 860.15(3) | 3rd | Overcharging for repairs and parts.

2485 | 870.01(2) | 3rd | Riot; inciting or encouraging.

2486 | 893.13(1)(a)2. | 3rd | Sell, manufacture, or deliver cannabis,
except as authorized by this chapter,
chapter 468, and chapter 499 (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).

2487 | 893.13(1)(d)2. | 2nd | Sell, manufacture, or deliver 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,
except as authorized by this chapter,
chapter 468, and chapter 499, within
1,000 feet of university.

2488 | 893.13(1)(f)2. | 2nd | Sell, manufacture, or deliver s.
893.03(1)(c), (2)(c)1., (2)(c)2.,

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(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 public housing
 facility.

2489

893.13 (6) (a) 3rd Possession of any controlled substance
 other than felony possession of cannabis
and possession of cannabis as authorized
by this chapter and chapter 499.

2490

893.13 (7) (a) 8. 3rd Withhold information from practitioner
 regarding previous receipt of or
 prescription for a controlled substance.

2491

893.13 (7) (a) 9. 3rd Obtain or attempt to obtain controlled
 substance by fraud, forgery,
 misrepresentation, etc.

2492

893.13 (7) (a) 10. 3rd Affix false or forged label to package
 of controlled substance.

2493

893.13 (7) (a) 11. 3rd Furnish false or fraudulent material
 information on any document or record
 required by chapter 893.

2494

893.13 (8) (a) 1. 3rd Knowingly assist a patient, other
 person, or owner of an animal in
 obtaining a controlled substance through

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deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

2495

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.

2496

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

2497

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

2498

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

2499

944.47 (1)(a)1.-2. 3rd Introduce contraband to correctional facility.

2500

944.47(1)(c) 2nd Possess contraband while upon the grounds of a correctional institution.

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2501	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
2502			
2503	(e) LEVEL 5		
2504			
	Florida Statute	Felony Degree	Description
2505	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
2506	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
2507	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
2508	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
2509	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
2510	379.3671(2)(c)3.	3rd	Willful molestation, possession, or removal of a commercial harvester's

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2511			trap contents or trap gear by another harvester.
	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
2512			
	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
2513			
	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
2514			
	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
2515			
	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
2516			
	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
2517			
	790.01 (2)	3rd	Carrying a concealed firearm.
2518			
	790.162	2nd	Threat to throw or discharge

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2519			destructive device.
	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
2520			
	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
2521			
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
2522			
	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
2523			
	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
2524			
	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
2525			
	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
2526			
	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more

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			specified acts.
2527	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
2528	812.131 (2) (b)	3rd	Robbery by sudden snatching.
2529	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
2530	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
2531	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
2532	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
2533	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or

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2534			more individuals.
	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
2535			
	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
2536			
	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
2537			
	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
2538			
	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
2539			
	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
2540			
	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.

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2541	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
2542	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
2543	874.05(2)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
2544	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
2545	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis, <u>except as authorized by this chapter, chapter 468, and chapter 499,</u> (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.

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2546

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

2547

893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis, except as authorized by this chapter, chapter 468, and chapter 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.

2548

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

2549

893.13(4)(b) 2nd Deliver to minor cannabis, except as authorized by this chapter, chapter 468, and chapter 499 (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).

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2550

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

2551

2552

(g) LEVEL 7

2553

Florida	Felony	
Statute	Degree	Description

2554

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

2555

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

2556

316.1935(3)(b) 1st Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

2557

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

2558

402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in great

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			bodily harm, permanent disfiguration, permanent disability, or death.
2559	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
2560	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
2561	456.065 (2)	3rd	Practicing a health care profession without a license.
2562	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
2563	458.327 (1)	3rd	Practicing medicine without a license.
2564	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
2565	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
2566	461.012 (1)	3rd	Practicing podiatric medicine without a license.
2567	462.17	3rd	Practicing naturopathy without a

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			license.
2568			
	463.015 (1)	3rd	Practicing optometry without a license.
2569			
	464.016 (1)	3rd	Practicing nursing without a license.
2570			
	465.015 (2)	3rd	Practicing pharmacy without a license.
2571			
	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
2572			
	467.201	3rd	Practicing midwifery without a license.
2573			
	468.366	3rd	Delivering respiratory care services without a license.
2574			
	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
2575			
	483.901 (9)	3rd	Practicing medical physics without a license.
2576			
	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
2577			
	484.053	3rd	Dispensing hearing aids without a license.
2578			

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2579	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
2580	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
2581	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
2582	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
2583	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
2584	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
	775.21(10)(g)	3rd	Failure to report or providing false

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			information about a sexual predator; harbor or conceal a sexual predator.
2585	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
2586	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
2587	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
2588	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
2589	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
2590	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
2591	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware

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			victim pregnant.
2592	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
2593	784.048 (7)	3rd	Aggravated stalking; violation of court order.
2594	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
2595	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
2596	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
2597	784.081 (1)	1st	Aggravated battery on specified official or employee.
2598	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
2599	784.083 (1)	1st	Aggravated battery on code inspector.
2600	787.06 (3) (a)	1st	Human trafficking using coercion for labor and services.
2601			

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2602	787.06(3)(e)	1st	Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.
2603	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
2604	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
2605	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
2606	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
2607	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
2608	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

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2609	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
2610	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
2611	796.03	2nd	Procuring any person under 16 years for prostitution.
2612	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
2613	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
2614	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
2615	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.

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2616	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
2617	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
2618	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.
2619	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
2620	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
2621	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
2622	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
2623	812.019 (2)	1st	Stolen property; initiates, organizes,

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2624			plans, etc., the theft of property and traffics in stolen property.
2625	812.131 (2) (a)	2nd	Robbery by sudden snatching.
2626	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
2627	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
2628	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
2629	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
2630	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
2631	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

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2632	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
2633	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
2634	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
2635	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
2636	838.015	2nd	Bribery.
2637	838.016	2nd	Unlawful compensation or reward for official behavior.
2638	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
2639	838.22	2nd	Bid tampering.
2640	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.

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2641	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
2642	872.06	2nd	Abuse of a dead human body.
2643	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
2644	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
2645	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 s. 893.03(1)(a), (1)(b), (1)(d), (2)(a),

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2646 (2) (b), or (2) (c) 4. drugs).

893.135 (1) (a) 1. 1st Trafficking in cannabis, except as
authorized by this chapter, chapter
468, and chapter 499, more than 25
lbs., less than 2,000 lbs.

2647 893.135 1st Trafficking in cocaine, more than 28
(1) (b) 1.a. grams, less than 200 grams.

2648 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
by this chapter or chapter 499.

2649 893.135 (1) (d) 1. 1st Trafficking in phencyclidine, more than
28 grams, less than 200 grams.

2650 893.135 (1) (e) 1. 1st Trafficking in methaqualone, more than
200 grams, less than 5 kilograms.

2651 893.135 (1) (f) 1. 1st Trafficking in amphetamine, more than
14 grams, less than 28 grams.

2652 893.135 1st Trafficking in flunitrazepam, 4 grams
(1) (g) 1.a. or more, less than 14 grams.

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2654	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
2655	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
2656	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
2657	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
2658	896.101(5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
2659	896.104(4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
2660	943.0435(4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.

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2661	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
2662	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
2663	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2664	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
2665	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
2666	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
2667	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.

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985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

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

(h) LEVEL 8

Florida	Felony	
Statute	Degree	Description

316.193 2nd DUI manslaughter.
(3) (c) 3.a.

316.1935(4) (b) 1st Aggravated fleeing or attempted eluding with serious bodily injury or death.

327.35(3) (c) 3. 2nd Vessel BUI manslaughter.

499.0051(7) 1st Knowing trafficking in contraband prescription drugs.

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2679	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
2680	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.
2681	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.
2682	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
2683	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
	782.04 (4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death,

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2684	782.051(2)	1st	aircraft piracy, or unlawfully discharging bomb.
2685	782.071(1)(b)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
2686	782.072(2)	1st	Committing vehicular homicide and failing to render aid or give information.
2687	787.06(3)(b)	1st	Committing vessel homicide and failing to render aid or give information.
2688	787.06(3)(c)	1st	Human trafficking using coercion for commercial sexual activity.
2689	787.06(3)(f)	1st	Human trafficking using coercion for labor and services of an unauthorized alien.
2690	787.06(3)(f)	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any individual from outside Florida to within the state.

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2691	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
2692	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
2693	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
2694	800.04 (4)	2nd	Lewd or lascivious battery.
2695	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
2696	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
2697	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
2698	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at

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			\$50,000 or more, grand theft in 1st degree.
2699			
	812.13 (2) (b)	1st	Robbery with a weapon.
2700			
	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
2701			
	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
2702			
	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
2703			
	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
2704			
	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
2705			
	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
2706			
	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to

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2707	860.121(2)(c)	1st	prosecution of a capital felony.
2708	860.16	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
2709	893.13(1)(b)	1st	Aircraft piracy.
2710	893.13(2)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
2711	893.13(6)(c)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
2712	893.135(1)(a)2.	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
2713	893.135 (1)(b)1.b.	1st	Trafficking in cannabis, <u>except as authorized by this chapter, chapter 468, and chapter 499,</u> more than 2,000 lbs., less than 10,000 lbs.
2714			Trafficking in cocaine, more than 200 grams, less than 400 grams.

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2715	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams, <u>excluding cannabis and tetrahydrocannabinols, when excepted by this chapter or chapter 499.</u>
2716	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
2717	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
2718	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
2719	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
2720	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
2721	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.

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2722	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
2723	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
2724	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
2725	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
2726	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
2727	896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
2728			
2729	(i)	LEVEL 9	

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2730	Florida Statute	Felony Degree	Description
2731	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
2732	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
2733	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
2734	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
2735	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
2736	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
2737	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding

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			\$100,000 by financial institution.
2738			
	775.0844	1st	Aggravated white collar crime.
2739			
	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
2740			
	782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.
2741			
	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
2742			
	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
2743			
	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
2744			
	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
2745			
	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere

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2746			with performance of any governmental or political function.
2747	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.
2748	787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized alien.
2749	787.06(3)(g)	1st, PBL	Human trafficking for commercial sexual activity of a child under the age of 18.
2750	787.06(4)	1st	Selling or buying of minors into human trafficking.
2751	790.161	1st	Attempted capital destructive device offense.
2752	790.166(2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.

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2753	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
2754	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
2755	794.011 (4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
2756	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
2757	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
2758	796.035	1st	Selling or buying of minors into prostitution.
2759	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
2760	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.

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2761	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
2762	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
2763	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.
2764	827.03 (2) (a)	1st	Aggravated child abuse.
2765	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
2766	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
2767	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
2768	893.135	1st	Attempted capital trafficking offense.
	893.135 (1) (a) 3.	1st	Trafficking in cannabis, <u>except as</u>

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			<u>authorized by this chapter, chapter 468 and chapter 499, more than 10,000 lbs.</u>
2769	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
2770	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms, <u>excluding cannabis and tetrahydrocannabinols, when excepted by this chapter, chapter 468, or chapter 499.</u>
2771	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
2772	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
2773	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
2774	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
2775	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.

