

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

REGULATED INDUSTRIES
Senator Bradley, Chair
Senator Margolis, Vice Chair

MEETING DATE: Wednesday, January 27, 2016
TIME: 9:00—11:00 a.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Office Building

MEMBERS: Senator Bradley, Chair; Senator Margolis, Vice Chair; Senators Abruzzo, Bean, Braynon, Diaz de la Portilla, Flores, Latvala, Negron, Richter, Sachs, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1602 Galvano (Identical H 1289)	Elevators; Creating the "Maxwell Erik 'Max' Grablin Act"; providing clearance requirements for elevators installed in residential dwellings; requiring all such elevators to be equipped with a certain sensor device, etc. RI 01/27/2016 Fav/CS CA FP	Fav/CS Yeas 9 Nays 0
2	SB 1528 Simpson (Identical H 1347)	Illicit Drugs; Revising the circumstances under which the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation may revoke or suspend a person's license; requiring the division to suspend the license of an establishment licensed under the Beverage Law under certain circumstances, etc. RI 01/27/2016 Fav/CS ACJ AP	Fav/CS Yeas 9 Nays 0
3	SB 768 Flores (Similar CS/H 779)	Alarm System Registration; Providing a uniform process for the registration of home and business alarm systems under certain circumstances; requiring the owner, lessee, or occupant, or an authorized representative thereof, of a property to register an alarm system within 20 days after occupancy or after installation of the alarm system; authorizing the applicable local governmental entity to assess or impose fines or penalties for a failure to register an alarm system or for excessive false alarms, etc. RI 01/27/2016 Fav/CS CA FP	Fav/CS Yeas 10 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Regulated Industries

Wednesday, January 27, 2016, 9:00—11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 832 Negrón (Similar CS/H 707)	Fantasy Games; Creating provisions entitled "Fantasy Games"; requiring certain game operators to register with the Department of Agriculture and Consumer Services and to pay related fees; requiring a game operator to implement certain procedures; requiring a game operator to prevent certain persons from competing in a fantasy game; preventing certain information from being shared with third parties; requiring a game operator to verify the age of a game participant; exempting fantasy games from regulation under ch. 849, F.S., etc. RI 01/27/2016 Fav/CS AGG AP	Fav/CS Yeas 8 Nays 2

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
<p>Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.</p> <p>Secretary of the Department of the Lottery</p>			
5	Delacenserie, Thomas Robert (Tallahassee)	Pleasure of Governor	Recommend Confirm Yeas 9 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
		Workshop and Presentation on the Indian Gaming Compact	Presented

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: CS/SB 1602

INTRODUCER: Regulated Industries Committee and Senator Galvano

SUBJECT: Elevators

DATE: January 27, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1602 requires that elevators in private residences must meet minimum clearances between the inner and outer doors or gates and the landing. The bill requires that new elevators installed in a private residence must provide clearance that may not exceed four inches in the spaces between the hoistway doors, car doors, and the edge of the landing sill. The bill also requires that the car doors must be designed to withstand a force of 75 pounds using a four-inch-diameter sphere without permanent deformation, or displacing the door from its guides or track. The bill provides standards for different types of elevator car and hoistway doors, including manual and power-operated horizontal sliding doors, folding doors, and swing doors.

The bill also requires that all elevators in a residential dwelling must be equipped with a device that stops the elevator car's downward motion within two inches if the platform of the elevator is interrupted anywhere on its underside in its downward motion. The force required to operate the device must not exceed 15 pounds. The elevator could only resume its decent after the elevator has been manually reset.

The bill provides that this provision may be cited as the "Maxwell Erik 'Max' Grablin Act." Max Grablin was a 12 year old boy who was crushed to death by an elevator in his three-story home while he was in the elevator shaft searching for his pet hamster.

The effective date of the bill is July 1, 2016.

II. Present Situation:

Elevator Regulation

Chapter 399, F.S., which may be cited as the “Elevator Safety Act,”¹ establishes minimum standards for elevator safety. The Bureau of Elevator Safety (bureau) of the Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (department) is the agency charged with enforcing the provisions of ch. 399, F.S. The department has rulemaking authority to enforce the provisions of ch. 399, F.S.² The Elevator Safety and Technical Advisory Council (advisory council) within the department provides technical assistance to the division.³ It makes recommendations regarding the rules for the operation, maintenance, servicing, construction, alteration, installation, and inspection of vertical conveyances.

The bureau has authority over all elevators, including those in private residences, however that authority does not include inspections.

The term “elevator” includes a wide variety of mechanical devices, including escalators, dumbwaiters, moving walks, inclined stairway lifts, and inclined or vertical wheelchair lifts.⁴ According to the division, there were approximately 51,070 active elevator accounts in Florida as of August 1, 2015.⁵ This number includes approximately 25,000 elevators in the five contracted jurisdictions for which it has secondary oversight responsibility.⁶

Section 399.125, F.S., requires certificate of operation holders to report any accident occurring in or upon any elevator within 5 days. It provides an administrative fine not to exceed \$1,000 for failing to timely report the accident.

Elevator Safety Code

Section 399.02(1), F.S., requires the Elevator Safety Code (code) to be the same as or similar to the American Society of Mechanical Engineers (ASME),⁷ which provides minimum model standards for the installation, operation, and maintenance of elevators. The ASME codes are meant to be adopted by the state and local agencies with jurisdiction over elevator safety.

¹ See s. 399.001, F.S.

² See s. 399.10, F.S.

³ See s. 399.1061, F.S. The Elevator Safety and Technical Advisory Council consists of eight members appointed by the secretary of the department who meet the following criteria: one representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative from a building design profession; one representative of the general public; one representative of a local government in this state; one representative of a building owner or manager; one representative of labor involved in the installation, maintenance, and repair of elevators; and one representative who is a certified elevator inspector from a private inspection service.

⁴ Section 399.01(6), F.S.

⁵ *Annual Report, Fiscal Year 2014-2015*, Division of Hotels and Restaurants, Department of Business and Professional Regulation. A copy is available at: http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2014_15.pdf (last visited January 23, 2016).

⁶ The following five local governments are under contract with the department to provide elevator inspection services: the cities of Miami and Miami Beach, Broward and Miami-Dade counties, and Reedy Creek Improvement District.

⁷ The ASME standards specified in s. 399.02(1), F.S., are ASME A17.1, A17.3, and A18.1.

Standard ASME A17 serves as the basis for the Florida Elevator Safety Act and Florida Elevator Safety Code.⁸

The code establishes minimum requirements that provide a reasonable degree of safety for the general public and the safe operation of conveyances. For example:

- ASME A17.1 (2004), provides requirements related to the installation, alteration, maintenance, repair, inspections, and testing to ensure the minimum safety requirements for new and existing elevators.
- ASME A17.2 (2004), provides a guide for the inspection of elevators, escalators, and moving walks.⁹
- ASME A17.3 (1996) is a code for existing elevators to ensure rider safety. The code provision specifically states that it is intended to guide retroactive requirements for existing elevators.

The elevator safety code requires that any alteration, relocation, or reclassification of an existing elevator must be in compliance with the edition of the Florida Building Code that is in effect at the time of receipt of the construction permit application to alter, relocate, or change classification.¹⁰ Specifically ASME A17.3, requires owners of existing elevators to retrofit elevators to comply with revisions or updates to the code.

Elevator Inspections

The owner of the elevator is responsible for the safe operation, proper maintenance, inspection, and correction of code deficiencies of the elevator.¹¹ Elevators must have a certificate of operation before they can be operated. Certificates of operation are valid for two years and expire at the end of the period unless revoked. The certificates can only be renewed for vertical conveyances that have had a current satisfactory inspection.¹²

Section 399.061, F.S., requires an annual inspection of elevators by a certified elevator inspector.¹³ The certified elevator inspector may be a private elevator inspector, a state-employed elevator inspector, or an inspector for a municipality or county under contract with the department.¹⁴ The privatization of elevator inspections has helped to increase the number of

⁸ The bureau's rules indirectly adopt the ASME standards for the maintenance and installation of elevators. Instead of specifically referencing the ASME standards, the bureau adopted ch. 30 of the 2004 Florida Building Code, including the 2006 supplements, which relates to elevators.⁸ The Florida Building Code adopts the ASME standards, including part 8 of ASME A17.1, and ASME A17.3. It also delegates the regulation and enforcement of the ASME elevator codes to the bureau. See Chapter 30, ss. 3001.1 and 3001.2, Florida Building Code.

⁹ ASME A17.2 (2004). The bureau has adopted and incorporated by reference in rule 61C-5.001(1)(b), F.A.C.

¹⁰ Rule 9B-3.047, F.A.C., which incorporates the Florida Building Code, including ASME A17.1 and A17.3,¹⁰ into the Elevator Safety Code, and requires that existing elevators be maintained according to the current safety standards in the Florida Building Code and the Florida Elevator Safety Code.

¹¹ Section 399.02(5)(b), F.S.

¹² Section 399.07(1), F.S.

¹³ In 2001, the Legislature amended s. 399.061, F.S., to increase the frequency of elevator inspections from once every two years to annual inspections. See s. 10, ch. 2001-186, L.O.F.

¹⁴ See s. 399.061, F.S. In 2000, the Legislature amended s. 399.061, F.S., (s. 4, ch. 2000-356, L.O.F.) to provide for the use of private elevator inspectors.

licensed inspectors and has helped the bureau increase the number of inspections conducted each year, as mandated by the annual inspection requirement.¹⁵

An elevator inspection is not required if the elevator is not an escalator or a dumbwaiter, serves only two adjacent floors, and is covered by a service maintenance contract that remains in effect.¹⁶ A statement verifying the existence and performance of each service maintenance contract must be filed at least annually with the division, and if the service maintenance contract is cancelled, the cancellation must be reported to the division.

Municipalities and counties under contract with the department may choose to require that the inspections be performed by their own inspectors or by private certified elevator inspectors. The department may inspect elevators in the municipality and county to determine whether the provisions of ch. 399, F.S., are being met. The department may cancel its contract with any municipality or county that it finds has failed to comply with the contract or ch. 399, F.S.¹⁷ Counties and municipalities may not issue or take disciplinary action against an elevator inspector's certification, but the department may initiate disciplinary action against a private inspector's certification at the request of a county or municipality.

Section 399.02(6)(b), F.S., provides that the division may enter and have reasonable access to all buildings and rooms or spaces in which an existing or newly installed conveyance and equipment are located.

Section 399.02(8), F.S., authorizes the division to grant variances for undue hardship under the variance provision in s. 120.542, F.S., and the rules adopted under that section.¹⁸ The division may not grant a variance that adversely affects public safety.

Section 399.07(6), F.S., authorizes the bureau to suspend a certificate of operation if it finds that the elevator is not in compliance with ch. 399, F.S., or the rules adopted pursuant to its authority. The suspension remains in effect until the department receives satisfactory results of an inspection performed by a certified elevator inspector indicating that the elevator has been brought into compliance.

Section 399.105(1), F.S., authorizes an administrative fine of not more than \$1,000 against any person who fails to respond to reasonable requests of the department to determine whether the provisions of a service maintenance contract and its implementation ensure safe elevator operation.

Section 399.105(3), F.S., provides that an elevator owner who continues to operate an elevator after notice to discontinue its use or after it has been sealed by the department is subject to an administrative fine not greater than \$1,000 for each day the elevator has been operated after the service of the notice or sealing by the department, in addition to any other penalty provided by law.

¹⁵ *Privatization Has Helped Improve Elevator Safety: Additional State Oversight is Needed*, Report No. 08-18, Office of Program Policy Analysis & Governmental Accountability, Florida Legislature, April 2008.

¹⁶ Section 399.061(1), F.S.

¹⁷ Section 399.13, F.S.

¹⁸ Rule 61C-5.018, F.A.C., provides the division's process for variance requests.

Section 339.105(4), F.S., requires that elevator owners must correct violations within 90 days after the issuance of an order to correct.

Section 399.11, F.S., provides second degree misdemeanors for violations of ch. 399, F.S., and rules adopted under this chapter.

Private Residences

A certificate of operation is not required for vertical conveyances, including stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences.¹⁹

Elevators in private residences are not required to have a pre-use inspection by a certified elevator inspector not employed, associated, or having a conflict of interest with the elevator construction permitholder or elevator owner and certified as meeting the safety provisions of the Florida Building Code, including the performance of all required safety tests.²⁰

Section 399.01(9), F.S., defines the term “private residence” to mean a separate dwelling or a separate apartment in a multiple dwelling which is occupied by members of a single-family unit.

Safety Concerns with Private Elevators

There are multiple reports of injuries or fatalities involving children and elevators in private residences.²¹

Safety advocates filed a petition with the Consumer Product Safety Commission (commission) requesting mandatory safety standards for the design and installation of residential elevators to reduce the space between the interior elevator doors (elevator car/gate) and the exterior doors (hoistway or swing doors).²² The petition is based on concerns related to injuries and fatalities to children caused when children gain access to the space between the interior and exterior door. Injuries occur when a child is trapped between the doors or between a door and the landing and the elevator is called and the child is carried along and crushed when the child’s body meets the sill.

The ASME standard for residential elevators requires a five inch clearance between interior and exterior doors. ASME A17.1, sec. 5.3.1.7.2, provides:

¹⁹ Section 399.03(5), F.S.

²⁰ *Id.*

²¹ See The Safety Institute, *Safety Advocates Petition CPSC for Mandatory Residential Elevator Standard Citing Numerous at Deaths* <http://www.thesafetyinstitute.org/safety-advocates-petition-cpsc-for-mandatory-residential-elevator-standard-citing-numerous-deaths/> (last visited January 22, 2016), and CBS News, *In-home elevator accidents causing catastrophic harm to kids* at <http://www.cbsnews.com/news/in-home-elevator-accidents-causing-catastrophic-harm-to-kids/> (last visited January 22, 2016).

²² Petition for Recall to Repair/Retrofit and Rulemaking by petitioners The Safety Institute, Carol Pollack-Nelson, Ph.D., and Cash, Krugler and Fredricks, L.L.C., filed with the United States Consumer Products Safety Commission on November 13, 2014. A copy of the petition is available at: <http://www.regulations.gov/#!documentDetail;D=CPSC-2015-0001-0002> (last visited January 21, 2016).

Clearance Between Hoistway Doors or Gates and Landing Sills and Car Doors or Gates. The clearance between the hoistway doors or gates and the hoistway edge of the landing sill shall not exceed 75 mm (3 in). The distance between the hoistway face of the landing door or gate and the car door or gate shall not exceed 125mm (5 in.).

The petition noted that some states have enacted standards that are more stringent than required by ASME. The petition also noted that the Massachusetts elevator code restricts any gaps between the hoistway doors and the car doors or gates to three inches.²³

The commission invited written comments concerning the petition but has not taken further action.²⁴

Maxwell Erik Grablin, of Bradenton, Florida, was crushed by an elevator in his three-story home searching for his pet hamster while in the elevator shaft. Reports indicate that the elevator did not have a sensor. A sensor would have stopped the elevator when it detected his presence, e.g., a sensor similar in function to the sensor on garage doors that stops and reverses the descent of the door when faced with an obstruction.²⁵

III. Effect of Proposed Changes:

The bill creates s. 399.031, F.S., to provide clearance and safety device requirements for elevators in private residences.

The bill requires that elevators installed in a private residence must provide clearance may not exceed 4 inches in the spaces between the edge of the landing sill, the hoistway doors, and the car doors.

The bill also requires that horizontal sliding car doors and folding car doors must be designed to withstand a force of 75 pounds using a 4-inch-diameter sphere without permanent deformation, or displacing the door from its guides or track. According to an elevator inspector, this provision relates to the rigidity of the elevator doors. Rigidity standards may prevent a child from warping the door in order to fit in the space provided.

The bill provides these standards for different types of elevator car and hoistway doors, including manual and power-operated horizontal sliding doors, folding doors, and swinging doors.

The bill also requires that all elevators in a residential dwelling must be equipped with a device that stops the elevator car's downward motion within two inches if the platform of the elevator is interrupted anywhere on its underside in its downward motion.²⁶ The force required to operate

²³

²⁴ See <https://www.federalregister.gov/articles/2015/01/22/2015-00907/petition-requesting-rulemaking-on-residential-elevators> (last visited January 22, 2016).

²⁵ See Irby, Kate, *After Florida boy suffocates in elevator shaft chasing pet hamster, his parents on safety mission*, The Miami Herald, January 18, 2016 at <http://www.miamiherald.com/news/state/florida/article55252190.html> (last visited January 23, 2016).

²⁶ ASME 5.3.1.1.1 requires a stopping distance of 75 mm (three inches) in private residence elevators.

the device must not exceed 15 pounds. The elevator could only resume its decent after the elevator has been manually reset.

The bill applies to all new elevators installed in a private residence.

The bill provides that s. 399.031, F.S., may be cited as the “Maxwell Erik ‘Max’ Grablin Act.”

The effective date of the bill is July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The department did not submit a fiscal analysis for the impact on the agency.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 399.031 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Regulated Industries on January 27, 2016:

The committee substitute does not provide that the elevators installed in a residential dwelling must provide clearances that may not exceed three inches between the doors or gates and the hoistway land sill of the elevator.

The CS also does not require that elevators must be equipped with a sensor device that prevents the elevator from operating if an object or any part of a person is located between the hoistway face of the landing door or gate and the car door or gate.

The CS increase to four inches the maximum permissible distance for the spaces between the edge of the landing sill, the hoistway doors, and the car doors. The CS also requires that horizontal sliding car doors and folding car doors must be designed to withstand a force of 75 pounds under specified conditions. The CS provides these standards for different types of elevator car and hoistway doors.

The CS bill also requires that all elevators in a residential dwelling must be equipped with a device that stops the elevator car's downward motion within two inches if the platform of the elevator is interrupted anywhere on its underside in its downward motion, and provides additional requirements for operation of the device.

The CS does not use or define the term "residential dwelling."

The CS limits the application of the bill to all new elevators in a private residence, and does not apply to existing elevators.

- B. **Amendments:**

None.

By Senator Galvano

26-01445B-16

20161602__

1 A bill to be entitled
2 An act relating to elevators; creating s. 399.031,
3 F.S.; providing a short title; providing clearance
4 requirements for elevators installed in residential
5 dwellings; requiring all such elevators to be equipped
6 with a certain sensor device; defining the term
7 "residential dwelling"; providing applicability;
8 providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 399.031, Florida Statutes, is created to
13 read:

14 399.031 Clearance requirements between elevator doors for
15 residential dwellings; sensor device required.-

16 (1) This section may be cited as the "Maxwell Erik 'Max'
17 Grablin Act."

18 (2) For elevators installed in a residential dwelling:

19 (a) The clearance between the hoistway doors or gates and
20 the edge of the hoistway landing sill may not exceed 3 inches;
21 and

22 (b) The clearance between the hoistway face of the landing
23 door or gate and the car door or gate may not exceed 3 inches.

24 (3) All elevators in a residential dwelling must be
25 equipped with a sensor device that prevents the elevator from
26 operating if an object or any part of a person is located
27 between the hoistway face of the landing door or gate and the
28 car door or gate.

29 (4) As used in this section, the term "residential
30 dwelling" means a single-family residence or a single
31 residential unit or single apartment in a multifamily building.

32 (5) This section applies to all new and existing elevators

26-01445B-16

20161602__

33 in a residential dwelling.

34 Section 2. This act shall take effect July 1, 2016.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Reapportionment, *Chair*
Agriculture
Appropriations
Appropriations Subcommittee on Education
Education Pre-K - 12
Health Policy
Rules

JOINT COMMITTEE:
Joint Legislative Budget Commission

SENATOR BILL GALVANO

Majority Leader
26th District

January 19, 2016

Senator Rob Bradley
Committee on Regulated Industries
330 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chairman Bradley:

I respectfully request SB 1602, Elevators, be scheduled for a hearing in the Committee on Regulated Industries at your earliest convenience.

If I may be of assistance to you on this or any other matter, please do not hesitate to contact me. Thank you for your consideration of this matter.

Sincerely,



Bill Galvano

cc: Patrick L. "Booter" Imhof
Lynn Koon

REPLY TO:

- 1023 Manatee Avenue West, Suite 201, Bradenton, Florida 34205 (941) 741-3401
- 330 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5026

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Regulated Industries
ITEM: SB 1602
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Wednesday, January 27, 2016
TIME: 9:00—11:00 a.m.
PLACE: 110 Senate Office Building

FINAL VOTE		SENATORS	1/27/2016 Amendment 956882 ¹					
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Abruzzo						
		Bean						
X		Braynon						
X		Diaz de la Portilla						
X		Flores						
		Latvala						
X		Negron						
X		Richter						
		Sachs						
X		Stargel						
X		Margolis, VICE CHAIR						
X		Bradley, CHAIR						
9	0	TOTALS	RCS	-				
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting



956882

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/28/2016	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Negron) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 399.031, Florida Statutes, is created to
read:

399.031 Clearance requirements between elevator doors for
elevators inside a private residence.—

(1) This section may be cited as the "Maxwell Erik 'Max'
Grablin Act."



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11 (2) For elevators installed in a private residence:

12 (a) The distance between the hoistway face of the hoistway
13 doors and the hoistway edge of the landing sill may not exceed
14 3/4 inch for swinging doors and 2 1/4 inches for sliding doors.

15 (b)1. Horizontal sliding car doors and gates shall be
16 designed and installed to withstand a force of 75 pounds applied
17 horizontally on an area 4 inches by 4 inches at right angles to
18 and at any location on the car door without permanent
19 deformation. The deflection may not exceed 3/4 inch and may not
20 displace the door from its guides or tracks. The force must be
21 applied while the door is in the fully closed position.

22 2. Folding car doors shall be designed and installed to
23 withstand a force of 75 pounds applied horizontally using a 4-
24 inch-diameter sphere at any location within the folds on the car
25 door without permanent deformation. The deflection may not
26 exceed 3/4 inch and may not displace the door from its guides or
27 tracks. The force must be applied while the door is in the fully
28 closed position.

29 (c) The distance between the hoistway face of the landing
30 door and the hoistway face of the car door or gate shall conform
31 to one of the following:

32 1. If a power-operated horizontally sliding hoistway and
33 car doors are used, the measurement between the leading edge of
34 the doors or sight guard, if provided, may not exceed 4 inches.
35 If it is possible for a user to detach or disconnect either door
36 from the operator and such detachment or disconnection allows
37 the user to operate the door manually, the requirement in
38 subparagraph 5. applies.

39 2. If swinging hoistway doors and folding car doors are



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40 used and both doors are in the fully closed position, the space
41 between the hoistway door and the folding door must reject a 4-
42 inch-diameter sphere at all points.

43 3. If swinging hoistway doors and car gates are used, the
44 space between the hoistway door and the car gate must reject a
45 4-inch-diameter sphere at all points.

46 4. If the car doors are powered and arranged so that they
47 cannot be closed until after the hoistway door is closed, and
48 the car doors automatically open when the car is at a landing
49 and the hoistway door is opened, the measurement between the
50 hoistway face of the hoistway door and the hoistway face of the
51 car door at its leading edge may not exceed 4 inches. If it is
52 possible for a user to detach or disconnect either door from the
53 operator and such detachment or disconnection allows the user to
54 operate the door manually, the requirement in subparagraph 5.
55 applies.

56 5. If swinging or horizontally sliding hoistway doors and
57 manual horizontally sliding car doors are used and both doors
58 are in the fully closed position, the space between the swinging
59 or horizontally sliding hoistway door and the manual
60 horizontally sliding car doors must reject a 4-inch-diameter
61 sphere at all points.

62 (3) The underside of the platform of an elevator car shall
63 be equipped with a device that, if the platform of the elevator
64 car is obstructed anywhere on its underside in its downward
65 travel, interrupts the electric power to the driving machine
66 motor and brake, if provided, and stops the elevator car's
67 downward motion within 2 inches. The stroke of the device may
68 not be less than the stopping distance of the platform of the



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69 elevator car. The force required to operate the device may not
70 exceed 15 pounds. Downward motion shall be permitted to resume
71 only after the elevator has been manually reset.

72 (4) This section applies to all new elevators in a
73 residential dwelling.

74 Section 2. This act shall take effect July 1, 2016.

75

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

77 And the title is amended as follows:

78 Delete everything before the enacting clause
79 and insert:

80 A bill to be entitled
81 An act relating to elevators; creating s. 399.031,
82 F.S.; providing a short title; providing clearance
83 requirements for elevators installed in private
84 residences; requiring certain doors and gates to
85 withstand a specified amount of force; requiring
86 certain doors to reject a sphere of a specified size
87 under certain circumstances; requiring all such
88 elevators to be equipped with a certain device;
89 providing requirements for the device; providing
90 applicability; providing an effective date.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: CS/SB 1528

INTRODUCER: Regulated Industries Committee and Senator Simpson

SUBJECT: Illicit Drugs

DATE: January 27, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	Fav/CS
2.			ACJ	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1528 amends the schedule of controlled substances in s. 893.03, F.S., to describe, by core structure, the following synthetic controlled substances: synthetic cannabinoids, substituted cathinones, substituted phenethylamines, N-benzyl Phenethylamine compounds, substituted tryptamines, and substituted phenylcyclohexylamines. According to the Office of the Attorney General, the class descriptions define these groups of substances by specific core structure to limit the effect that possible alterations to these substances may have to remove a synthetic or designer drug from the list of controlled substances. Each class description includes examples of compounds that are covered by the class description. The criminal penalties relating to the possession, sale, manufacture, and delivery of controlled substances will apply to these synthetic substances.

The bill revises the definition of the term “substantially similar” for the purpose of determining whether a substance is an analog to a controlled substance. The bill defines the term according to the chemical structure of the substance instead of according to its physiological effect. The bill also provides additional factors for determining whether a substance is an analog of a controlled substance to include comparisons to the accepted methods of marketing, distribution, and sales of the substance.

The bill also revises the chemical terms for existing controlled substances by correcting errors in existing substance listings and deleting double entries. According to the Office of the Attorney

General, the chemical terms in these provisions were reviewed by chemists and the revisions in this bill are based on their recommendations.

The bill creates a noncriminal penalty for selling, manufacturing, or delivering, or possessing with intent to sell, manufacture, or deliver certain unlawful controlled substance in, on, or near an assisted living facility. The noncriminal penalty is a \$500 fine and 100 hours of community service. The bill creates a felony of the third degree for a person 18 years of age or older who delivers to a person under the age of 18 certain illegal controlled substance, who uses or hires a person under the age of 18 in the sale or delivery of such substance, or who uses a person under the age of 18 to assist in avoiding detection for specified violations. The bill creates a felony of the second degree for actual or constructive possession of a Schedule V controlled substance unless the controlled substance was lawfully obtained from a medical practitioner or pursuant to a valid prescription or order of a medical practitioner while acting in the course of his or her professional practice.

The bill provides that a place or premises that has been used on two or more occasions within a six-month period as a site of a violation of ch. 499, F.S., may be declared a public nuisance and abated.

The bill includes misbranded drugs in the listing of paraphernalia that are deemed to be contraband and subject to civil forfeiture.

The bill provides an effective date of July 1, 2016.

II. Present Situation:

Controlled Substances

Chapter 893, F.S., sets forth the Florida Comprehensive Drug Abuse Prevention and Control Act. This chapter classifies controlled substances into five schedules in order to regulate the manufacture, distribution, preparation, and dispensing of the substances. The schedules are as follows:

- A Schedule I substance has a high potential for abuse and no currently accepted medical use in treatment in the United States and its use under medical supervision does not meet accepted safety standards. Examples: heroin and methaqualone.¹
- A Schedule II substance has a high potential for abuse, a currently accepted but severely restricted medical use in treatment in the United States, and abuse may lead to severe psychological or physical dependence. Examples: cocaine and morphine.²
- A Schedule III substance has a potential for abuse less than the substances contained in Schedules I and II, a currently accepted medical use in treatment in the United States, and abuse may lead to moderate or low physical dependence or high psychological dependence or, in the case of anabolic steroids, may lead to physical damage. Examples: lysergic acid; ketamine; and some anabolic steroids.³

¹ Section 893.03(1), F.S.

² Section 893.03(2), F.S.

³ Section 893.03(3), F.S.

- A Schedule IV substance has a low potential for abuse relative to the substances in Schedule III, a currently accepted medical use in treatment in the United States, and abuse may lead to limited physical or psychological dependence relative to the substances in Schedule III. Examples: alprazolam; diazepam; and phenobarbital.⁴
- A Schedule V substance has a low potential for abuse relative to the substances in Schedule IV, a currently accepted medical use in treatment in the United States, and abuse may lead to limited physical or psychological dependence relative to the substances in Schedule IV. Examples: low dosage levels of codeine; certain stimulants; and certain narcotic compounds.⁵

A substance is a “controlled substance” if it is listed in any of five schedules in s. 893.03, F.S. The particular scheduling determines penalties, i.e. which penalties may be imposed for unlawful possession, sale, manufacture, etc., and the conditions under which the substance can be legally possessed, prescribed, sold, etc. A substance in Schedule I is considered to have a high potential for abuse,⁶ have no currently accepted medical use in treatment in the United States, and does not meet accepted safety standards in its use under medical supervision.⁷

The sale, manufacture, and delivery of a controlled substance listed in s. 893.03(1)(c), F.S., (Schedule I(c)), as well as the possession with intent to sell, manufacture, or deliver such substance is considered a third degree felony.⁸ However, if any of these acts are committed within 1,000 feet of certain designated places, the felony degree and penalties are greater.⁹ For example, selling a controlled substance listed in Schedule I(c) within 1,000 feet of the real property of a child care facility or secondary school is a second degree felony.¹⁰ Other prohibited activities include bringing a controlled substance listed in Schedule I(c) into the state and the purchase or possession with intent to purchase such a controlled substance, which are all third degree felonies.¹¹

Synthetic Drugs

Synthetic drugs mimic the effects of controlled substances. Synthetic drugs are also known as “new or novel psychoactive substances,” or “designer drugs.” Synthetic drugs are used to circumvent existing prohibitions on controlled substances. According to the Office of the Attorney General, the increasing number of synthetic drug variants available and the higher toxicity of the new variants poses an increasing public health threat.

⁴ Section 893.03(4), F.S.

⁵ Section 893.03(5), F.S.

⁶ “Potential for abuse” means that a substance has properties of a central nervous system stimulant or depressant or an hallucinogen that create a substantial likelihood of its being: (a) Used in amounts that create a hazard to the user’s health or the safety of the community; (b) Diverted from legal channels and distributed through illegal channels; or (c) Taken on the user’s own initiative rather than on the basis of professional medical advice. s. 893.02(20), F.S.

⁷ Section 893.03(1), F.S.

⁸ Section 893.13(9), F.S., provides that the provisions of s. 893.13(1)-(8), F.S., are not applicable to the delivery to, or actual or constructive possession for medical or scientific use or purpose only of controlled substances by, persons included in certain classes specified in this subsection, or the agents or employees of those persons, for use in the usual course of their business or profession or in the performance of their official duties. *See also* s. 893.13(1)(a)2., F.S. A third degree felony is punishable by up to five years in state prison, a fine of up to \$5,000, or both. ss. 775.082 and 775.083, F.S.

⁹ Section 893.13(1)(c)-(f) and (h), F.S.

¹⁰ Section 893.13(1)(c)2., F.S. A second degree felony is punishable by up to 15 years in state prison, a fine of up to \$10,000, or both. ss. 775.082 and 775.083, F.S.

¹¹ Section 893.13(2)(a)2. and (5)(b), F.S.

Concerned about the use of synthetic drugs in Broward County, the State Attorney to the issue to the grand jury. On December 30, 2015, the Broward State Attorney's Office released a grand jury report. The report examined the extent of the problem of synthetic drugs in Broward County and made several recommendation, including a recommendation for legislation to address the problem.

The grand jury report attributed more than 60 recent deaths to "Flakka."¹² According to information provided by the Attorney General's Office and the grand jury report, synthetic drugs are typically manufactured in pharmaceutical factories in China or Southeast Asia and are often sold through the internet.

Controlled substance "analogs" are new substances that are not controlled under ch. 893, F.S., but which have a "potential for abuse" and are manufactured, distributed, possessed, and used as substitutes for controlled substances.¹³

Controlled substance analogs are treated, for purposes of drug abuse prevention and control, as a controlled substance in Schedule I of s. 893.03, F.S. Section 893.0356(3), F.S., defines the term "potential for abuse" in relation to properties as a central nervous system stimulant, depressant, or hallucinogen. The definition also requires that the substance creates a substantial likelihood of being:

- (a) Used in amounts that create a hazard to the user's health or the safety of the community;
- (b) Diverted from legal channels and distributed through illegal channels; or
- (c) Taken on the user's own initiative rather than on the basis of professional medical advice.

Proof of potential for abuse can be based upon a showing that these activities are already taking place, or upon a showing that the nature and properties of the substance make it reasonable to assume that there is a substantial likelihood that such activities will take place, in other than isolated or occasional instances.

Section 893.0356(3), F.S., provides that the potential for abuse is proven by showing "that these activities are already taking place, or upon a showing that the nature and properties of the substance make it reasonable to assume that there is a substantial likelihood that such activities will take place, in other than isolated or occasional instances."

When a new synthetic drug is initially introduced, it may not necessarily be controlled or illegal under state or federal law. The Florida Attorney General may adopt emergency rules to add the new synthetic drug to the controlled substance schedule.¹⁴ The Legislature then can amend the controlled substances schedule to incorporate the new synthetic drug. Since 2011, 136 chemical

¹² See *Interim Report of the Broward County Grand Jury, July through December Term, 2015, Synthetic Drug Investigation*, December 30, 2015. A copy of the report is available at: <http://www.bbhcflorida.org/sites/default/files/Signed%20Final%20Report-GJ%20Syn%20Drug%20Investigation.pdf> (last visited January 19, 2016).

¹³ Section 893.0356, F.S.

¹⁴ See ss. 893.035 and 893.0356, F.S.

compounds commonly used to produce synthetic drugs have been added to the schedule of controlled substances, including alpha-PVP, which is the main ingredient in the synthetic form of cathinone drug popularly known as “Flakka.”¹⁵

According to the Office of the Attorney General, the core synthetic drugs of concern in Florida fall into the following categories or classifications:¹⁶

- Synthetic cannabinoids, such as “K2” or “Spice” that produce a high similar to cannabis;
- Substituted cathinones, which are commonly sold as “bath salts,” are central nervous system stimulants that have stimulant properties related to cathinone, the psychoactive substance found in the shrub *Catha edulis* (khat) and produce pharmacological effects similar to methamphetamine, amphetamines, cocaine, Khat, LSD, and MDMA (Substituted Cathinones are central nervous system stimulants with no medicinal application and a tendency for dependence);
- Substituted phenethylamines that mimic the effects of stimulants and/or hallucinogens, including amphetamine, methamphetamine, and MDMA;
- N-benzyl Phenethylamines are derivatives of the phenethylamine molecule by substitution that significantly increases the potency of the molecule and is a potent hallucinogen and alternative to LSD);
- Substituted tryptamines are hallucinogenic substances; and
- Substituted phenylcyclohexylamines, which are comparable to PCP intoxication and results in behavioral/psychological effects from neurologic and physiologic abnormalities, stupor, or light or deep coma.

There are other potential classifications of drugs,¹⁷ but according to the Office of the Attorney General, these classifications describe the top designer drugs of concern in Florida.

Approaches to Synthetic Drug Enforcement¹⁸

Three states, the District of Columbia, and the federal government schedule synthetic cannabinoids using the “neurochemical approach.” This approach schedules the substances according to the effect they have on the brain rather than through either the listing of specific

¹⁵ See *Attorney General Pam Bondi News Release*, January 5, 2016, at copy is available at: <http://www.myfloridalegal.com/newsrel.nsf/newsreleases/0C7B568A9CF4695385257F31005F4485> (last visited January 19, 2016).

¹⁶ The following information is derived from the Summary Bill Analysis provided by the Florida Office of the Attorney General. A copy is on file with the Senate Regulated Industries Committee.

¹⁷ These include: adamantoylindoles, adamantoylindazoles, benzoylindoles, cyclohexylphenols, cyclopropanoylindoles, naphthoylindoles, naphthoynaphthalenes, naphthoylpyrroles, naphthylmethylindenes, naphthylmethylindoles, phenylacetylindoles, quinolinylindolecarboxylates, tetramethylcyclopropanoylindoles, and tetramethylcyclopropane-thiazole carboxamides. See National Alliance for Model State Drug Laws, *Neurochemical Approach to Scheduling Novel Psychoactive Substances in the United States*, 2015. A copy is available at: <http://www.namsdl.org/library/FF633AB8-AA08-77FD-6A4EB68D8CD0DE20/> (last visited January 19, 2016)

¹⁸ For more information on how the federal government and other states and jurisdictions have addressed the issue of synthetic drug enforcement, see Gray, Heather, *Overview of Novel Psychoactive Substances and State Responses*, October 2014 at <http://www.wardwebsites.net/conference2014/presentations/gray.pdf> (last visited January 19, 2016).

substances or through the use of class definitions.¹⁹ The advantage of scheduling cannabinoids using the neurochemical approach is that states may not need to continually update the schedules of substances each time a new drug is created or introduced. However, there is uncertainty in determining the proof required to obtain a conviction under this method.²⁰

Some states use an “analogue approach” to identify synthetic drugs. Under an analogue approach, prosecutors must prove that a substance is both substantially similar structurally to a Schedule I or II controlled substance and that it has either substantially similar effect on the body or that the person represents or intends the substance to have a substantially similar effect on the body as the controlled substance.²¹ The advantage of using the analogue approach is that it covers every substance so long as it is structurally similar to a Schedule I or II substance. However, the analogue approach does not provide clear guidance on what constitutes “substantially similar.”²²

Many states use these class definitions to schedule synthetic drugs or specify each novel psychoactive substance individually in the controlled substance schedule by its specific chemical structure or trade/street name. The vast majority of states in the United States use one of these two scheduling approaches or both in combination. The advantage of scheduling substances by class definition is that a prosecutor only needs to prove that the substance falls within a particular class. A prosecutor does not necessary have to prove its structural similarity to another substance or its effect on the body. Most states also include specific substances as examples of the particular class in the definition. The principal disadvantage to scheduling synthetic drugs through a classification approach is that if a substance does not fall within a particular named class and is not otherwise specifically listed, the substance is “legal” until it is particularly scheduled, although the state or federal analogue statute could fill the void until the substance is scheduled.²³

Among the recommendations in its report, the Broward County Grand Jury recommended that the Legislature adopt a classification system to include synthetic drugs within the existing provisions of s. 893.13, F.S.²⁴

Chapter 499 - Florida Drug and Cosmetic Act

The Florida Drug and Cosmetic Act in ch. 499, F.S., consists of three parts that cover drug, cosmetic, and household products, ether, and medical gas. Section 499.003(18), F.S., defines the term drug to mean an article that is:

¹⁹ National Alliance for Model State Drug Laws, *Neurochemical Approach to Scheduling Novel Psychoactive Substances in the United States*, 2015. A copy is available at: <http://www.namsdl.org/library/FF633AB8-AA08-77FD-6A4EB68D8CD0DE20/> (lasted visited January 19, 2016).

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ See note 27.

- (a) Recognized in the current edition of the United States Pharmacopoeia and National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of those publications;
- (b) Intended for use in the diagnosis, cure, mitigation, treatment, therapy, or prevention of disease in humans or other animals;
- (c) Intended to affect the structure or any function of the body of humans or other animals; or
- (d) Intended for use as a component of any article specified in paragraph (a), paragraph (b), or paragraph (c), and includes active pharmaceutical ingredients, but does not include devices or their nondrug components, parts, or accessories. For purposes of this paragraph, an “active pharmaceutical ingredient” includes any substance or mixture of substances intended, represented, or labeled for use in drug manufacturing that furnishes or is intended to furnish, in a finished dosage form, any pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, therapy, or prevention of disease in humans or other animals, or to affect the structure or any function of the body of humans or other animals.

Section 499.005, F.S., specifies prohibited acts, including the manufacture, repackaging, sale, delivery, or holding or offering for sale of any drug, device, or cosmetic that is adulterated or misbranded or has otherwise been rendered unfit for human or animal use.

Section 499.0051, F.S., provides criminal acts and criminal penalties under ch. 499, F.S., including the knowing sale or transfer of prescription drug to unauthorized person (second degree felony), the knowing sale or delivery, or possession with intent to sell, contraband prescription drugs (second degree felony), and knowing trafficking in contraband prescription drugs (first degree felony).

III. Effect of Proposed Changes:

Controlled Substances

The bill amends s. 893.02, F.S., to define and revise definitions for chemical terms used in ch. 893, F.S., including “cannabinoid receptor agonist,” “homologue,” “nitrogen-heterocyclic analog,” and “positional isomer.”

The bill amends s. 893.03, F.S., to describe, by core structure, the following synthetic controlled substances:

- Synthetic cannabinoids;
- Substituted cathinones;
- Substituted phenethylamines;
- N-benzyl Phenethylamine compounds;
- Substituted tryptamines; and
- Substituted phenylcyclohexylamines.

The class descriptions define these groups of substances by specific core structure, according to the Office of the Attorney General, to limit the effect that possible alterations to these substances

may have in regards to remaining subject to the prohibitions in ch. 893, F.S. Each class description includes examples of compounds that are covered by the class description. The criminal penalties relating to the possession, sale, manufacture, and delivery of controlled substances will apply to these synthetic substances.

The bill amends s. 893.0356(3), F.S., to revise the definition of the term “substantially similar” to relate to the chemical structure of the substance. A substance is substantially similar to a controlled substance if it has a single difference in the structural formula that substitutes one atom or functional group for another, including, but not limited to, one halogen for another halogen, one hydrogen for a halogen or vice versa, an alkyl group added or deleted as a side chain to or from a molecule, or an alkyl group added or deleted from a side chain of a molecule.

The bill also amends s. 893.0356(4)(j), F.S., to provide additional factors for determining whether a substance is an analog of a controlled substance to include comparisons to the accepted methods of marketing, distribution, and sales of the substance.

The bill also amends ss. 893.03, 893.033, and 893.135, F.S., to revise the chemical terms for existing substances by correcting errors in existing substance listings and deleting double entries. According to the Office of the Attorney General, the chemical terms in these provisions were reviewed by chemists and the revisions in this bill are based on their recommendations.

Prohibitions

The bill amends s. 893.13(1)(h), F.S., to create a noncriminal penalty for selling, manufacturing, or delivering, possessing with intent to sell, manufacture, or deliver any unlawful controlled substance in, on, or near an assisted living facility. The noncriminal penalty is a \$500 fine and 100 hours of community service. This noncriminal penalty refers to the remaining controlled substances listed in s. 893.03, F.S., that are not specifically listed in this paragraph.

The bill amends s. 893.13(4)(c), F.S., to create a felony of the third degree for a person 18 years of age or older who delivers to a person younger than 18 years of age any illegal controlled substance, who uses or hires a person younger than 18 years of age in the sale or delivery of such substance or who uses a person younger than 18 years of age to assist in avoiding detection for specified violations. This criminal violation refers to the remaining controlled substances listed in s. 893.03, F.S., that are not specifically listed in this subsection.

The bill amends s. 921.0022, F.S., to revise the offense severity ranking chart that must be used with the Criminal Punishment Code worksheet to compute a sentence score for each felony offender whose offense was committed on or after October 1, 1998. The bill revises the chart to include a violation of s. 893.13(4)(c), F.S., as “Level 3” violation.²⁵

The bill amends s. 893.13(6)(d), F.S., to create a felony of the second degree for actual or constructive possession of a Schedule V controlled substance unless the controlled substance was

²⁵ The offense severity ranking chart in s. 921.0022, F.S., has 10 offense levels, ranked from least severe, which are level 1 offenses, to most severe, which are level 10 offenses, and each felony offense is assigned to a level according to the severity of the offense.

lawfully obtained from a practitioner²⁶ or pursuant to a valid prescription or order of a practitioner while acting in the course of his or her professional practice.

Nuisance Violations

The bill amends s. 893.0138(2), F.S., to provide that a place or premises that has been used on two or more occasions within a six-month period as a site of a violation of ch. 499, F.S., may be declared a public nuisance and abated.

Drug Paraphernalia

The bill amends s. 893.145, F.S., to include misbranded drugs in the listing of paraphernalia that is deemed to be contraband and subject to civil forfeiture.

Effective Date

The bill provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

²⁶ Section 893.02(21), F.S., defines the term “practitioner” to mean “a physician licensed pursuant to chapter 458, a dentist licensed pursuant to chapter 466, a veterinarian licensed pursuant to chapter 474, an osteopathic physician licensed pursuant to chapter 459, a naturopath licensed pursuant to chapter 462, a certified optometrist licensed pursuant to chapter 463, or a podiatric physician licensed pursuant to chapter 461, provided such practitioner holds a valid federal controlled substance registry number.”

C. Government Sector Impact:

The Office of the Attorney General and the Florida Department of Law Enforcement (FDLE) anticipate that the FDLE's Crime Laboratory workload may experience an initial increase in costs associated with the testing of confiscated substances. However, the agencies further anticipate that the increase will be short-lived as the market for the substances is disrupted.

The Criminal Justice Impact Conference has not met to determine the bill's fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 893.02, 893.03, 893.033, 893.0356, 893.13, 893.135, 893.138, 893.145, 895.02, and 921.0022.

This bill reenacts the following sections of the Florida Statutes: 39.01, 316.193, 322.2616, 327.35, 440.102, 456.44, 458.326, 458.3265, 459.0137, 463.0055, 465.0276, 499.0121, 499.029, 782.04, 787.06, 817.563, 831.31, 893.0301, 893.035, 893.05, 893.055, 893.07, 893.12, 893.138, 944.474, 893.149, 397.451, 435.07, 772.12, 775.084, 810.02, 812.014, 831.311, 893.1351, 893.15, 903.133, 921.187, 893.147, 16.56, 655.50, 896.101, and 905.34.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Regulated Industries on January 27, 2016:

The committee substitute does not amend ss. 561.29 and 569.003, F.S., to require the division to suspend an alcoholic beverage license for one year upon a finding a person has been convicted of a violation of ch. 499, F.S.

B. Amendments:

None.

By Senator Simpson

18-01704A-16

20161528__

1 A bill to be entitled
2 An act relating to illicit drugs; amending s. 561.29,
3 F.S.; revising the circumstances under which the
4 Division of Alcoholic Beverages and Tobacco of the
5 Department of Business and Professional Regulation may
6 revoke or suspend a person's license; requiring the
7 division to suspend the license of an establishment
8 licensed under the Beverage Law under certain
9 circumstances; prohibiting the division from reissuing
10 a license to such establishment for a specified length
11 of time under certain circumstances; amending s.
12 569.003, F.S.; requiring the division to suspend the
13 license of an establishment licensed under the
14 Beverage Law under certain circumstances; prohibiting
15 the division from reissuing a license to such
16 establishment for a specified length of time under
17 certain circumstances; amending s. 893.02, F.S.;
18 defining terms; deleting a definition; revising
19 definitions; amending s. 893.03, F.S.; providing that
20 class designation is a way to reference scheduled
21 controlled substances; adding, deleting, and revising
22 the list of Schedule I controlled substances; revising
23 the list of Schedule III anabolic steroids; amending
24 s. 893.033, F.S.; adding, deleting, and revising the
25 list of precursor and essential chemicals; amending s.
26 893.0356, F.S.; defining the term "substantially
27 similar"; deleting the term "potential for abuse";
28 requiring that a controlled substance analog be
29 treated as the highest scheduled controlled substance
30 of which it is an analog; amending s. 893.13, F.S.;
31 creating a noncriminal penalty for selling,
32 manufacturing, or delivering, or possessing with

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33 intent to sell, manufacture, or deliver any unlawful
34 controlled substance in, on, or near an assisted
35 living facility; creating a criminal penalty for a
36 person 18 years of age or older who delivers to a
37 person younger than 18 years of age any illegal
38 controlled substance, who uses or hires a person
39 younger than 18 years of age in the sale or delivery
40 of such substance, or who uses a person younger than
41 18 years of age to assist in avoiding detection for
42 specified violations; deleting a criminal penalty for
43 possession of a certain amount of specified controlled
44 substances; deleting certain exclusions to the
45 definition of the term "cannabis"; creating a criminal
46 penalty for possession of specified controlled
47 substances; correcting a cross-reference; amending s.
48 893.135, F.S.; revising a dosage unit to include a
49 gelatin capsule for the purpose of clarifying
50 legislative intent regarding the weighing of a mixture
51 containing a controlled substance; amending s.
52 893.138, F.S.; authorizing a place or premises that
53 has been used on two or more occasions for specified
54 violations within a certain time period to be declared
55 a public nuisance; amending s. 893.145, F.S.; revising
56 the definition of the term "drug paraphernalia";
57 amending s. 895.02, F.S.; revising the definition of
58 the term "racketeering activity"; amending s.
59 921.0022, F.S.; adding an adult delivering controlled
60 substances to a minor, using or hiring a minor to sell
61 controlled substances, or using a minor to avoid

18-01704A-16

20161528__

62 detection or apprehension to level 3 of the offense
63 severity ranking chart of the Criminal Punishment
64 Code; making technical changes; reenacting ss.
65 39.01(30)(a) and (g), 316.193(5), 322.2616(2)(c),
66 327.35(5), 440.102(11)(b), 456.44(2), 458.326(3),
67 458.3265(1)(e), 459.0137(1)(e), 463.0055(4)(a),
68 465.0276(1)(b), 499.0121(14) and (15)(a),
69 499.029(3)(a), 782.04(1) and (4), 787.06(2)(a),
70 817.563(1), 831.31, 893.0301, 893.035(7)(a),
71 893.05(1), 893.055(1)(b), 893.07(5)(b), 893.12(2)(b),
72 (c), and (d), and 944.474(2), F.S., to incorporate the
73 amendment made to s. 893.03, F.S., in references
74 thereto; reenacting s. 893.149(4), F.S., to
75 incorporate the amendment made to s. 893.033, F.S., in
76 a reference thereto; reenacting ss. 397.451(4)(b),
77 435.07(2), 772.12(2), 775.084(1)(a), 810.02(3),
78 812.014(2), 831.311(1), 893.1351(1), 893.138(3),
79 893.15, 903.133, and 921.187(1)(l), F.S., to
80 incorporate the amendment made to s. 893.13, F.S., in
81 references thereto; reenacting ss. 893.12(2)(a) and
82 893.147(6)(a), F.S., to incorporate the amendment made
83 to s. 893.145, F.S., in references thereto; reenacting
84 ss. 16.56(1)(a), 655.50(3)(g), 896.101(2)(g), and
85 905.34, F.S., to incorporate the amendment made to s.
86 895.02, F.S., in references thereto; providing an
87 effective date.

88

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

90

18-01704A-16

20161528__

91 Section 1. Subsections (1), (4), and (5) of section 561.29,
92 Florida Statutes, are amended to read:

93 561.29 Revocation and suspension of license; power to
94 subpoena.—

95 (1) The division is given full power and authority to
96 revoke or suspend the license of any person holding a license
97 under the Beverage Law, when it is determined or found by the
98 division upon sufficient cause appearing ~~of~~:

99 (a) Of a violation by the licensee or his or her or its
100 agents, officers, servants, or employees, on the licensed
101 premises, or elsewhere while in the scope of employment, of any
102 of the laws of this state or of the United States, or violation
103 of any municipal or county regulation in regard to the hours of
104 sale, service, or consumption of alcoholic beverages or license
105 requirements of special licenses issued under s. 561.20, or
106 engaging in or permitting disorderly conduct on the licensed
107 premises, or permitting another on the licensed premises to
108 violate any of the laws of this state or of the United States. A
109 conviction of the licensee or his or her or its agents,
110 officers, servants, or employees in any criminal court of any
111 violation as set forth in this paragraph shall not be considered
112 in proceedings before the division for suspension or revocation
113 of a license except as permitted by chapter 92 or the rules of
114 evidence.

115 (b) Of a violation by the licensee or, if a corporation, by
116 any officers thereof, of any laws of this state or any state or
117 territory of the United States.

118 (c) Of maintaining a nuisance on the licensed premises.

119 (d) Of maintaining licensed premises that are unsanitary or

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120 are not approved as sanitary by the Division of Hotels and
121 Restaurants of the Department of Business and Professional
122 Regulation, the Department of Agriculture and Consumer Services,
123 the county board of health, or the Department of Health,
124 whichever has jurisdiction thereof.

125 (e) Of a violation by the licensee, or, if a corporation,
126 by any officer or stockholder thereof, of any rule or rules
127 promulgated by the division in accordance with the provisions of
128 this chapter or of any law referred to in paragraph (a), or a
129 violation of any such rule or law by any agent, servant, or
130 employee of the licensee on the licensed premises or in the
131 scope of such employment.

132 (f) Of a determination that a person who is interested
133 directly or indirectly in the license or licensed business
134 authorized to sell spirituous beverages is not qualified.

135 (g) Of a determination that any person required to be
136 qualified by the division as a condition for the issuance of the
137 license is not qualified.

138 (h) Of a failure by the holder of any license under s.
139 561.20(1) to maintain the licensed premises in an active manner
140 in which the licensed premises are open for the bona fide sale
141 of authorized alcoholic beverages during regular business hours
142 of at least 6 hours a day for a period of 120 days or more
143 during any 12-month period commencing 18 months after the
144 acquisition of the license by the licensee, regardless of the
145 date the license was originally issued. Every licensee must
146 notify the division in writing of any period during which his or
147 her license is inactive and place the physical license with the
148 division to be held in an inactive status. The division may

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149 waive or extend the requirement of this section upon the finding
150 of hardship, including the purchase of the license in order to
151 transfer it to a newly constructed or remodeled location.
152 However, during such closed period, the licensee shall make
153 reasonable efforts toward restoring the license to active
154 status. This paragraph shall apply to all annual license periods
155 commencing on or after July 1, 1981, but shall not apply to
156 licenses issued after September 30, 1988.

157 (i) Of a failure of any licensee issued a new or transfer
158 license after September 30, 1988, under s. 561.20(1) to maintain
159 the licensed premises in an active manner in which the licensed
160 premises are open for business to the public for the bona fide
161 retail sale of authorized alcoholic beverages during regular and
162 reasonable business hours for at least 8 hours a day for a
163 period of 210 days or more during any 12-month period commencing
164 6 months after the acquisition of the license by the licensee.
165 It is the intent of this act that for purposes of compliance
166 with this paragraph, a licensee shall operate the licensed
167 premises in a manner so as to maximize sales and tax revenues
168 thereon; this includes maintaining a reasonable inventory of
169 merchandise, including authorized alcoholic beverages, and the
170 use of good business practices to achieve the intent of this
171 law. Any attempt by a licensee to circumvent the intent of this
172 law shall be grounds for revocation or suspension of the
173 alcoholic beverage license. The division may, upon written
174 request of the licensee, give a written waiver of this
175 requirement for a period not to exceed 12 months in cases where
176 the licensee demonstrates that the licensed premises has been
177 physically destroyed through no fault of the licensee, when the

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178 licensee has suffered an incapacitating illness or injury which
179 is likely to be prolonged, or when the licensed premises has
180 been prohibited from making sales as a result of any action of
181 any court of competent jurisdiction. Any waiver given pursuant
182 to this subsection may be continued upon subsequent written
183 request showing that substantial progress has been made toward
184 restoring the licensed premises to a condition suitable for the
185 resumption of sales or toward allowing for a court having
186 jurisdiction over the premises to release said jurisdiction, or
187 that an incapacitating illness or injury continues to exist.
188 However, in no event may the waivers necessitated by any one
189 occurrence cumulatively total more than 24 months. Every
190 licensee shall notify the division in writing of any period
191 during which his or her license is inactive and place the
192 physical license with the division to be held in an inactive
193 status.

194 (j) Of a failure of any licensee issued a license under s.
195 561.20(1) to maintain records of all monthly sales and all
196 monthly purchases of alcoholic beverages and to produce such
197 records for inspection by any division employee within 10 days
198 of written request therefor.

199 (k) Of a failure by the holder of any license issued under
200 the Beverage Law to comply with a stipulation, consent order, or
201 final order.

202 (l) That, if in a public hearing by a preponderance of the
203 evidence, the division finds that a person has been convicted of
204 a violation of chapter 499 which involved the sale or the offer
205 to sell, in the normal course of business, a misbranded, an
206 adulterated, or a contraband drug in an establishment that has

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207 been issued a license under the Beverage Law under this chapter
208 and the holder of the license knew or should have known of the
209 offense occurring within the establishment, the division:

210 1. Shall suspend the Beverage Law license for the
211 establishment for 1 year; and

212 2. May not issue another Beverage Law license under this
213 chapter for 1 year from the date of suspension to a person that:

214 a. Applies for or that made a retail transaction under the
215 suspended Beverage Law license pursuant to subparagraph 1.; or

216 b. Owned or co-owned, directly or indirectly, or was an
217 officer, a director, a manager, or a partner of the
218 establishment that had the license suspended pursuant to
219 subparagraph 1.

220 (4) Except for a violation of paragraph (1)(1), the
221 division may compromise any alleged violations of the Beverage
222 Law, by accepting from the licensee involved an amount not to
223 exceed \$1,000 for violations arising out of a single
224 transaction. All funds so collected are to be deposited in the
225 state General Revenue Fund.

226 (5) Except for a violation of paragraph (1)(1), the
227 division may suspend the imposition of any penalty conditioned
228 upon terms the division should in its discretion deem
229 appropriate.

230 Section 2. Subsection (5) is added to section 569.003,
231 Florida Statutes, to read:

232 569.003 Retail tobacco products dealer permits;
233 application; qualifications; fees; renewal; duplicates.-

234 (5) If the division finds in a public hearing by a
235 preponderance of the evidence that a person has been convicted

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236 of a violation of chapter 499 which involved the sale or the
237 offer to sell, in the normal course of business, a misbranded,
238 an adulterated, or a contraband drug in an establishment that
239 has been issued a license under the Beverage Law under this
240 chapter and the holder of the license knew or should have known
241 of the offense occurring within the establishment, the division:

242 (a) Shall suspend the Beverage Law license for the
243 establishment for 1 year; and

244 (b) May not issue another Beverage Law license under this
245 chapter for 1 year from the date of suspension to a person that:

246 1. Applies for or that made a retail transaction under the
247 suspended Beverage Law license pursuant to paragraph (a); or

248 2. Owned or co-owned, directly or indirectly, or was an
249 officer, a director, a manager, or a partner of the
250 establishment that had the license suspended pursuant to
251 paragraph (a).

252 Section 3. Subsections (2), (11), and (16) of section
253 893.02, Florida Statutes, are amended, new subsections (17) and
254 (20) are added to that section, present subsections (17), (18),
255 (19), (20), (21), (22), and (23) of that section are
256 redesignated as subsections (18), (19), (21), (22), (23), (24),
257 and (25), respectively, and subsections (4) and (14) are
258 republished, to read:

259 893.02 Definitions.—The following words and phrases as used
260 in this chapter shall have the following meanings, unless the
261 context otherwise requires:

262 (2) "Cannabinoid receptor agonist" means a chemical
263 compound or substance that, according to scientific or medical
264 research, study, testing, or analysis demonstrates the presence

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265 of binding activity at one or more of the CB1 or CB2 cell
266 membrane receptors located within the human body ~~"Analog" or~~
267 ~~"chemical analog" means a structural derivative of a parent~~
268 ~~compound that is a controlled substance.~~

269 (4) "Controlled substance" means any substance named or
270 described in Schedules I-V of s. 893.03. Laws controlling the
271 manufacture, distribution, preparation, dispensing, or
272 administration of such substances are drug abuse laws.

273 (11) "Homologue" means a chemical compound in a series in
274 which each compound differs by one or more repeating hydrocarbon
275 functional group units at any single point within the compound
276 ~~alkyl functional groups on an alkyl side chain.~~

277 (14) "Listed chemical" means any precursor chemical or
278 essential chemical named or described in s. 893.033.

279 (16) "Mixture" means any physical combination of two or
280 more substances, including, but not limited to, a blend, an
281 aggregation, a suspension, an emulsion, a solution, or a dosage
282 unit, whether or not such combination can be separated into its
283 components by physical means, whether mechanical or thermal.

284 (17) "Nitrogen-heterocyclic analog" means an analog of a
285 controlled substance which has a single carbon atom in a cyclic
286 structure of a compound replaced by a nitrogen atom.

287 (20) "Positional isomer" means any substance that possesses
288 the same molecular formula and core structure and that has the
289 same functional group or substituent as those found in the
290 respective controlled substance, attached at any positions on
291 the core structure, but in such manner that no new chemical
292 functionalities are created and no existing chemical
293 functionalities are destroyed relative to the respective

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294 controlled substance. Rearrangements of alkyl moieties within or
295 between functional groups or substituents, or divisions or
296 combinations of alkyl moieties, which do not create new chemical
297 functionalities or destroy existing chemical functionalities,
298 are allowed and include resulting compounds that are positional
299 isomers. As used in this definition, the term "core structure"
300 means the parent molecule that is the common basis for the class
301 that includes, but is not limited to, tryptamine,
302 phenethylamine, or ergoline. Examples of rearrangements
303 resulting in creation or destruction of chemical
304 functionalities, and therefore resulting in compounds that are
305 not positional isomers, include, but are not limited to, ethoxy
306 to alpha-hydroxyethyl, hydroxy and methyl to methoxy, or the
307 repositioning of a phenolic or alcoholic hydroxy group to create
308 a hydroxyamine. Examples of rearrangements resulting in
309 compounds that would be positional isomers, include, but are not
310 limited to, tert-butyl to sec-butyl, methoxy and ethyl to
311 isopropoxy, N,N-diethyl to N-methyl-N-propyl, or alpha-
312 methylamino to N-methylamino.

313 Section 4. Section 893.03, Florida Statutes, is amended to
314 read:

315 893.03 Standards and schedules.—The substances enumerated
316 in this section are controlled by this chapter. The controlled
317 substances listed or to be listed in Schedules I, II, III, IV,
318 and V are included by whatever official, common, usual,
319 chemical, ~~or~~ trade name, or class designated. The provisions of
320 this section shall not be construed to include within any of the
321 schedules contained in this section any excluded drugs listed
322 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded

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323 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
324 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
325 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
326 Anabolic Steroid Products."

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

332 (a) Unless specifically excepted or unless listed in
333 another schedule, any of the following substances, including
334 their isomers, esters, ethers, salts, and salts of isomers,
335 esters, and ethers, whenever the existence of such isomers,
336 esters, ethers, and salts is possible within the specific
337 chemical designation:

- 338 1. Acetyl-alpha-methylfentanyl.
- 339 2. Acetylmethadol.
- 340 3. Allylprodine.
- 341 4. Alphacetylmethadol (except levo-alphacetylmethadol, also
342 known as levo-alpha-acetylmethadol, levomethadyl acetate, or
343 LAAM).
- 344 5. Alphamethadol.
- 345 6. Alpha-methylfentanyl (N-[1-(alpha-methyl-betaphenyl)
346 ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-
347 (N-propanilido) piperidine).
- 348 7. Alpha-methylthiofentanyl.
- 349 8. Alphameprodine.
- 350 9. Benzethidine.
- 351 10. Benzylfentanyl.

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- 352 11. Betacetylmethadol.
353 12. Beta-hydroxyfentanyl.
354 13. Beta-hydroxy-3-methylfentanyl.
355 14. Betameprodine.
356 15. Betamethadol.
357 16. Betaprodine.
358 17. Clonitazene.
359 18. Dextromoramide.
360 19. Diampromide.
361 20. Diethylthiambutene.
362 21. Difenoquin.
363 22. Dimenoxadol.
364 23. Dimepheptanol.
365 24. Dimethylthiambutene.
366 25. Dioxaphetyl butyrate.
367 26. Dipipanone.
368 27. Ethylmethylthiambutene.
369 28. Etonitazene.
370 29. Etoxadine.
371 30. Flunitrazepam.
372 31. Furethidine.
373 32. Hydroxypethidine.
374 33. Ketobemidone.
375 34. Levomoramide.
376 35. Levophenacetylmorphan.
377 36. Desmethylprodine (1-Methyl-4-Phenyl-4-
378 Propionoxypiperidine) ~~(MPPP)~~.
379 37. 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
380 piperidyl]-N-phenylpropanamide).

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- 381 38. 3-Methylthiofentanyl.
- 382 39. Morpheridine.
- 383 40. Noracymethadol.
- 384 41. Norlevorphanol.
- 385 42. Normethadone.
- 386 43. Norpipanone.
- 387 44. Para-Fluorofentanyl.
- 388 45. Phenadoxone.
- 389 46. Phenampromide.
- 390 47. Phenomorphan.
- 391 48. Phenoperidine.
- 392 49. PEPAP (1-(2-Phenylethyl)-4-Phenyl-4-
- 393 Acetyloxypiperidine) ~~(PEPAP)~~.
- 394 50. Piritramide.
- 395 51. Proheptazine.
- 396 52. Properidine.
- 397 53. Propiram.
- 398 54. Racemoramide.
- 399 55. Thenylfentanyl.
- 400 56. Thiofentanyl.
- 401 57. Tilidine.
- 402 58. Trimeperidine.
- 403 59. Acetylfentanyl.
- 404 60. Butyrylfentanyl.
- 405 61. Beta-Hydroxythiofentanyl.

406 (b) Unless specifically excepted or unless listed in
 407 another schedule, any of the following substances, their salts,
 408 isomers, and salts of isomers, whenever the existence of such
 409 salts, isomers, and salts of isomers is possible within the

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410 specific chemical designation:

- 411 1. Acetorphine.
- 412 2. Acetyldihydrocodeine.
- 413 3. Benzylmorphine.
- 414 4. Codeine methylbromide.
- 415 5. Codeine-N-Oxide.
- 416 6. Cyprenorphine.
- 417 7. Desomorphine.
- 418 8. Dihydromorphine.
- 419 9. Drotebanol.
- 420 10. Etorphine (except hydrochloride salt).
- 421 11. Heroin.
- 422 12. Hydromorphanol.
- 423 13. Methyldesorphine.
- 424 14. Methyldihydromorphine.
- 425 15. Monoacetylmorphine.
- 426 16. Morphine methylbromide.
- 427 17. Morphine methylsulfonate.
- 428 18. Morphine-N-Oxide.
- 429 19. Myrophine.
- 430 20. Nicocodine.
- 431 21. Nicomorphine.
- 432 22. Normorphine.
- 433 23. Pholcodine.
- 434 24. Thebacon.

435 (c) Unless specifically excepted or unless listed in
436 another schedule, any material, compound, mixture, or
437 preparation that contains any quantity of the following
438 hallucinogenic substances or that contains any of their salts,

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439 isomers, including optical, positional, or geometric isomers,
440 homologues, nitrogen-heterocyclic analogs, esters, ethers, and
441 salts of isomers, homologues, nitrogen-heterocyclic analogs,
442 esters, or ethers, if the existence of such salts, isomers, and
443 salts of isomers is possible within the specific chemical
444 designation or class description:

- 445 1. Alpha-Ethyltryptamine.
- 446 2. 4-Methylaminorex (2-Amino-4-methyl-5-phenyl-2-oxazoline)
447 ~~(4-methylaminorex)~~.
- 448 3. Aminorex (2-Amino-5-phenyl-2-oxazoline) ~~(Aminorex)~~.
- 449 4. DOB (4-Bromo-2,5-dimethoxyamphetamine).
- 450 5. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).
- 451 6. Bufotenine.
- 452 7. Cannabis.
- 453 8. Cathinone.
- 454 9. DET (Diethyltryptamine).
- 455 10. 2,5-Dimethoxyamphetamine.
- 456 11. DOET (4-Ethyl-2,5-Dimethoxyamphetamine) ~~2,5-Dimethoxy-~~
457 ~~4-ethylamphetamine (DOET)~~.
- 458 12. DMT (Dimethyltryptamine).
- 459 13. PCE (N-Ethyl-1-phenylcyclohexylamine) ~~(PCE)~~ (Ethylamine
460 analog of phencyclidine).
- 461 14. JB-318 (N-Ethyl-3-piperidyl benzilate).
- 462 15. N-Ethylamphetamine.
- 463 16. Fenethylamine.
- 464 17. 3,4-Methylenedioxy-N-hydroxyamphetamine ~~N-Hydroxy-3,4-~~
465 ~~methylenedioxyamphetamine~~.
- 466 18. Ibogaine.
- 467 19. LSD (Lysergic acid diethylamide) ~~(LSD)~~.

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- 468 20. Mescaline.
- 469 21. Methcathinone.
- 470 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 471 23. PMA (4-Methoxyamphetamine).
- 472 24. PMMA (4-Methoxymethamphetamine).
- 473 25. DOM (4-Methyl-2,5-dimethoxyamphetamine).
- 474 26. MDEA (3,4-Methylenedioxy-N-ethylamphetamine).
- 475 27. MDA (3,4-Methylenedioxyamphetamine).
- 476 28. JB-336 (N-Methyl-3-piperidyl benzilate).
- 477 29. N,N-Dimethylamphetamine.
- 478 30. Parahexyl.
- 479 31. Peyote.
- 480 32. PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine) ~~(PCPY)~~
- 481 (Pyrrolidine analog of phencyclidine).
- 482 33. Psilocybin.
- 483 34. Psilocyn.
- 484 35. *Salvia divinorum*, except for any drug product approved
- 485 by the United States Food and Drug Administration which contains
- 486 *Salvia divinorum* or its isomers, esters, ethers, salts, and
- 487 salts of isomers, esters, and ethers, if the existence of such
- 488 isomers, esters, ethers, and salts is possible within the
- 489 specific chemical designation.
- 490 36. Salvinorin A, except for any drug product approved by
- 491 the United States Food and Drug Administration which contains
- 492 Salvinorin A or its isomers, esters, ethers, salts, and salts of
- 493 isomers, esters, and ethers, if the existence of such isomers,
- 494 esters, ethers, and salts is possible within the specific
- 495 chemical designation.
- 496 ~~37. Tetrahydrocannabinols.~~

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- 497 37. Xylazine.
- 498 38. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine) ~~(TCP)~~
- 499 (Thiophene analog of phencyclidine).
- 500 39. 3,4,5-Trimethoxyamphetamine.
- 501 40. Methylone (3,4-Methylenedioxyamphetaminone).
- 502 41. MDPV (3,4-Methylenedioxypropylamphetamine) ~~(MDPV)~~.
- 503 42. Methylmethcathinone.
- 504 43. Methoxymethcathinone.
- 505 44. Fluoromethcathinone.
- 506 45. Methylethcathinone.
- 507 46. CP 47,497 (2-((1R,3S)-3-Hydroxycyclohexyl)-5-(2-
- 508 methyloctan-2-yl)phenol), ~~also known as CP 47,497~~ and its
- 509 dimethyloctyl (C8) homologue.
- 510 47. HU-210 [(6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-
- 511 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol],
 512 ~~also known as HU-210.~~
- 513 48. JWH-018 (1-Pentyl-3-(1-naphthoyl)indole), ~~also known as~~
- 514 ~~JWH-018.~~
- 515 49. JWH-073 (1-Butyl-3-(1-naphthoyl)indole), ~~also known as~~
- 516 ~~JWH-073.~~
- 517 50. JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-
- 518 naphthoyl)indole), ~~also known as JWH-200.~~
- 519 51. BZP (Benzylpiperazine).
- 520 52. Fluorophenylpiperazine.
- 521 53. Methylphenylpiperazine.
- 522 54. Chlorophenylpiperazine.
- 523 55. Methoxyphenylpiperazine.
- 524 56. DBZP (1,4-Dibenzylpiperazine).
- 525 57. TFMPP (~~3~~-Trifluoromethylphenylpiperazine).

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- 526 58. MBDB (Methylbenzodioxolylbutanamine) or (3,4-
 527 Methylenedioxy-N-methylbutanamine).
- 528 59. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).
- 529 60. 5-Hydroxy-N-methyltryptamine.
- 530 61. 5-MeO-MiPT (5-Methoxy-N-methyl-N-isopropyltryptamine).
- 531 62. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).
- 532 63. Methyltryptamine.
- 533 64. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).
- 534 65. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).
- 535 66. Tyramine (4-Hydroxyphenethylamine).
- 536 67. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).
- 537 68. DiPT (N,N-Diisopropyltryptamine).
- 538 69. DPT (N,N-Dipropyltryptamine).
- 539 70. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).
- 540 71. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine) ~~N,N-~~
 541 ~~Diallyl-5-Methoxytryptamine~~.
- 542 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
- 543 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
- 544 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 545 75. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine)
 546 ~~2,5-Dimethoxy-4-isopropylthiophenethylamine~~).
- 547 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 548 77. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine) ~~2,5-~~
 549 ~~Dimethoxy-4-methylthiophenethylamine~~).
- 550 78. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine) ~~2,5-~~
 551 ~~Dimethoxy-4-ethylthiophenethylamine~~).
- 552 79. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine)
 553 ~~2,5-Dimethoxy-4-(n)-propylthiophenethylamine~~).
- 554 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).

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- 555 81. Butylone (3,4-Methylenedioxy-alpha-
556 methylaminobutyrophenone) beta-keto-N-
557 methylbenzodioxolylpropylamine).
- 558 82. Ethcathinone.
- 559 83. Ethylone (3,4-Methylenedioxy-N-ethylcathinone).
- 560 84. Naphyrone (Naphthylpyrovalerone).
- 561 85. Dimethylone (3,4-Methylenedioxy-N,N-dimethylcathinone)
562 N-N-Dimethyl-3,4-methylenedioxyecathinone.
- 563 86. 3,4-Methylenedioxy-N,N-diethylcathinone ~~N-N-Diethyl-~~
564 ~~3,4-methylenedioxyecathinone.~~
- 565 87. 3,4-Methylenedioxy-propiofenone.
- 566 88. 3,4-Methylenedioxy-alpha-bromopropiofenone ~~2-Bromo-~~
567 ~~3,4-Methylenedioxypropiofenone.~~
- 568 89. 3,4-Methylenedioxy-propiofenone-2-oxime.
- 569 90. 3,4-Methylenedioxy-N-acetylcathinone ~~N-Acetyl-3,4-~~
570 ~~methylenedioxyecathinone.~~
- 571 91. 3,4-Methylenedioxy-N-acetylmethcathinone ~~N-Acetyl-N-~~
572 ~~Methyl-3,4-Methylenedioxyecathinone.~~
- 573 92. 3,4-Methylenedioxy-N-acetylethcathinone ~~N-Acetyl-N-~~
574 ~~Ethyl-3,4-Methylenedioxyecathinone.~~
- 575 93. Bromomethcathinone.
- 576 94. Buphedrone (alpha-Methylamino-butyrophenone).
- 577 95. Eutylone (3,4-Methylenedioxy-alpha-
578 ethylaminobutyrophenone) beta-Keto-
579 Ethylbenzodioxolylbutanamine).
- 580 96. Dimethylcathinone.
- 581 97. Dimethylmethcathinone.
- 582 98. Pentylone (3,4-Methylenedioxy-alpha-
583 methylaminovalerophenone) (~~beta-Keto-~~

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- 584 ~~Methylbenzodioxolylpentanamine).~~
- 585 99. MDPPP (3,4-Methylenedioxy-alpha-
- 586 pyrrolidinopropiophenone) ~~(MDPPP) 3,4-Methylenedioxy-alpha-~~
- 587 ~~pyrrolidinopropiophenone.~~
- 588 100. MDPBP (3,4-Methylenedioxy-alpha-
- 589 pyrrolidinobutyrophenone) ~~(MDPBP) 3,4-Methylenedioxy-alpha-~~
- 590 ~~pyrrolidinobutiophenone.~~
- 591 101. MOPPP (Methoxy-alpha-pyrrolidinopropiophenone)
- 592 ~~(MOPPP).~~
- 593 102. MPHP (Methyl-alpha-pyrrolidinohexanophenone) ~~Methyl-~~
- 594 ~~alpha-pyrrolidinohexiophenone (MPHP).~~
- 595 103. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP
- 596 (Benocyclidine) Benocyclidine (BCP) or
- 597 ~~benzothiophenylcyclohexylpiperidine (BTCP).~~
- 598 104. F-MABP (Fluoromethylaminobutyrophenone) ~~(F-MABP).~~
- 599 105. MeO-PBP (Methoxypyrrolidinobutyrophenone) ~~(MeO-PBP).~~
- 600 106. Et-PBP (Ethyl-pyrrolidinobutyrophenone) ~~(Et-PBP).~~
- 601 107. 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone) ~~(3-~~
- 602 ~~Me-4-MeO-MCAT).~~
- 603 108. Me-EABP (Methylethylaminobutyrophenone) ~~(Me-EABP).~~
- 604 109. Etizolam Methylamino ~~butyrophenone (MABP).~~
- 605 110. PPP (Pyrrolidinopropiophenone) ~~(PPP).~~
- 606 111. PBP (Pyrrolidinobutyrophenone) ~~Pyrrolidinobutiophenone~~
- 607 ~~(PBP).~~
- 608 112. PVP (Pyrrolidinovalerophenone) or
- 609 (Pyrrolidinopentiophenone) ~~(PVP).~~
- 610 113. MPPP (Methyl-alpha-pyrrolidinopropiophenone) ~~(MPPP).~~
- 611 114. JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl)indole).
- 612 115. JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl)indole) ~~2-~~

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- 613 ~~Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).~~
614 116. JWH-019 (1-Hexyl-3-(1-naphthoyl)indole) ~~Naphthalen-1-~~
615 ~~yl-(1-hexylindol-3-yl)methanone).~~
616 117. JWH-020 (1-Heptyl-3-(1-naphthoyl)indole).
617 118. JWH-072 (1-Propyl-3-(1-naphthoyl)indole) ~~Naphthalen-1-~~
618 ~~yl-(1-propyl-1H-indol-3-yl)methanone).~~
619 119. JWH-081 (1-Pentyl-3-(4-methoxy-1-naphthoyl)indole) ~~4-~~
620 ~~methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone).~~
621 120. JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
622 121. JWH-133 (((6aR,10aR)-6,6,9-Trimethyl-3-(2-methylpentan-
623 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene) ~~((6aR,10aR)-3-~~
624 ~~(1,1-Dimethylbutyl)-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-~~
625 ~~dibenzo[b,d]pyran)).~~
626 122. JWH-175 (1-Pentyl-3-(1-naphthylmethyl)indole) ~~3-~~
627 ~~(naphthalen-1-ylmethyl)-1-pentyl-1H-indole).~~
628 123. JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl)indole).
629 124. JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole) ~~2-~~
630 ~~(2-chlorophenyl)-1-(1-pentylindol-3-yl)ethanone).~~
631 125. JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl)indole) ~~4-~~
632 ~~ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone).~~
633 126. JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole) ~~2-~~
634 ~~(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone).~~
635 127. JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole) ~~2-~~
636 ~~(2-methylphenyl)-1-(1-pentyl-1H-indol-3-yl)ethanone).~~
637 128. JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl)indole).
638 129. JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole).
639 130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
640 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
641 ol).

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642 131. HU-308 ([(1R,2R,5R)-2-[2,6-Dimethoxy-4-(2-methyloctan-
 643 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]
 644 methanol) .

645 132. HU-331 (3-Hydroxy-2-[(1R,6R)-3-methyl-6-(1-
 646 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-
 647 1,4-dione) .

648 133. CB-13 (4-Pentyloxy-1-(1-naphthoyl)naphthalene)
 649 Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone) .

650 134. CB-25 (N-Cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-
 651 undecanamide) .

652 135. CB-52 (N-Cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-
 653 undecanamide) .

654 136. CP 55,940 (2-[3-Hydroxy-5-propanol-cyclohexyl]-5-(2-
 655 methyloctan-2-yl)phenol) ~~2-[(1R,2R,5R)-5-hydroxy-2-(3-~~
 656 ~~hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol)~~ .

657 137. AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole) ~~1-~~
 658 ~~[(5-fluoropentyl)-1H-indol-3-yl]-2-iodophenyl)methanone)~~ .

659 138. AM-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indole) ~~1-~~
 660 ~~[(5-fluoropentyl)-1H-indol-3-yl]-1-naphthalen-1-yl)methanone)~~ .

661 139. RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole) ~~(4-~~
 662 ~~methoxyphenyl)-1-pentyl-1H-indol-3-yl)methanone)~~ .

663 140. RCS-8 (1-(2-Cyclohexylethyl)-3-(2-
 664 methoxyphenylacetyl)indole) ~~1-(1-(2-cyclohexylethyl)-1H-indol-3-~~
 665 ~~yl)-2-(2-methoxyphenylethanone)~~ .

666 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-
 667 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
 668 naphthalenylmethanone) .

669 142. WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-
 670 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-

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- 671 naphthalenylmethanone).
- 672 143. Pentedrone (alpha-Methylaminovalerophenone) ~~2-~~
- 673 ~~(methylamino)-1-phenyl-1-pentanone~~).
- 674 144. Fluoroamphetamine.
- 675 145. Fluoromethamphetamine.
- 676 146. Methoxetamine.
- 677 147. Methiopropamine.
- 678 148. ~~4-~~Methylbuphedrone (Methyl-alpha-
- 679 methylaminobutyrophenone) ~~2-Methylamino-1-(4-methylphenyl)butan-~~
- 680 ~~1-one~~).
- 681 149. APB ((2-Aminopropyl)benzofuran).
- 682 150. APDB ((2-Aminopropyl)-2,3-dihydrobenzofuran).
- 683 151. UR-144 (1-Pentyl-3-(2,2,3,3-
- 684 tetramethylcyclopropanoyl)indole) ~~(1-pentyl-1H-indol-3-~~
- 685 ~~yl)(2,2,3,3-tetramethylecyclopropyl)methanone~~).
- 686 152. XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-
- 687 tetramethylcyclopropanoyl)indole) ~~(1-(5-fluoropentyl)-1H-indol-~~
- 688 ~~3-yl)(2,2,3,3-tetramethylecyclopropyl)methanone~~).
- 689 153. Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-
- 690 tetramethylcyclopropanoyl)indole) ~~(1-(5-chloropentyl)-1H-indol-~~
- 691 ~~3-yl)(2,2,3,3-tetramethylecyclopropyl)methanone~~.
- 692 154. AKB48 (N-Adamant-1-yl 1-pentylindazole-3-carboxamide)
- 693 ~~1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-~~
- 694 ~~carboxamide~~).
- 695 155. AM-2233 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-
- 696 iodobenzoyl)indole) ~~(2-iodophenyl)[1-[(1-methyl-2-~~
- 697 ~~piperidinyl)methyl]-1H-indol-3-yl]methanone~~).
- 698 156. STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-3-
- 699 carboxamide) ~~1-(5-fluoropentyl)-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-~~

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- 700 ~~1H-indole-3-carboxamide).~~
- 701 157. URB-597 ((3'-(Aminocarbonyl)[1,1'-biphenyl]-3-yl)-
- 702 cyclohexylcarbamate).
- 703 158. URB-602 ([1,1'-Biphenyl]-3-yl-carbamic acid,
- 704 cyclohexyl ester).
- 705 159. URB-754 (6-Methyl-2-[(4-methylphenyl)amino]-1-
- 706 benzoxazin-4-one).
- 707 160. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine) ~~2-(2,5-~~
- 708 ~~Dimethoxy-4-methylphenyl)ethanamine).~~
- 709 161. 2C-H (2,5-Dimethoxyphenethylamine) ~~2-(2,5-~~
- 710 ~~Dimethoxyphenyl)ethanamine).~~
- 711 162. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine) ~~2-(2,5-~~
- 712 ~~Dimethoxy-4-nitrophenyl)ethanamine).~~
- 713 163. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine) ~~2-~~
- 714 ~~(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine).~~
- 715 164. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-
- 716 methoxybenzyl)]phenethylamine) ~~4-iodo-2,5-dimethoxy-N-[(2-~~
- 717 ~~methoxyphenyl)methyl]-benzeneethanamine).~~
- 718 165. MDMA (3,4-Methylenedioxymethamphetamine) ~~(MDMA).~~
- 719 166. PB-22 (8-Quinoliny 1-pentylindole-3-carboxylate) ~~1-~~
- 720 ~~pentyl-8-quinoliny 1-ester-1H-indole-3-carboxylic acid).~~
- 721 167. 5-Fluoro PB-22 (8-Quinoliny 1-(fluoropentyl)indole-3-
- 722 carboxylate) ~~8-quinoliny 1-ester-1-(5-fluoropentyl)-1H-indole-3-~~
- 723 ~~carboxylic acid).~~
- 724 168. BB-22 (8-Quinoliny 1-(cyclohexylmethyl)indole-3-
- 725 carboxylate) ~~1-(cyclohexylmethyl)-8-quinoliny 1-ester-1H-indole-~~
- 726 ~~3-carboxylic acid).~~
- 727 169. 5-Fluoro AKB48 (N-Adamant-1-yl 1-
- 728 (fluoropentyl)indazole-3-carboxamide) ~~N-((3s,5s,7s)-adamantan-1-~~

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729 ~~yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide).~~

730 170. AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
731 pentylindazole-3-carboxamide) ~~N-(1-Amino-3-methyl-1-oxobutan-2-~~
732 ~~yl)-1-pentyl-1H-indazole-3-carboxamide).~~

733 171. AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
734 (4-fluorobenzyl)indazole-3-carboxamide) ~~N-(1-Amino-3-methyl-1-~~
735 ~~oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide).~~

736 172. ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-
737 1-pentylindazole-3-carboxamide) ~~N-(1-Amino-3,3-dimethyl-1-~~
738 ~~oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide).~~

739 173. Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
740 yl)-1-(fluoropentyl)indole-3-carboxamide) ~~N-(1-Amino-3,3-~~
741 ~~dimethyl-1-oxobutan-2-yl)-1-(fluoropentyl)-1H-indole-3-~~
742 ~~carboxamide).~~

743 174. 25B-NBOME (4-Bromo-2,5-dimethoxy-[N-(2-
744 methoxybenzyl)]phenethylamine) ~~4-bromo-2,5-dimethoxy-N-[(2-~~
745 ~~methoxyphenyl)methyl]-benzeneethanamine).~~

746 175. 25C-E-NBOME (4-Chloro-2,5-dimethoxy-[N-(2-
747 methoxybenzyl)]phenethylamine) ~~4-chloro-2,5-dimethoxy-N-[(2-~~
748 ~~methoxyphenyl)methyl]-benzeneethanamine).~~

749 176. AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
750 (cyclohexylmethyl)indazole-3-carboxamide) ~~: N-[1-(aminocarbonyl)-~~
751 ~~2-methylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide.~~

752 177. FUB-PB-22 (8-Quinolinylnyl 1-(4-fluorobenzyl)indole-3-
753 carboxylate) ~~: Quinolyn-8-yl-1-(4-fluorobenzyl)-1H-indole-3-~~
754 ~~carboxylate.~~

755 178. Fluoro-NNEI (N-Naphthalen-1-yl 1-(fluoropentyl)indole-
756 3-carboxamide) ~~: 1-(Fluoropentyl)-N-(naphthalen-1-yl)-1H-indole-~~
757 ~~3-carboxamide.~~

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- 758 179. Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-
759 (fluoropentyl)indazole-3-carboxamide): ~~Methyl 2-(1-~~
760 ~~(fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate.~~
- 761 180. THJ-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indazole)÷
762 ~~[1-(5-Fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone.~~
- 763 181. AM-855 ((4aR,12bR)-8-Hexyl-2,5,5-trimethyl-
764 1,4,4a,8,9,10,11,12b-octahydronaphtho[3,2-c]isochromen-12-ol).
- 765 182. AM-905 ((6aR,9R,10aR)-3-[(E)-Hept-1-enyl]-9-
766 (hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-
767 hexahydrobenzo[c]chromen-1-ol).
- 768 183. AM-906 ((6aR,9R,10aR)-3-[(Z)-Hept-1-enyl]-9-
769 (hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-
770 hexahydrobenzo[c]chromen-1-ol).
- 771 184. AM-2389 ((6aR,9R,10aR)-3-(1-Hexyl-cyclobut-1-yl)-
772 6a,7,8,9,10,10a-hexahydro-6,6-dimethyl-6H-dibenzo[b,d]pyran-1,9
773 diol).
- 774 185. HU-243 ((6aR,8S,9S,10aR)-9-(Hydroxymethyl)-6,6-
775 dimethyl-3-(2-methyloctan-2-yl)-8,9-ditritio-7,8,10,10a-
776 tetrahydro-6aH-benzo[c]chromen-1-ol).
- 777 186. HU-336 ((6aR,10aR)-6,6,9-Trimethyl-3-pentyl-
778 6a,7,10,10a-tetrahydro-1H-benzo[c]chromene-1,4(6H)-dione).
- 779 187. MAPB ((2-Methylaminopropyl)benzofuran).
- 780 188. 5-IT (2-(1H-Indol-5-yl)-1-methyl-ethylamine).
- 781 189. 6-IT (2-(1H-Indol-6-yl)-1-methyl-ethylamine).
- 782 190. Synthetic Cannabinoids. Unless specifically excepted
783 or unless listed in another schedule or contained within a
784 pharmaceutical product approved by the United States Food and
785 Drug Administration, any material, compound, mixture, or
786 preparation that contains any quantity of a synthetic

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787 cannabinoid found to be in any of the following chemical class
788 descriptions, or homologues, nitrogen-heterocyclic analogs,
789 isomers (including optical, positional, or geometric), esters,
790 ethers, salts, and salts of homologues, nitrogen-heterocyclic
791 analog, isomers, esters, or ethers, whenever the existence of
792 such homologues, nitrogen-heterocyclic analogs, isomers, esters,
793 ethers, salts, and salts of isomers, esters, or ethers is
794 possible within the specific chemical class or designation.
795 Since nomenclature of these synthetically produced cannabinoids
796 is not internationally standardized and may continually evolve,
797 these structures or the compounds of these structures shall be
798 included under this subparagraph, regardless of their specific
799 numerical designation of atomic positions covered, if it can be
800 determined through a recognized method of scientific testing or
801 analysis that the substance contains properties that fit within
802 one or more of the following categories:

803 a. Tetrahydrocannabinols. Any tetrahydrocannabinols
804 naturally contained in a plant of the genus *Cannabis*, the
805 synthetic equivalents of the substances contained in the plant
806 or in the resinous extracts of the genus *Cannabis*, or synthetic
807 substances, derivatives, and their isomers with similar chemical
808 structure and pharmacological activity, including, but not
809 limited to, Delta 9 tetrahydrocannabinols and their optical
810 isomers, Delta 8 tetrahydrocannabinols and their optical
811 isomers, Delta 6a,10a tetrahydrocannabinols and their optical
812 isomers, or any compound containing a tetrahydrobenzo[c]chromene
813 structure with substitution at the 3-position or substitution at
814 the 9-position, with or without substitution at the 1-position
815 with hydroxyl or alkoxy groups, including, but not limited to:

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- 816 (I) Tetrahydrocannabinol.
- 817 (II) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-
- 818 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
- 819 ol).
- 820 (III) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
- 821 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
- 822 ol).
- 823 (IV) JWH-051 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-
- 824 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
- 825 (V) JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methylpentan-
- 826 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
- 827 (VI) JWH-057 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methyloctan-
- 828 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
- 829 (VII) JWH-359 ((6aR,10aR)-1-Methoxy-6,6,9-trimethyl-3-(2,3-
- 830 dimethylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
- 831 (VIII) AM-087 ((6aR,10aR)-3-(2-Methyl-6-bromohex-2-yl)-
- 832 6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
- 833 (IX) AM-411 ((6aR,10aR)-3-(1-Adamantyl)-6,6,9-trimethyl-
- 834 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
- 835 (X) Parahexyl.
- 836 b. Naphthoylindoles, Naphthoylindazoles,
- 837 Naphthoylcarbazoles, Naphthylmethylindoles,
- 838 Naphthylmethylindazoles, and Naphthylmethylcarbazoles. Any
- 839 compound containing a naphthoylindole, naphthoylindazole,
- 840 naphthoylcarbazole, naphthylmethylindole,
- 841 naphthylmethylindazole, or naphthylmethylcarbazole structure,
- 842 with or without substitution on the indole, indazole, or
- 843 carbazole ring to any extent, whether or not substituted on the
- 844 naphthyl ring to any extent, including, but not limited to:

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- 845 (I) JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl) indole).
- 846 (II) JWH-011 (1-(1-Methylhexyl)-2-methyl-3-(1-
- 847 naphthoyl) indole).
- 848 (III) JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl) indole).
- 849 (IV) JWH-016 (1-Butyl-2-methyl-3-(1-naphthoyl) indole).
- 850 (V) JWH-018 (1-Pentyl-3-(1-naphthoyl) indole).
- 851 (VI) JWH-019 (1-Hexyl-3-(1-naphthoyl) indole).
- 852 (VII) JWH-020 (1-Heptyl-3-(1-naphthoyl) indole).
- 853 (VIII) JWH-022 (1-(4-Pentenyl)-3-(1-naphthoyl) indole).
- 854 (IX) JWH-071 (1-Ethyl-3-(1-naphthoyl) indole).
- 855 (X) JWH-072 (1-Propyl-3-(1-naphthoyl) indole).
- 856 (XI) JWH-073 (1-Butyl-3-(1-naphthoyl) indole).
- 857 (XII) JWH-080 (1-Butyl-3-(4-methoxy-1-naphthoyl) indole).
- 858 (XIII) JWH-081 (1-Pentyl-3-(4-methoxy-1-naphthoyl) indole).
- 859 (XIV) JWH-098 (1-Pentyl-2-methyl-3-(4-methoxy-1-
- 860 naphthoyl) indole).
- 861 (XV) JWH-116 (1-Pentyl-2-ethyl-3-(1-naphthoyl) indole).
- 862 (XVI) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole).
- 863 (XVII) JWH-149 (1-Pentyl-2-methyl-3-(4-methyl-1-
- 864 naphthoyl) indole).
- 865 (XVIII) JWH-164 (1-Pentyl-3-(7-methoxy-1-naphthoyl) indole).
- 866 (XIX) JWH-175 (1-Pentyl-3-(1-naphthylmethyl) indole).
- 867 (XX) JWH-180 (1-Propyl-3-(4-propyl-1-naphthoyl) indole).
- 868 (XXI) JWH-182 (1-Pentyl-3-(4-propyl-1-naphthoyl) indole).
- 869 (XXII) JWH-184 (1-Pentyl-3-[(4-methyl)-1-
- 870 naphthylmethyl] indole).
- 871 (XXIII) JWH-193 (1-[2-(4-Morpholinyl)ethyl]-3-(4-methyl-1-
- 872 naphthoyl) indole).
- 873 (XXIV) JWH-198 (1-[2-(4-Morpholinyl)ethyl]-3-(4-methoxy-1-

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874 naphthoyl) indole).
875 (XXV) JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)
876 indole).
877 (XXVI) JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl) indole).
878 (XXVII) JWH-387 (1-Pentyl-3-(4-bromo-1-naphthoyl) indole).
879 (XXVIII) JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole).
880 (XXVIX) JWH-412 (1-Pentyl-3-(4-fluoro-1-naphthoyl) indole).
881 (XXX) JWH-424 (1-Pentyl-3-(8-bromo-1-naphthoyl) indole).
882 (XXXI) AM-1220 (1-[(1-Methyl-2-piperidinyl)methyl]-3-(1-
883 naphthoyl) indole).
884 (XXXII) AM-1235 (1-(5-Fluoropentyl)-6-nitro-3-(1-
885 naphthoyl) indole).
886 (XXXIII) AM-2201 (1-(5-Fluoropentyl)-3-(1-
887 naphthoyl) indole).
888 (XXXIV) Chloro JWH-018 (1-(Chloropentyl)-3-(1-
889 naphthoyl) indole).
890 (XXXV) Bromo JWH-018 (1-(Bromopentyl)-3-(1-
891 naphthoyl) indole).
892 (XXXVI) AM-2232 (1-(4-Cyanobutyl)-3-(1-naphthoyl) indole).
893 (XXXVII) THJ-2201 (1-(5-Fluoropentyl)-3-(1-
894 naphthoyl) indazole).
895 (XXXVIII) MAM-2201 (1-(5-Fluoropentyl)-3-(4-methyl-1-
896 naphthoyl) indole).
897 (XXXIX) EAM-2201 (1-(5-Fluoropentyl)-3-(4-ethyl-1-
898 naphthoyl) indole).
899 (XL) EG-018 (9-Pentyl-3-(1-naphthoyl) carbazole).
900 (XLI) EG-2201 (9-(5-Fluoropentyl)-3-(1-
901 naphthoyl) carbazole).
902 c. Naphthoylpyrroles. Any compound containing a

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903 naphthoylpyrrole structure, with or without substitution on the
904 pyrrole ring to any extent, whether or not substituted on the
905 naphthyl ring to any extent, including, but not limited to:

906 (I) JWH-030 (1-Pentyl-3-(1-naphthoyl)pyrrole).

907 (II) JWH-031 (1-Hexyl-3-(1-naphthoyl)pyrrole).

908 (III) JWH-145 (1-Pentyl-5-phenyl-3-(1-naphthoyl)pyrrole).

909 (IV) JWH-146 (1-Heptyl-5-phenyl-3-(1-naphthoyl)pyrrole).

910 (V) JWH-147 (1-Hexyl-5-phenyl-3-(1-naphthoyl)pyrrole).

911 (VI) JWH-307 (1-Pentyl-5-(2-fluorophenyl)-3-(1-
912 naphthoyl)pyrrole).

913 (VII) JWH-309 (1-Pentyl-5-(1-naphthalenyl)-3-(1-
914 naphthoyl)pyrrole).

915 (VIII) JWH-368 (1-Pentyl-5-(3-fluorophenyl)-3-(1-
916 naphthoyl)pyrrole).

917 (IX) JWH-369 (1-Pentyl-5-(2-chlorophenyl)-3-(1-
918 naphthoyl)pyrrole).

919 (X) JWH-370 (1-Pentyl-5-(2-methylphenyl)-3-(1-
920 naphthoyl)pyrrole).

921 d. Naphthylmethylenindenes. Any compound containing a
922 naphthylmethylenindene structure, with or without substitution
923 at the 3-position of the indene ring to any extent, whether or
924 not substituted on the naphthyl ring to any extent, including,
925 but not limited to, JWH-176 (3-Pentyl-1-
926 (naphthylmethylene)indene).

927 e. Phenylacetylindoles and Phenylacetylindazoles. Any
928 compound containing a phenylacetylindole or phenylacetylindazole
929 structure, with or without substitution on the indole or
930 indazole ring to any extent, whether or not substituted on the
931 phenyl ring to any extent, including, but not limited to:

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- 932 (I) JWH-167 (1-Pentyl-3-(phenylacetyl)indole).
- 933 (II) JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl)indole).
- 934 (III) JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole).
- 935 (IV) JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole).
- 936 (V) JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole).
- 937 (VI) JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl)indole).
- 938 (VII) Cannabipiperidiethanone.
- 939 (VIII) RCS-8 (1-(2-Cyclohexylethyl)-3-(2-
- 940 methoxyphenylacetyl)indole).
- 941 f. Cyclohexylphenols. Any compound containing a
- 942 cyclohexylphenol structure, with or without substitution at the
- 943 5-position of the phenolic ring to any extent, whether or not
- 944 substituted on the cyclohexyl ring to any extent, including, but
- 945 not limited to:
- 946 (I) CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-2-
- 947 yl)phenol).
- 948 (II) Cannabicyclohexanol (CP 47,497 dimethyloctyl (C8)
- 949 homologue).
- 950 (III) CP-55,940 (2-(3-Hydroxy-5-propanol-cyclohexyl)-5-(2-
- 951 methyloctan-2-yl)phenol).
- 952 g. Benzoylindoles and Benzoylindazoles. Any compound
- 953 containing a benzoylindole or benzoylindazole structure, with or
- 954 without substitution on the indole or indazole ring to any
- 955 extent, whether or not substituted on the phenyl ring to any
- 956 extent, including, but not limited to:
- 957 (I) AM-679 (1-Pentyl-3-(2-iodobenzoyl)indole).
- 958 (II) AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole).
- 959 (III) AM-1241 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-
- 960 iodo-5-nitrobenzoyl)indole).

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961 (IV) Pravadoline (1-[2-(4-Morpholinyl)ethyl]-2-methyl-3-(4-
962 methoxybenzoyl)indole).

963 (V) AM-2233 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-
964 iodobenzoyl)indole).

965 (VI) RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole).

966 (VII) RCS-4 C4 homologue (1-Butyl-3-(4-
967 methoxybenzoyl)indole).

968 (VIII) AM-630 (1-[2-(4-Morpholinyl)ethyl]-2-methyl-6-iodo-
969 3-(4-methoxybenzoyl)indole).

970 h. Tetramethylcyclopropanoylindoles and
971 Tetramethylcyclopropanoylindazoles. Any compound containing a
972 tetramethylcyclopropanoylindole or
973 tetramethylcyclopropanoylindazole structure, with or without
974 substitution on the indole or indazole ring to any extent,
975 whether or not substituted on the tetramethylcyclopropyl group
976 to any extent, including, but not limited to:

977 (I) UR-144 (1-Pentyl-3-(2,2,3,3-
978 tetramethylcyclopropanoyl)indole).

979 (II) XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-
980 tetramethylcyclopropanoyl)indole).

981 (III) Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-
982 tetramethylcyclopropanoyl)indole).

983 (IV) A-796,260 (1-[2-(4-Morpholinyl)ethyl]-3-(2,2,3,3-
984 tetramethylcyclopropanoyl)indole).

985 (V) A-834,735 (1-[4-(Tetrahydropyranyl)methyl]-3-(2,2,3,3-
986 tetramethylcyclopropanoyl)indole).

987 (VI) M-144 (1-(5-Fluoropentyl)-2-methyl-3-(2,2,3,3-
988 tetramethylcyclopropanoyl)indole).

989 (VII) FUB-144 (1-(4-Fluorobenzyl)-3-(2,2,3,3-

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990 tetramethylcyclopropanoyl)indole).

991 (VIII) FAB-144 (1-(5-Fluoropentyl)-3-(2,2,3,3-

992 tetramethylcyclopropanoyl)indazole).

993 (IX) XLR12 (1-(4,4,4-Trifluorobutyl)-3-(2,2,3,3-

994 tetramethylcyclopropanoyl)indole).

995 (X) AB-005 (1-[(1-Methyl-2-piperidinyl)methyl]-3-(2,2,3,3-

996 tetramethylcyclopropanoyl)indole).

997 i. Adamantoylindoles, Adamantoylindazoles, Adamantylindole

998 carboxamides, and Adamantylindazole carboxamides. Any compound

999 containing an adamantoyl indole, adamantoyl indazole, adamantyl

1000 indole carboxamide, or adamantyl indazole carboxamide structure,

1001 with or without substitution on the indole or indazole ring to

1002 any extent, whether or not substituted on the adamantyl ring to

1003 any extent, including, but not limited to:

1004 (I) AKB48 (N-Adamant-1-yl 1-pentylindazole-3-carboxamide).

1005 (II) Fluoro AKB48 (N-Adamant-1-yl 1-(fluoropentyl)indazole-

1006 3-carboxamide).

1007 (III) STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-3-

1008 carboxamide).

1009 (IV) AM-1248 (1-(1-Methylpiperidine)methyl-3-(1-

1010 adamantoyl)indole).

1011 (V) AB-001 (1-Pentyl-3-(1-adamantoyl)indole).

1012 (VI) APICA (N-Adamant-1-yl 1-pentylindole-3-carboxamide).

1013 (VII) Fluoro AB-001 (1-(Fluoropentyl)-3-(1-

1014 adamantoyl)indole).

1015 j. Quinolinylindolecarboxylates,

1016 Quinolinylindazolecarboxylates, Quinolinylindolecarboxamides,

1017 and Quinolinylindazolecarboxamides. Any compound containing a

1018 quinolinylindole carboxylate, quinolinylindazole carboxylate,

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1019 isoquinoliny lindole carboxylate, isoquinoliny lindazole
1020 carboxylate, quinoliny lindole carboxamide, quinoliny lindazole
1021 carboxamide, isoquinoliny lindole carboxamide, or
1022 isoquinoliny lindazole carboxamide structure, with or without
1023 substitution on the indole or indazole ring to any extent,
1024 whether or not substituted on the quinoline or isoquinoline ring
1025 to any extent, including, but not limited to:

1026 (I) PB-22 (8-Quinoliny 1-penty lindole-3-carboxylate).

1027 (II) Fluoro PB-22 (8-Quinoliny 1-(fluoropenty) indole-3-
1028 carboxylate).

1029 (III) BB-22 (8-Quinoliny 1-(cyclohexy lmethyl) indole-3-
1030 carboxylate).

1031 (IV) FUB-PB-22 (8-Quinoliny 1-(4-fluorobenzyl) indole-3-
1032 carboxylate).

1033 (V) NPB-22 (8-Quinoliny 1-penty lindazole-3-carboxylate).

1034 (VI) Fluoro NPB-22 (8-Quinoliny 1-(fluoropenty) indazole-
1035 3-carboxylate).

1036 (VII) FUB-NPB-22 (8-Quinoliny 1-(4-fluorobenzyl) indazole-
1037 3-carboxylate).

1038 (VIII) THJ (8-Quinoliny 1-penty lindazole-3-carboxamide).

1039 (IX) Fluoro THJ (8-Quinoliny 1-(fluoropenty) indazole-3-
1040 carboxamide).

1041 k. Naphthy lindole carboxylates and

1042 Naphthy lindazole carboxylates. Any compound containing a
1043 naphthy lindole carboxylate or naphthy lindazole carboxylate

1044 structure, with or without substitution on the indole or
1045 indazole ring to any extent, whether or not substituted on the
1046 naphthyl ring to any extent, including, but not limited to:

1047 (I) NM-2201 (1-Naphthaleny 1-(5-fluoropenty) indole-3-

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- 1048 carboxylate).
- 1049 (II) SDB-005 (1-Naphthalenyl 1-pentylindazole-3-
- 1050 carboxylate).
- 1051 (III) Fluoro SDB-005 (1-Naphthalenyl 1-
- 1052 (fluoropentyl)indazole-3-carboxylate).
- 1053 (IV) FDU-PB-22 (1-Naphthalenyl 1-(4-fluorobenzyl)indole-3-
- 1054 carboxylate).
- 1055 (V) 3-CAF (2-Naphthalenyl 1-(2-fluorophenyl)indazole-3-
- 1056 carboxylate).
- 1057 1. Naphthylindole carboxamides and Naphthylindazole
- 1058 carboxamides. Any compound containing a naphthylindole
- 1059 carboxamide or naphthylindazole carboxamide structure, with or
- 1060 without substitution on the indole or indazole ring to any
- 1061 extent, whether or not substituted on the naphthyl ring to any
- 1062 extent, including, but not limited to:
- 1063 (I) NNEI (N-Naphthalen-1-yl 1-pentylindole-3-carboxamide).
- 1064 (II) Fluoro-NNEI (N-Naphthalen-1-yl 1-(fluoropentyl)indole-
- 1065 3-carboxamide).
- 1066 (III) Chloro-NNEI (N-Naphthalen-1-yl 1-(chloropentyl)
- 1067 indole-3-carboxamide).
- 1068 (IV) MN-18 (N-Naphthalen-1-yl 1-pentylindazole-3-
- 1069 carboxamide).
- 1070 (V) Fluoro MN-18 (N-Naphthalen-1-yl 1-
- 1071 (fluoropentyl)indazole-3-carboxamide).
- 1072 m. Alkylcarbonyl indole carboxamides, Alkylcarbonyl
- 1073 indazole carboxamides, Alkylcarbonyl indole carboxylates, and
- 1074 Alkylcarbonyl indazole carboxylates. Any compound containing an
- 1075 alkylcarbonyl group, including 1-amino-3-methyl-1-oxobutan-2-yl,
- 1076 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-amino-1-oxo-3-

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1077 phenylpropan-2-yl, 1-methoxy-1-oxo-3-phenylpropan-2-yl, with an
1078 indole carboxamide, indazole carboxamide, indole carboxylate, or
1079 indazole carboxylate, with or without substitution on the indole
1080 or indazole ring to any extent, whether or not substituted on
1081 the alkylcarbonyl group to any extent, including, but not
1082 limited to:

1083 (I) ADBICA, (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-
1084 pentylindole-3-carboxamide).

1085 (II) Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
1086 yl)-1-(fluoropentyl)indole-3-carboxamide).

1087 (III) Fluoro ABICA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
1088 (fluoropentyl)indole-3-carboxamide).

1089 (IV) AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
1090 pentylindazole-3-carboxamide).

1091 (V) Fluoro AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-
1092 1-(fluoropentyl)indazole-3-carboxamide).

1093 (VI) ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-
1094 1-pentylindazole-3-carboxamide).

1095 (VII) Fluoro ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-
1096 oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).

1097 (VIII) AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
1098 (4-fluorobenzyl)indazole-3-carboxamide).

1099 (IX) ADB-FUBINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
1100 yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).

1101 (X) AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
1102 (cyclohexylmethyl)indazole-3-carboxamide).

1103 (XI) MA-CHMINACA (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-
1104 (cyclohexylmethyl)indazole-3-carboxamide).

1105 (XII) MAB-CHMINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-

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1106 yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).

1107 (XIII) AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-

1108 pentylindazole-3-carboxamide).

1109 (XIV) Fluoro AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-

1110 (fluoropentyl)indazole-3-carboxamide).

1111 (XV) FUB-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(4-

1112 fluorobenzyl)indazole-3-carboxamide).

1113 (XVI) MDMB-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-

1114 2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).

1115 (XVII) MDMB-FUBINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-

1116 2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).

1117 (XVIII) MDMB-CHMICA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-

1118 2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide).

1119 (XIX) PX-1 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-

1120 fluoropentyl)indole-3-carboxamide).

1121 (XX) PX-2 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-

1122 fluoropentyl)indazole-3-carboxamide).

1123 (XXI) PX-3 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-

1124 (cyclohexylmethyl)indazole-3-carboxamide).

1125 (XXII) PX-4 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(4-

1126 fluorobenzyl)indazole-3-carboxamide).

1127 (XXIII) MO-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-

1128 2-yl)-1-(cyclohexylmethyl)indazole-3-carboxylate).

1129 n. Cumylindolecarboxamides and Cumylindazolecarboxamides.

1130 Any compound containing a N-(2-phenylpropan-2-yl) indole

1131 carboxamide or N-(2-phenylpropan-2-yl) indazole carboxamide

1132 structure, with or without substitution on the indole or

1133 indazole ring to any extent, whether or not substituted on the

1134 phenyl ring of the cumyl group to any extent, including, but not

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1135 limited to:

1136 (I) CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-pentylindole-3-
1137 carboxamide).

1138 (II) Fluoro CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-
1139 (fluoropentyl)indole-3-carboxamide).

1140 o. Other Synthetic Cannabinoids. Any material, compound,
1141 mixture, or preparation that contains any quantity of a
1142 Synthetic Cannabinoid, as described in sub-subparagraphs a.-n.:

1143 (I) With or without modification or replacement of a
1144 carbonyl, carboxamide, alkylene, alkyl, or carboxylate linkage
1145 between two core ring or group structures with or without the
1146 addition of a carbon or replacement of a carbon;

1147 (II) With or without replacement of a core ring or group
1148 structure, whether or not substituted on the ring or group
1149 structures to any extent; and

1150 (III) Is a cannabinoid receptor agonist, unless
1151 specifically excepted or unless listed in another schedule or
1152 contained within a pharmaceutical product approved by the United
1153 States Food and Drug Administration.

1154 191. Substituted Cathinones. Unless specifically excepted,
1155 listed in another schedule, or contained within a pharmaceutical
1156 product approved by the United States Food and Drug
1157 Administration, any material, compound, mixture, or preparation,
1158 including its salts, isomers, esters, or ethers, and salts of
1159 isomers, esters, or ethers, whenever the existence of such salts
1160 is possible within any of the following specific chemical
1161 designations:

1162 a. Any compound containing a 2-amino-1-phenyl-1 propanone
1163 structure;

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1164 b. Any compound containing a 2-amino-1-naphthyl-1-propanone
1165 structure; or

1166 c. Any compound containing a 2-amino-1-thiophene-1-
1167 propanone structure,

1168

1169 whether or not the compound is further modified:

1170 (I) With or without substitution on the ring system to any
1171 extent with alkyl, alkylthio, thio, fused alkylenedioxy, alkoxy,
1172 haloalkyl, hydroxyl, nitro, fused furan, fused benzofuran, fused
1173 dihydrofuran, fused tetrahydropyran, fused alkyl ring, or halide
1174 substituents;

1175 (II) With or without substitution at the 3-propanone
1176 position with an alkyl substituent or removal of the methyl
1177 group at the 3-propanone position;

1178 (III) With or without substitution at the 2-amino nitrogen
1179 atom with alkyl, dialkyl, acetyl, or benzyl groups, whether or
1180 not further substituted in the ring system; or

1181 (IV) With or without inclusion of the 2-amino nitrogen atom
1182 in a cyclic structure, including, but not limited to:

1183 (A) Methcathinone.

1184 (B) Ethcathinone.

1185 (C) Methylone (3,4-Methylenedioxy-methcathinone).

1186 (D) 2,3-Methylenedioxy-methcathinone.

1187 (E) MDPV (3,4-Methylenedioxy-pyrovalerone).

1188 (F) Methylmethcathinone.

1189 (G) Methoxymethcathinone.

1190 (H) Fluoromethcathinone.

1191 (I) Methylethcathinone.

1192 (J) Butylone (3,4-Methylenedioxy-alpha-

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- 1193 methylaminobutyrophenone).
- 1194 (K) Ethylone (3,4-Methylenedioxy-N-ethylcathinone).
- 1195 (L) BMDP (3,4-Methylenedioxy-N-benzylcathinone).
- 1196 (M) Naphyrone (Naphthylpyrovalerone).
- 1197 (N) Bromomethcathinone.
- 1198 (O) Buphedrone (alpha-Methylaminobutyrophenone).
- 1199 (P) Eutylone (3,4-Methylenedioxy-alpha-
- 1200 ethylaminobutyrophenone).
- 1201 (Q) Dimethylcathinone.
- 1202 (R) Dimethylmethcathinone.
- 1203 (S) Pentylone (3,4-Methylenedioxy-alpha-
- 1204 methylaminovalerophenone).
- 1205 (T) Pentedrone (alpha-Methylaminovalerophenone).
- 1206 (U) MDP PPP (3,4-Methylenedioxy-alpha-
- 1207 pyrrolidinopropiophenone).
- 1208 (V) MDPBP (3,4-Methylenedioxy-alpha-
- 1209 pyrrolidinobutyrophenone).
- 1210 (W) MPPP (Methyl-alpha-pyrrolidinopropiophenone).
- 1211 (X) PPP (Pyrrolidinopropiophenone).
- 1212 (Y) PVP (Pyrrolidinovalerophenone) or
- 1213 (Pyrrolidinopentiophenone).
- 1214 (Z) MOPPP (Methoxy-alpha-pyrrolidinopropiophenone).
- 1215 (AA) MPHP (Methyl-alpha-pyrrolidinohexanophenone).
- 1216 (BB) F-MABP (Fluoromethylaminobutyrophenone).
- 1217 (CC) Me-EABP (Methylethylaminobutyrophenone).
- 1218 (DD) PBP (Pyrrolidinobutyrophenone).
- 1219 (EE) MeO-PBP (Methoxypyrrolidinobutyrophenone).
- 1220 (FF) Et-PBP (Ethylpyrrolidinobutyrophenone).
- 1221 (GG) 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).

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1222 (HH) Dimethylone (3,4-Methylenedioxy-N,N-
1223 dimethylcathinone).

1224 (II) 3,4-Methylenedioxy-N,N-diethylcathinone.

1225 (JJ) 3,4-Methylenedioxy-N-acetylcathinone.

1226 (KK) 3,4-Methylenedioxy-N-acetylmethcathinone.

1227 (LL) 3,4-Methylenedioxy-N-acetylethcathinone.

1228 (MM) Methylbuphedrone (Methyl-alpha-
1229 methylaminobutyrophenone).

1230 (NN) Methyl-alpha-methylaminohexanophenone.

1231 (OO) N-Ethyl-N-methylcathinone.

1232 (PP) PHP (Pyrrolidinohexanophenone).

1233 (QQ) PV8 (Pyrrolidinoheptanophenone).

1234 (RR) Chloromethcathinone.

1235 (SS) 4-Bromo-2,5-dimethoxy-alpha-aminoacetophenone.

1236 192. Substituted Phenethylamines. Unless specifically
1237 excepted or unless listed in another schedule, or contained
1238 within a pharmaceutical product approved by the United States
1239 Food and Drug Administration, any material, compound, mixture,
1240 or preparation, including its salts, isomers, esters, or ethers,
1241 and salts of isomers, esters, or ethers, whenever the existence
1242 of such salts is possible within any of the following specific
1243 chemical designations, any compound containing a phenethylamine
1244 structure, without a beta-keto group, and without a benzyl group
1245 attached to the amine group, whether or not the compound is
1246 further modified with or without substitution on the phenyl ring
1247 to any extent with alkyl, alkylthio, nitro, alkoxy, thio,
1248 halide, fused alkylenedioxy, fused furan, fused benzofuran,
1249 fused dihydrofuran, or fused tetrahydropyran substituents,
1250 whether or not further substituted on a ring to any extent, with

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- 1251 or without substitution at the alpha or beta position by any
1252 alkyl substituent, with or without substitution at the nitrogen
1253 atom, and with or without inclusion of the 2-amino nitrogen atom
1254 in a cyclic structure, including, but not limited to:
- 1255 a. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).
 - 1256 b. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
 - 1257 c. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine).
 - 1258 d. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
 - 1259 e. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).
 - 1260 f. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).
 - 1261 g. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine).
 - 1262 h. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
 - 1263 i. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).
 - 1264 j. 2C-H (2,5-Dimethoxyphenethylamine).
 - 1265 k. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).
 - 1266 l. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).
 - 1267 m. MDMA (3,4-Methylenedioxyamphetamine).
 - 1268 n. MBDB (Methylbenzodioxolylbutanamine) or (3,4-
1269 Methylenedioxy-N-methylbutanamine).
 - 1270 o. MDA (3,4-Methylenedioxyamphetamine).
 - 1271 p. 2,5-Dimethoxyamphetamine.
 - 1272 q. Fluoroamphetamine.
 - 1273 r. Fluoromethamphetamine.
 - 1274 s. MDEA (3,4-Methylenedioxy-N-ethylamphetamine).
 - 1275 t. DOB (4-Bromo-2,5-dimethoxyamphetamine).
 - 1276 u. DOC (4-Chloro-2,5-dimethoxyamphetamine).
 - 1277 v. DOET (4-Ethyl-2,5-dimethoxyamphetamine).
 - 1278 w. DOI (4-Iodo-2,5-dimethoxyamphetamine).
 - 1279 x. DOM (4-Methyl-2,5-dimethoxyamphetamine).

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- 1280 y. PMA (4-Methoxyamphetamine).
- 1281 z. N-Ethylamphetamine.
- 1282 aa. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 1283 bb. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 1284 cc. PMMA (4-Methoxymethamphetamine).
- 1285 dd. N,N-Dimethylamphetamine.
- 1286 ee. 3,4,5-Trimethoxyamphetamine.
- 1287 ff. 4-APB (4-(2-Aminopropyl)benzofuran).
- 1288 gg. 5-APB (5-(2-Aminopropyl)benzofuran).
- 1289 hh. 6-APB (6-(2-Aminopropyl)benzofuran).
- 1290 ii. 7-APB (7-(2-Aminopropyl)benzofuran).
- 1291 jj. 4-APDB (4-(2-Aminopropyl)-2,3-dihydrobenzofuran).
- 1292 kk. 5-APDB (5-(2-Aminopropyl)-2,3-dihydrobenzofuran).
- 1293 ll. 6-APDB (6-(2-Aminopropyl)-2,3-dihydrobenzofuran).
- 1294 mm. 7-APDB (7-(2-Aminopropyl)-2,3-dihydrobenzofuran).
- 1295 nn. 4-MAPB (4-(2-Methylaminopropyl)benzofuran).
- 1296 oo. 5-MAPB (5-(2-Methylaminopropyl)benzofuran).
- 1297 pp. 6-MAPB (6-(2-Methylaminopropyl)benzofuran).
- 1298 qq. 7-MAPB (7-(2-Methylaminopropyl)benzofuran).
- 1299 rr. 5-EAPB (5-(2-Ethylaminopropyl)benzofuran).
- 1300 ss. 5-MAPDB (5-(2-Methylaminopropyl)-2,3-
- 1301 dihydrobenzofuran),

1302

1303 which does not include phenethylamine, mescaline as described in

1304 subparagraph (1)(c)20., substituted cathinones as described in

1305 subparagraph (1)(c)191., N-Benzyl phenethylamine compounds as

1306 described in subparagraph (1)(c)193., or methamphetamine as

1307 described in subparagraph (2)(c)4.

1308 193. N-Benzyl Phenethylamine Compounds. Unless specifically

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1309 excepted or unless listed in another schedule, or contained
1310 within a pharmaceutical product approved by the United States
1311 Food and Drug Administration, any material, compound, mixture,
1312 or preparation, including its salts, isomers, esters, or ethers,
1313 and salts of isomers, esters, or ethers, whenever the existence
1314 of such salts is possible within any of the following specific
1315 chemical designations, any compound containing a phenethylamine
1316 structure without a beta-keto group, with substitution on the
1317 nitrogen atom of the amino group with a benzyl substituent, with
1318 or without substitution on the phenyl or benzyl ring to any
1319 extent with alkyl, alkoxy, thio, alkylthio, halide, fused
1320 alkylenedioxy, fused furan, fused benzofuran, or fused
1321 tetrahydropyran substituents, whether or not further substituted
1322 on a ring to any extent, with or without substitution at the
1323 alpha position by any alkyl substituent, including, but not
1324 limited to:

1325 a. 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-
1326 methoxybenzyl)]phenethylamine).

1327 b. 25B-NBOH (4-Bromo-2,5-dimethoxy-[N-(2-
1328 hydroxybenzyl)]phenethylamine).

1329 c. 25B-NBF (4-Bromo-2,5-dimethoxy-[N-(2-
1330 fluorobenzyl)]phenethylamine).

1331 d. 25B-NBMD (4-Bromo-2,5-dimethoxy-[N-(2,3-
1332 methylenedioxybenzyl)]phenethylamine).

1333 e. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-
1334 methoxybenzyl)]phenethylamine).

1335 f. 25I-NBOH (4-Iodo-2,5-dimethoxy-[N-(2-
1336 hydroxybenzyl)]phenethylamine).

1337 g. 25I-NBF (4-Iodo-2,5-dimethoxy-[N-(2-

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- 1338 fluorobenzyl)]phenethylamine).
- 1339 h. 25I-NBMD (4-Iodo-2,5-dimethoxy-[N-(2,3-
- 1340 methylenedioxybenzyl)]phenethylamine).
- 1341 i. 25T2-NBOMe (4-Methylthio-2,5-dimethoxy-[N-(2-
- 1342 methoxybenzyl)]phenethylanamine).
- 1343 j. 25T4-NBOMe (4-Isopropylthio-2,5-dimethoxy-[N-(2-
- 1344 methoxybenzyl)]phenethylanamine).
- 1345 k. 25T7-NBOMe (4-(n)-Propylthio-2,5-dimethoxy-[N-(2-
- 1346 methoxybenzyl)]phenethylanamine).
- 1347 l. 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-
- 1348 methoxybenzyl)]phenethylamine).
- 1349 m. 25C-NBOH (4-Chloro-2,5-dimethoxy-[N-(2-
- 1350 hydroxybenzyl)]phenethylamine).
- 1351 n. 25C-NBF (4-Chloro-2,5-dimethoxy-[N-(2-
- 1352 fluorobenzyl)]phenethylamine).
- 1353 o. 25C-NBMD (4-Chloro-2,5-dimethoxy-[N-(2,3-
- 1354 methylenedioxybenzyl)]phenethylamine).
- 1355 p. 25H-NBOMe (2,5-Dimethoxy-[N-(2-
- 1356 methoxybenzyl)]phenethylamine).
- 1357 q. 25H-NBOH (2,5-Dimethoxy-[N-(2-
- 1358 hydroxybenzyl)]phenethylamine).
- 1359 r. 25H-NBF (2,5-Dimethoxy-[N-(2-
- 1360 fluorobenzyl)]phenethylamine).
- 1361 s. 25D-NBOMe (4-Methyl-2,5-dimethoxy-[N-(2-
- 1362 methoxybenzyl)]phenethylamine),
- 1363
- 1364 which does not include substituted cathinones as described in
- 1365 subparagraph (1)(c)191.
- 1366 194. Substituted Tryptamines. Unless specifically excepted

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1367 or unless listed in another schedule, or contained within a
1368 pharmaceutical product approved by the United States Food and
1369 Drug Administration, any material, compound, mixture, or
1370 preparation containing a 2-(1H-indol-3-yl)ethanamine, for
1371 example tryptamine, structure with or without mono- or di-
1372 substitution of the amine nitrogen with alkyl or alkenyl groups,
1373 or by inclusion of the amino nitrogen atom in a cyclic
1374 structure, whether or not substituted at the alpha position with
1375 an alkyl group, whether or not substituted on the indole ring to
1376 any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy
1377 groups, including, but not limited to:

- 1378 a. Alpha-Ethyltryptamine.
1379 b. Bufotenine.
1380 c. DET (Diethyltryptamine).
1381 d. DMT (Dimethyltryptamine).
1382 e. MET (N-Methyl-N-ethyltryptamine).
1383 f. DALT (N,N-Diallyltryptamine).
1384 g. EiPT (N-Ethyl-N-isopropyltryptamine).
1385 h. MiPT (N-Methyl-N-isopropyltryptamine).
1386 i. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).
1387 j. 5-Hydroxy-N-methyltryptamine.
1388 k. 5-MeO-MiPT (5-Methoxy-N-methyl-N-isopropyltryptamine).
1389 l. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).
1390 m. Methyltryptamine.
1391 n. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).
1392 o. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).
1393 p. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).
1394 q. DiPT (N,N-Diisopropyltryptamine).
1395 r. DPT (N,N-Dipropyltryptamine).

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- 1396 s. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).
 1397 t. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).
 1398 u. 4-AcO-DMT (4-Acetoxy-N,N-dimethyltryptamine).
 1399 v. 4-AcO-DiPT (4-Acetoxy-N,N-diisopropyltryptamine).
 1400 w. 4-Hydroxy-DET (4-Hydroxy-N,N-diethyltryptamine).
 1401 x. 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-ethyltryptamine).
 1402 y. 4-Hydroxy-MiPT (4-Hydroxy-N-methyl-N-
 1403 isopropyltryptamine).
 1404 z. Methyl-alpha-ethyltryptamine.
 1405 aa. Bromo-DALT (Bromo-N,N-diallyltryptamine),

1406
 1407 which does not include tryptamine, psilocyn as described in
 1408 subparagraph (1)(c)34., or psilocybin as described in
 1409 subparagraph (1)(c)33.

1410 195. Substituted Phenylcyclohexylamines. Unless
 1411 specifically excepted or unless listed in another schedule, or
 1412 contained within a pharmaceutical product approved by the United
 1413 States Food and Drug Administration, any material, compound,
 1414 mixture, or preparation containing a phenylcyclohexylamine
 1415 structure, with or without any substitution on the phenyl ring,
 1416 any substitution on the cyclohexyl ring, any replacement of the
 1417 phenyl ring with a thiophenyl or benzothiophenyl ring, with or
 1418 without substitution on the amine with alkyl, dialkyl, or alkoxy
 1419 substitutients, inclusion of the nitrogen in a cyclic structure,
 1420 or any combination of the above, including, but not limited to:

1421 a. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP
 1422 (Benocyclidine).

1423 b. PCE (N-Ethyl-1-phenylcyclohexylamine) (Ethylamine analog
 1424 of phencyclidine).

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- 1425 c. PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine) (Pyrrolidine
1426 analog of phencyclidine).
- 1427 d. PCPr (Phenylcyclohexylpropylamine).
- 1428 e. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine) (Thiophene
1429 analog of phencyclidine).
- 1430 f. PCEEA (Phenylcyclohexyl(ethoxyethylamine)).
- 1431 g. PCMPA (Phenylcyclohexyl(methoxypropylamine)).
- 1432 h. Methoxetamine.
- 1433 i. 3-Methoxy-PCE ((3-Methoxyphenyl)cyclohexylethylamine).
- 1434 j. Bromo-PCP ((Bromophenyl)cyclohexylpiperidine).
- 1435 k. Chloro-PCP ((Chlorophenyl)cyclohexylpiperidine).
- 1436 l. Fluoro-PCP ((Fluorophenyl)cyclohexylpiperidine).
- 1437 m. Hydroxy-PCP ((Hydroxyphenyl)cyclohexylpiperidine).
- 1438 n. Methoxy-PCP ((Methoxyphenyl)cyclohexylpiperidine).
- 1439 o. Methyl-PCP ((Methylphenyl)cyclohexylpiperidine).
- 1440 p. Nitro-PCP ((Nitrophenyl)cyclohexylpiperidine).
- 1441 q. Oxo-PCP ((Oxophenyl)cyclohexylpiperidine).
- 1442 r. Amino-PCP ((Aminophenyl)cyclohexylpiperidine).

1443 (d) Unless specifically excepted or unless listed in
1444 another schedule, any material, compound, mixture, or
1445 preparation that ~~which~~ contains any quantity of the following
1446 substances, including any of its salts, isomers, optical
1447 isomers, salts of their isomers, and salts of these optical
1448 isomers whenever the existence of such isomers and salts is
1449 possible within the specific chemical designation:

- 1450 1. 1,4-Butanediol.
- 1451 2. Gamma-butyrolactone (GBL).
- 1452 3. Gamma-hydroxybutyric acid (GHB).
- 1453 4. Methaqualone.

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1454 5. Mecloqualone.

1455 (2) SCHEDULE II.—A substance in Schedule II has a high
1456 potential for abuse and has a currently accepted but severely
1457 restricted medical use in treatment in the United States, and
1458 abuse of the substance may lead to severe psychological or
1459 physical dependence. The following substances are controlled in
1460 Schedule II:

1461 (a) Unless specifically excepted or unless listed in
1462 another schedule, any of the following substances, whether
1463 produced directly or indirectly by extraction from substances of
1464 vegetable origin or independently by means of chemical
1465 synthesis:

1466 1. Opium and any salt, compound, derivative, or preparation
1467 of opium, except nalmefene or isoquinoline alkaloids of opium,
1468 including, but not limited to the following:

1469 a. Raw opium.

1470 b. Opium extracts.

1471 c. Opium fluid extracts.

1472 d. Powdered opium.

1473 e. Granulated opium.

1474 f. Tincture of opium.

1475 g. Codeine.

1476 h. Ethylmorphine.

1477 i. Etorphine hydrochloride.

1478 j. Hydrocodone.

1479 k. Hydromorphone.

1480 l. Levo-alphaacetylmethadol (also known as levo-alpha-
1481 acetylmethadol, levomethadyl acetate, or LAAM).

1482 m. Metopon (methyldihydromorphinone).

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- 1483 n. Morphine.
- 1484 o. Oxycodone.
- 1485 p. Oxymorphone.
- 1486 q. Thebaine.
- 1487 2. Any salt, compound, derivative, or preparation of a
- 1488 substance which is chemically equivalent to or identical with
- 1489 any of the substances referred to in subparagraph 1., except
- 1490 that these substances shall not include the isoquinoline
- 1491 alkaloids of opium.
- 1492 3. Any part of the plant of the species *Papaver somniferum*,
- 1493 *L.*
- 1494 4. Cocaine or ecgonine, including any of their
- 1495 stereoisomers, and any salt, compound, derivative, or
- 1496 preparation of cocaine or ecgonine.
- 1497 (b) Unless specifically excepted or unless listed in
- 1498 another schedule, any of the following substances, including
- 1499 their isomers, esters, ethers, salts, and salts of isomers,
- 1500 esters, and ethers, whenever the existence of such isomers,
- 1501 esters, ethers, and salts is possible within the specific
- 1502 chemical designation:
- 1503 1. Alfentanil.
- 1504 2. Alphaprodine.
- 1505 3. Anileridine.
- 1506 4. Bezitramide.
- 1507 5. Bulk propoxyphene (nondosage forms).
- 1508 6. Carfentanil.
- 1509 7. Dihydrocodeine.
- 1510 8. Diphenoxylate.
- 1511 9. Fentanyl.

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- 1512 10. Isomethadone.
- 1513 11. Levomethorphan.
- 1514 12. Levorphanol.
- 1515 13. Metazocine.
- 1516 14. Methadone.
- 1517 15. Methadone-Intermediate, 4-cyano-2-
- 1518 dimethylamino-4,4-diphenylbutane.
- 1519 16. Moramide-Intermediate, 2-methyl-
- 1520 3-morpholino-1,1-diphenylpropane-carboxylic acid.
- 1521 17. Nabilone.
- 1522 18. Pethidine (meperidine).
- 1523 19. Pethidine-Intermediate-A, 4-cyano-1-
- 1524 methyl-4-phenylpiperidine.
- 1525 20. Pethidine-Intermediate-B, ethyl-4-
- 1526 phenylpiperidine-4-carboxylate.
- 1527 21. Pethidine-Intermediate-C, 1-methyl-4- phenylpiperidine-
- 1528 4-carboxylic acid.
- 1529 22. Phenazocine.
- 1530 23. Phencyclidine.
- 1531 24. 1-Phenylcyclohexylamine.
- 1532 25. Piminodine.
- 1533 26. 1-Piperidinocyclohexanecarbonitrile.
- 1534 27. Racemethorphan.
- 1535 28. Racemorphan.
- 1536 29. Sufentanil.
- 1537 (c) Unless specifically excepted or unless listed in
- 1538 another schedule, any material, compound, mixture, or
- 1539 preparation which contains any quantity of the following
- 1540 substances, including their salts, isomers, optical isomers,

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1541 salts of their isomers, and salts of their optical isomers:

1542 1. Amobarbital.

1543 2. Amphetamine.

1544 3. Glutethimide.

1545 4. Methamphetamine.

1546 5. Methylphenidate.

1547 6. Pentobarbital.

1548 7. Phenmetrazine.

1549 8. Phenylacetone.

1550 9. Secobarbital.

1551 (3) SCHEDULE III.—A substance in Schedule III has a
1552 potential for abuse less than the substances contained in
1553 Schedules I and II and has a currently accepted medical use in
1554 treatment in the United States, and abuse of the substance may
1555 lead to moderate or low physical dependence or high
1556 psychological dependence or, in the case of anabolic steroids,
1557 may lead to physical damage. The following substances are
1558 controlled in Schedule III:

1559 (a) Unless specifically excepted or unless listed in
1560 another schedule, any material, compound, mixture, or
1561 preparation which contains any quantity of the following
1562 substances having a depressant or stimulant effect on the
1563 nervous system:

1564 1. Any substance which contains any quantity of a
1565 derivative of barbituric acid, including thiobarbituric acid, or
1566 any salt of a derivative of barbituric acid or thiobarbituric
1567 acid, including, but not limited to, butabarbital and
1568 butalbital.

1569 2. Benzphetamine.

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- 1570 3. Chlorhexadol.
- 1571 4. Chlorphentermine.
- 1572 5. Clortermine.
- 1573 6. Lysergic acid.
- 1574 7. Lysergic acid amide.
- 1575 8. Methyprylon.
- 1576 9. Phendimetrazine.
- 1577 10. Sulfondiethylmethane.
- 1578 11. Sulfonethylmethane.
- 1579 12. Sulfonmethane.
- 1580 13. Tiletamine and zolazepam or any salt thereof.
- 1581 (b) Nalorphine.
- 1582 (c) Unless specifically excepted or unless listed in
- 1583 another schedule, any material, compound, mixture, or
- 1584 preparation containing limited quantities of any of the
- 1585 following controlled substances or any salts thereof:
- 1586 1. Not more than 1.8 grams of codeine per 100 milliliters
- 1587 or not more than 90 milligrams per dosage unit, with an equal or
- 1588 greater quantity of an isoquinoline alkaloid of opium.
- 1589 2. Not more than 1.8 grams of codeine per 100 milliliters
- 1590 or not more than 90 milligrams per dosage unit, with recognized
- 1591 therapeutic amounts of one or more active ingredients which are
- 1592 not controlled substances.
- 1593 3. Not more than 300 milligrams of hydrocodone per 100
- 1594 milliliters or not more than 15 milligrams per dosage unit, with
- 1595 a fourfold or greater quantity of an isoquinoline alkaloid of
- 1596 opium.
- 1597 4. Not more than 300 milligrams of hydrocodone per 100
- 1598 milliliters or not more than 15 milligrams per dosage unit, with

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1599 recognized therapeutic amounts of one or more active ingredients
1600 that are not controlled substances.

1601 5. Not more than 1.8 grams of dihydrocodeine per 100
1602 milliliters or not more than 90 milligrams per dosage unit, with
1603 recognized therapeutic amounts of one or more active ingredients
1604 which are not controlled substances.

1605 6. Not more than 300 milligrams of ethylmorphine per 100
1606 milliliters or not more than 15 milligrams per dosage unit, with
1607 one or more active, nonnarcotic ingredients in recognized
1608 therapeutic amounts.

1609 7. Not more than 50 milligrams of morphine per 100
1610 milliliters or per 100 grams, with recognized therapeutic
1611 amounts of one or more active ingredients which are not
1612 controlled substances.

1613

1614 For purposes of charging a person with a violation of s. 893.135
1615 involving any controlled substance described in subparagraph 3.
1616 or subparagraph 4., the controlled substance is a Schedule III
1617 controlled substance pursuant to this paragraph but the weight
1618 of the controlled substance per milliliters or per dosage unit
1619 is not relevant to the charging of a violation of s. 893.135.
1620 The weight of the controlled substance shall be determined
1621 pursuant to s. 893.135(6).

1622 (d) Anabolic steroids.

1623 1. The term "anabolic steroid" means any drug or hormonal
1624 substance, chemically and pharmacologically related to
1625 testosterone, other than estrogens, progestins, and
1626 corticosteroids, that promotes muscle growth and includes:

1627 a. Androsterone.

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- 1628 b. Androsterone acetate.
- 1629 c. Boldenone.
- 1630 d. Boldenone acetate.
- 1631 e. Boldenone benzoate.
- 1632 f. Boldenone undecylenate.
- 1633 g. Chlorotestosterone (Clostebol) ~~(4-chlorotestosterone)~~.
- 1634 ~~h. Clostebol.~~
- 1635 h.i. Dehydrochlormethyltestosterone.
- 1636 i.j. Dihydrotestosterone (Stanolone) ~~(4-~~
- 1637 ~~dihydrotestosterone)~~.
- 1638 j.k. Drostanolone.
- 1639 k.l. Ethylestrenol.
- 1640 l.m. Fluoxymesterone.
- 1641 m.n. Formebolone (Formebolone).
- 1642 n.o. Mesterolone.
- 1643 o.p. Methandrostenolone (Methandienone).
- 1644 p.q. Methandranone.
- 1645 q.r. Methandriol.
- 1646 ~~s. Methandrostenolone.~~
- 1647 r.t. Methenolone.
- 1648 s.u. Methyltestosterone.
- 1649 t.v. Mibolerone.
- 1650 u.w. Nortestosterone (Nandrolone).
- 1651 v.x. Norethandrolone.
- 1652 ~~y. Nortestosterone.~~
- 1653 w.z. Nortestosterone decanoate.
- 1654 x.aa. Nortestosterone phenylpropionate.
- 1655 y.bb. Nortestosterone propionate.
- 1656 z.cc. Oxandrolone.

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1657 aa.~~dd.~~ Oxymesterone.
 1658 bb.~~ee.~~ Oxymetholone.
 1659 ff.~~Stanolone.~~
 1660 cc.~~gg.~~ Stanozolol.
 1661 dd.~~hh.~~ Testolactone.
 1662 ee.~~ii.~~ Testosterone.
 1663 ff.~~jj.~~ Testosterone acetate.
 1664 gg.~~kk.~~ Testosterone benzoate.
 1665 hh.~~ll.~~ Testosterone cypionate.
 1666 ii.~~mm.~~ Testosterone decanoate.
 1667 jj.~~nn.~~ Testosterone enanthate.
 1668 kk.~~oo.~~ Testosterone isocaproate.
 1669 ll.~~pp.~~ Testosterone oleate.
 1670 mm.~~qq.~~ Testosterone phenylpropionate.
 1671 nn.~~rr.~~ Testosterone propionate.
 1672 oo.~~ss.~~ Testosterone undecanoate.
 1673 pp.~~tt.~~ Trenbolone.
 1674 qq.~~uu.~~ Trenbolone acetate.
 1675 rr.~~vv.~~ Any salt, ester, or isomer of a drug or substance
 1676 described or listed in this subparagraph if that salt, ester, or
 1677 isomer promotes muscle growth.
 1678 2. The term does not include an anabolic steroid that is
 1679 expressly intended for administration through implants to cattle
 1680 or other nonhuman species and that has been approved by the
 1681 United States Secretary of Health and Human Services for such
 1682 administration. However, any person who prescribes, dispenses,
 1683 or distributes such a steroid for human use is considered to
 1684 have prescribed, dispensed, or distributed an anabolic steroid
 1685 within the meaning of this paragraph.

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1686 (e) Ketamine, including any isomers, esters, ethers, salts,
1687 and salts of isomers, esters, and ethers, whenever the existence
1688 of such isomers, esters, ethers, and salts is possible within
1689 the specific chemical designation.

1690 (f) Dronabinol (synthetic THC) in sesame oil and
1691 encapsulated in a soft gelatin capsule in a drug product
1692 approved by the United States Food and Drug Administration.

1693 (g) Any drug product containing gamma-hydroxybutyric acid,
1694 including its salts, isomers, and salts of isomers, for which an
1695 application is approved under s. 505 of the Federal Food, Drug,
1696 and Cosmetic Act.

1697 (4) SCHEDULE IV.—A substance in Schedule IV has a low
1698 potential for abuse relative to the substances in Schedule III
1699 and has a currently accepted medical use in treatment in the
1700 United States, and abuse of the substance may lead to limited
1701 physical or psychological dependence relative to the substances
1702 in Schedule III. Unless specifically excepted or unless listed
1703 in another schedule, any material, compound, mixture, or
1704 preparation which contains any quantity of the following
1705 substances, including its salts, isomers, and salts of isomers
1706 whenever the existence of such salts, isomers, and salts of
1707 isomers is possible within the specific chemical designation,
1708 are controlled in Schedule IV:

- 1709 (a) Alprazolam.
1710 (b) Barbital.
1711 (c) Bromazepam.
1712 (d) Camazepam.
1713 (e) Cathine.
1714 (f) Chloral betaine.

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1715 (g) Chloral hydrate.
1716 (h) Chlordiazepoxide.
1717 (i) Clobazam.
1718 (j) Clonazepam.
1719 (k) Clorazepate.
1720 (l) Clotiazepam.
1721 (m) Cloxazolam.
1722 (n) Delorazepam.
1723 (o) Propoxyphene (dosage forms).
1724 (p) Diazepam.
1725 (q) Diethylpropion.
1726 (r) Estazolam.
1727 (s) Ethchlorvynol.
1728 (t) Ethinamate.
1729 (u) Ethyl loflazepate.
1730 (v) Fencamfamin.
1731 (w) Fenfluramine.
1732 (x) Fenproporex.
1733 (y) Fludiazepam.
1734 (z) Flurazepam.
1735 (aa) Halazepam.
1736 (bb) Haloxazolam.
1737 (cc) Ketazolam.
1738 (dd) Loprazolam.
1739 (ee) Lorazepam.
1740 (ff) Lormetazepam.
1741 (gg) Mazindol.
1742 (hh) Mebutamate.
1743 (ii) Medazepam.

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1744 (jj) Mefenorex.
 1745 (kk) Meprobamate.
 1746 (ll) Methohexital.
 1747 (mm) Methylphenobarbital.
 1748 (nn) Midazolam.
 1749 (oo) Nimetazepam.
 1750 (pp) Nitrazepam.
 1751 (qq) Nordiazepam.
 1752 (rr) Oxazepam.
 1753 (ss) Oxazolam.
 1754 (tt) Paraldehyde.
 1755 (uu) Pemoline.
 1756 (vv) Pentazocine.
 1757 (ww) Phenobarbital.
 1758 (xx) Phentermine.
 1759 (yy) Pinazepam.
 1760 (zz) Pipradrol.
 1761 (aaa) Prazepam.
 1762 (bbb) Propylhexedrine, excluding any patent or proprietary
 1763 preparation containing propylhexedrine, unless otherwise
 1764 provided by federal law.
 1765 (ccc) Quazepam.
 1766 (ddd) Tetrazepam.
 1767 (eee) SPA[(-)-1 dimethylamino-1, 2
 1768 diphenylethane].
 1769 (fff) Temazepam.
 1770 (ggg) Triazolam.
 1771 (hhh) Not more than 1 milligram of difenoxin and not less
 1772 than 25 micrograms of atropine sulfate per dosage unit.

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1773 (iii) Butorphanol tartrate.

1774 (jjj) Carisoprodol.

1775 (5) SCHEDULE V.—A substance, compound, mixture, or
1776 preparation of a substance in Schedule V has a low potential for
1777 abuse relative to the substances in Schedule IV and has a
1778 currently accepted medical use in treatment in the United
1779 States, and abuse of such compound, mixture, or preparation may
1780 lead to limited physical or psychological dependence relative to
1781 the substances in Schedule IV.

1782 (a) Substances controlled in Schedule V include any
1783 compound, mixture, or preparation containing any of the
1784 following limited quantities of controlled substances, which
1785 shall include one or more active medicinal ingredients which are
1786 not controlled substances in sufficient proportion to confer
1787 upon the compound, mixture, or preparation valuable medicinal
1788 qualities other than those possessed by the controlled substance
1789 alone:

1790 1. Not more than 200 milligrams of codeine per 100
1791 milliliters or per 100 grams.

1792 2. Not more than 100 milligrams of dihydrocodeine per 100
1793 milliliters or per 100 grams.

1794 3. Not more than 100 milligrams of ethylmorphine per 100
1795 milliliters or per 100 grams.

1796 4. Not more than 2.5 milligrams of diphenoxylate and not
1797 less than 25 micrograms of atropine sulfate per dosage unit.

1798 5. Not more than 100 milligrams of opium per 100
1799 milliliters or per 100 grams.

1800 (b) Narcotic drugs. Unless specifically excepted or unless
1801 listed in another schedule, any material, compound, mixture, or

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1802 preparation containing any of the following narcotic drugs and
1803 their salts: Buprenorphine.

1804 (c) Stimulants. Unless specifically excepted or unless
1805 listed in another schedule, any material, compound, mixture, or
1806 preparation which contains any quantity of the following
1807 substances having a stimulant effect on the central nervous
1808 system, including its salts, isomers, and salts of isomers:
1809 Pyrovalerone.

1810 Section 5. Section 893.033, Florida Statutes, is amended to
1811 read:

1812 893.033 Listed chemicals.—The chemicals listed in this
1813 section are included by whatever official, common, usual,
1814 chemical, or trade name designated.

1815 (1) PRECURSOR CHEMICALS.—The term "listed precursor
1816 chemical" means a chemical that may be used in manufacturing a
1817 controlled substance in violation of this chapter and is
1818 critical to the creation of the controlled substance, and such
1819 term includes any salt, optical isomer, or salt of an optical
1820 isomer, whenever the existence of such salt, optical isomer, or
1821 salt of optical isomer is possible within the specific chemical
1822 designation. The following are "listed precursor chemicals":

- 1823 (a) Anthranilic acid.
- 1824 (b) Benzaldehyde.
- 1825 (c) Benzyl cyanide.
- 1826 (d) Chloroephedrine.
- 1827 (e) Chloropseudoephedrine.
- 1828 (f) Ephedrine.
- 1829 (g) Ergonovine.
- 1830 (h) Ergotamine.

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- 1831 (i) Ergocristine.
 1832 ~~(i) Hydriodic acid.~~
 1833 (j) Ethylamine.
 1834 (k) Iodine tincture above 2.2 percent.
 1835 (l)~~(k)~~ Isosafrole.
 1836 (m)~~(l)~~ Methylamine.
 1837 (n)~~(m)~~ 3, 4-Methylenedioxyphenyl-2-propanone.
 1838 (o)~~(n)~~ N-Acetylanthranilic acid.
 1839 (p)~~(o)~~ N-Ethylephedrine.
 1840 (q)~~(p)~~ N-Ethylpseudoephedrine.
 1841 (r)~~(q)~~ N-Methylephedrine.
 1842 (s)~~(r)~~ N-Methylpseudoephedrine.
 1843 (t) ANPP (4-Anilino-N-phenethyl-4-piperidine).
 1844 (u) NPP (N-Phenethyl-4-piperidone).
 1845 (v)~~(s)~~ Nitroethane.
 1846 (w)~~(t)~~ Norpseudoephedrine.
 1847 (x)~~(u)~~ Phenylacetic acid.
 1848 (y)~~(v)~~ Phenylpropanolamine.
 1849 (z)~~(w)~~ Piperidine.
 1850 (aa)~~(x)~~ Piperonal.
 1851 (bb)~~(y)~~ Propionic anhydride.
 1852 (cc)~~(z)~~ Pseudoephedrine.
 1853 (dd)~~(aa)~~ Safrole.

1854 (2) ESSENTIAL CHEMICALS.—The term “listed essential
 1855 chemical” means a chemical that may be used as a solvent,
 1856 reagent, or catalyst in manufacturing a controlled substance in
 1857 violation of this chapter. The following are “listed essential
 1858 chemicals”:

- 1859 (a) Acetic anhydride.

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- 1860 (b) Acetone.
- 1861 (c) Ammonium salts, including, but not limited to, nitrate,
- 1862 sulfate, phosphate, or chloride.
- 1863 (d)~~(e)~~ Anhydrous ammonia.
- 1864 (e) Benzoquinone.
- 1865 (f)~~(d)~~ Benzyl chloride.
- 1866 (g)~~(e)~~ 2-Butanone.
- 1867 (h)~~(f)~~ Ethyl ether.
- 1868 (i) Formic acid.
- 1869 (j)~~(g)~~ Hydrochloric acid gas.
- 1870 (k)~~(h)~~ Hydriodic acid.
- 1871 (l)~~(i)~~ Iodine.
- 1872 (m) Lithium.
- 1873 (n) Organic solvents, including, but not limited to,
- 1874 Coleman Fuel, camping fuel, ether, toluene, or lighter fluid.
- 1875 (o) Organic cosolvents, including, but not limited to,
- 1876 glycerol, propylene glycol, or polyethylene glycol.
- 1877 (p) Potassium dichromate.
- 1878 (q)~~(j)~~ Potassium permanganate.
- 1879 (r) Sodium.
- 1880 (s) Sodium dichromate.
- 1881 (t) Sodium borohydride.
- 1882 (u) Sodium cyanoborohydride.
- 1883 (v) Sodium hydroxide.
- 1884 (w) Sulfuric acid.
- 1885 ~~(k) Toluene.~~
- 1886 Section 6. Subsections (3) and (5) of section 893.0356,
- 1887 Florida Statutes, are amended, paragraph (j) is added to
- 1888 subsection (4) of that section, and paragraph (a) of subsection

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1889 (2) of that section is republished, to read:

1890 893.0356 Control of new substances; findings of fact;
1891 "controlled substance analog" defined.-

1892 (2) (a) As used in this section, "controlled substance
1893 analog" means a substance which, due to its chemical structure
1894 and potential for abuse, meets the following criteria:

- 1895 1. Is substantially similar to that of a controlled
1896 substance listed in Schedule I or Schedule II of s. 893.03; and
1897 2. Has a stimulant, depressant, or hallucinogenic effect on
1898 the central nervous system or is represented or intended to have
1899 a stimulant, depressant, or hallucinogenic effect on the central
1900 nervous system substantially similar to or greater than that of
1901 a controlled substance listed in Schedule I or Schedule II of s.
1902 893.03.

1903 (3) As used in this section, the term "substantially
1904 similar," as the term applies to the chemical structure of a
1905 substance, means that the chemical structure of the substance
1906 compared to the structure of a controlled substance has a single
1907 difference in the structural formula that substitutes one atom
1908 or functional group for another, including, but not limited to,
1909 one halogen for another halogen, one hydrogen for a halogen or
1910 vice versa, an alkyl group added or deleted as a side chain to
1911 or from a molecule, or an alkyl group added or deleted from a
1912 side chain of a molecule. ~~"potential for abuse" in this section~~
1913 ~~means that a substance has properties as a central nervous~~
1914 ~~system stimulant or depressant or a hallucinogen that create a~~
1915 ~~substantial likelihood of its being:~~

1916 ~~(a) Used in amounts that create a hazard to the user's~~
1917 ~~health or the safety of the community;~~

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1918 ~~(b) Diverted from legal channels and distributed through~~
1919 ~~illegal channels; or~~

1920 ~~(c) Taken on the user's own initiative rather than on the~~
1921 ~~basis of professional medical advice.~~

1922
1923 ~~Proof of potential for abuse can be based upon a showing that~~
1924 ~~these activities are already taking place, or upon a showing~~
1925 ~~that the nature and properties of the substance make it~~
1926 ~~reasonable to assume that there is a substantial likelihood that~~
1927 ~~such activities will take place, in other than isolated or~~
1928 ~~occasional instances.~~

1929 (4) The following factors shall be relevant to a finding
1930 that a substance is a controlled substance analog within the
1931 purview of this section:

1932 (j) Comparisons to the accepted methods of marketing,
1933 distribution, and sales of the substance and that which the
1934 substance is purported to be, including, but not limited to:

1935 1. The difference in price at which the substance is sold
1936 and the price at which the substance it is purported to be or
1937 advertised as is normally sold;

1938 2. The difference in how the substance is imported,
1939 manufactured, or distributed compared to how the substance it is
1940 purported to be or advertised as is normally imported,
1941 manufactured, or distributed;

1942 3. The difference in the appearance of the substance in
1943 overall finished dosage form compared to the substance it is
1944 purported to be or advertised as normally appears in overall
1945 finished dosage form; and

1946 4. The difference in how the substance is labeled for sale,

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1947 packaged for sale, or the method of sale, including, but not
1948 limited to, the placement of the substance in an area commonly
1949 viewable to the public for purchase consideration compared to
1950 how the substance it is purported to be or advertised as is
1951 normally labeled for sale, packaged for sale, or sold to the
1952 public.

1953 (5) A controlled substance analog shall, for purposes of
1954 drug abuse prevention and control, be treated as the highest
1955 scheduled a controlled substance of which it is a controlled
1956 substance analog to in ~~Schedule I~~ of s. 893.03.

1957 Section 7. Subsections (1), (4), and (6), and paragraph (d)
1958 of subsection (8) of section 893.13, Florida Statutes, are
1959 amended, and subsection (2), paragraphs (a) and (b) of
1960 subsection (5), and paragraph (a) of subsection (7) of that
1961 section are republished, to read:

1962 893.13 Prohibited acts; penalties.—

1963 (1) (a) Except as authorized by this chapter and chapter
1964 499, a person may not sell, manufacture, or deliver, or possess
1965 with intent to sell, manufacture, or deliver, a controlled
1966 substance. A person who violates this provision with respect to:

1967 1. A controlled substance named or described in s.
1968 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.
1969 commits a felony of the second degree, punishable as provided in
1970 s. 775.082, s. 775.083, or s. 775.084.

1971 2. A controlled substance named or described in s.
1972 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,
1973 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of
1974 the third degree, punishable as provided in s. 775.082, s.
1975 775.083, or s. 775.084.

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1976 3. A controlled substance named or described in s.
1977 893.03(5) commits a misdemeanor of the first degree, punishable
1978 as provided in s. 775.082 or s. 775.083.

1979 (b) Except as provided in this chapter, a person may not
1980 sell or deliver in excess of 10 grams of any substance named or
1981 described in s. 893.03(1)(a) or (1)(b), or any combination
1982 thereof, or any mixture containing any such substance. A person
1983 who violates this paragraph commits a felony of the first
1984 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1985 775.084.

1986 (c) Except as authorized by this chapter, a person may not
1987 sell, manufacture, or deliver, or possess with intent to sell,
1988 manufacture, or deliver, a controlled substance in, on, or
1989 within 1,000 feet of the real property comprising a child care
1990 facility as defined in s. 402.302 or a public or private
1991 elementary, middle, or secondary school between the hours of 6
1992 a.m. and 12 midnight, or at any time in, on, or within 1,000
1993 feet of real property comprising a state, county, or municipal
1994 park, a community center, or a publicly owned recreational
1995 facility. As used in this paragraph, the term "community center"
1996 means a facility operated by a nonprofit community-based
1997 organization for the provision of recreational, social, or
1998 educational services to the public. A person who violates this
1999 paragraph with respect to:

2000 1. A controlled substance named or described in s.
2001 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
2002 commits a felony of the first degree, punishable as provided in
2003 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
2004 sentenced to a minimum term of imprisonment of 3 calendar years

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2005 unless the offense was committed within 1,000 feet of the real
2006 property comprising a child care facility as defined in s.
2007 402.302.

2008 2. A controlled substance named or described in s.
2009 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
2010 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
2011 the second degree, punishable as provided in s. 775.082, s.
2012 775.083, or s. 775.084.

2013 3. Any other controlled substance, except as lawfully sold,
2014 manufactured, or delivered, must be sentenced to pay a \$500 fine
2015 and to serve 100 hours of public service in addition to any
2016 other penalty prescribed by law.

2017
2018 This paragraph does not apply to a child care facility unless
2019 the owner or operator of the facility posts a sign that is not
2020 less than 2 square feet in size with a word legend identifying
2021 the facility as a licensed child care facility and that is
2022 posted on the property of the child care facility in a
2023 conspicuous place where the sign is reasonably visible to the
2024 public.

2025 (d) Except as authorized by this chapter, a person may not
2026 sell, manufacture, or deliver, or possess with intent to sell,
2027 manufacture, or deliver, a controlled substance in, on, or
2028 within 1,000 feet of the real property comprising a public or
2029 private college, university, or other postsecondary educational
2030 institution. A person who violates this paragraph with respect
2031 to:

2032 1. A controlled substance named or described in s.
2033 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.

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2034 commits a felony of the first degree, punishable as provided in
2035 s. 775.082, s. 775.083, or s. 775.084.

2036 2. A controlled substance named or described in s.
2037 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
2038 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
2039 the second degree, punishable as provided in s. 775.082, s.
2040 775.083, or s. 775.084.

2041 3. Any other controlled substance, except as lawfully sold,
2042 manufactured, or delivered, must be sentenced to pay a \$500 fine
2043 and to serve 100 hours of public service in addition to any
2044 other penalty prescribed by law.

2045 (e) Except as authorized by this chapter, a person may not
2046 sell, manufacture, or deliver, or possess with intent to sell,
2047 manufacture, or deliver, a controlled substance not authorized
2048 by law in, on, or within 1,000 feet of a physical place for
2049 worship at which a church or religious organization regularly
2050 conducts religious services or within 1,000 feet of a
2051 convenience business as defined in s. 812.171. A person who
2052 violates this paragraph with respect to:

2053 1. A controlled substance named or described in s.
2054 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
2055 commits a felony of the first degree, punishable as provided in
2056 s. 775.082, s. 775.083, or s. 775.084.

2057 2. A controlled substance named or described in s.
2058 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
2059 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
2060 the second degree, punishable as provided in s. 775.082, s.
2061 775.083, or s. 775.084.

2062 3. Any other controlled substance, except as lawfully sold,

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2063 manufactured, or delivered, must be sentenced to pay a \$500 fine
2064 and to serve 100 hours of public service in addition to any
2065 other penalty prescribed by law.

2066 (f) Except as authorized by this chapter, a person may not
2067 sell, manufacture, or deliver, or possess with intent to sell,
2068 manufacture, or deliver, a controlled substance in, on, or
2069 within 1,000 feet of the real property comprising a public
2070 housing facility at any time. As used in this section, the term
2071 "real property comprising a public housing facility" means real
2072 property, as defined in s. 421.03(12), of a public corporation
2073 created as a housing authority pursuant to part I of chapter
2074 421. A person who violates this paragraph with respect to:

2075 1. A controlled substance named or described in s.
2076 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
2077 commits a felony of the first degree, punishable as provided in
2078 s. 775.082, s. 775.083, or s. 775.084.

2079 2. A controlled substance named or described in s.
2080 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
2081 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
2082 the second degree, punishable as provided in s. 775.082, s.
2083 775.083, or s. 775.084.

2084 3. Any other controlled substance, except as lawfully sold,
2085 manufactured, or delivered, must be sentenced to pay a \$500 fine
2086 and to serve 100 hours of public service in addition to any
2087 other penalty prescribed by law.

2088 (g) Except as authorized by this chapter, a person may not
2089 manufacture methamphetamine or phencyclidine, or possess any
2090 listed chemical as defined in s. 893.033 in violation of s.
2091 893.149 and with intent to manufacture methamphetamine or

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2092 phencyclidine. If a person violates this paragraph and:

2093 1. The commission or attempted commission of the crime
2094 occurs in a structure or conveyance where any child younger than
2095 16 years of age is present, the person commits a felony of the
2096 first degree, punishable as provided in s. 775.082, s. 775.083,
2097 or s. 775.084. In addition, the defendant must be sentenced to a
2098 minimum term of imprisonment of 5 calendar years.

2099 2. The commission of the crime causes any child younger
2100 than 16 years of age to suffer great bodily harm, the person
2101 commits a felony of the first degree, punishable as provided in
2102 s. 775.082, s. 775.083, or s. 775.084. In addition, the
2103 defendant must be sentenced to a minimum term of imprisonment of
2104 10 calendar years.

2105 (h) Except as authorized by this chapter, a person may not
2106 sell, manufacture, or deliver, or possess with intent to sell,
2107 manufacture, or deliver, a controlled substance in, on, or
2108 within 1,000 feet of the real property comprising an assisted
2109 living facility, as that term is used in chapter 429. A person
2110 who violates this 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 3. Any other controlled substance, except as lawfully sold,

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2121 manufactured, or delivered, must be sentenced to pay a \$500 fine
2122 and to serve 100 hours of public service in addition to any
2123 other penalty prescribed by law.

2124 (2) (a) Except as authorized by this chapter and chapter
2125 499, a person may not purchase, or possess with intent to
2126 purchase, a controlled substance. A person who violates this
2127 provision with respect to:

2128 1. A controlled substance named or described in s.
2129 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.
2130 commits a felony of the second degree, punishable as provided in
2131 s. 775.082, s. 775.083, or s. 775.084.

2132 2. A controlled substance named or described in s.
2133 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,
2134 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of
2135 the third degree, punishable as provided in s. 775.082, s.
2136 775.083, or s. 775.084.

2137 3. A controlled substance named or described in s.
2138 893.03(5) commits a misdemeanor of the first degree, punishable
2139 as provided in s. 775.082 or s. 775.083.

2140 (b) Except as provided in this chapter, a person may not
2141 purchase more than 10 grams of any substance named or described
2142 in s. 893.03(1) (a) or (1) (b), or any combination thereof, or any
2143 mixture containing any such substance. A person who violates
2144 this paragraph commits a felony of the first degree, punishable
2145 as provided in s. 775.082, s. 775.083, or s. 775.084.

2146 (4) Except as authorized by this chapter, a person 18 years
2147 of age or older may not deliver any controlled substance to a
2148 person younger than 18 years of age, use or hire a person
2149 younger than 18 years of age as an agent or employee in the sale

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2150 or delivery of such a substance, or use such person to assist in
2151 avoiding detection or apprehension for a violation of this
2152 chapter. A person who violates this paragraph ~~provision~~ with
2153 respect to:

2154 (a) A controlled substance named or described in s.
2155 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
2156 commits a felony of the first degree, punishable as provided in
2157 s. 775.082, s. 775.083, or s. 775.084.

2158 (b) A controlled substance named or described in s.
2159 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
2160 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
2161 the second degree, punishable as provided in s. 775.082, s.
2162 775.083, or s. 775.084.

2163 (c) Any other controlled substance, except as lawfully
2164 sold, manufactured, or delivered, commits a felony of the third
2165 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2166 775.084.

2167
2168 Imposition of sentence may not be suspended or deferred, and the
2169 person so convicted may not be placed on probation.

2170 (5) A person may not bring into this state any controlled
2171 substance unless the possession of such controlled substance is
2172 authorized by this chapter or unless such person is licensed to
2173 do so by the appropriate federal agency. A person who violates
2174 this provision with respect to:

2175 (a) A controlled substance named or described in s.
2176 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
2177 commits a felony of the second degree, punishable as provided in
2178 s. 775.082, s. 775.083, or s. 775.084.

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2179 (b) A controlled substance named or described in s.
2180 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
2181 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
2182 the third degree, punishable as provided in s. 775.082, s.
2183 775.083, or s. 775.084.

2184 (6)(a) A person may not be in actual or constructive
2185 possession of a controlled substance unless such controlled
2186 substance was lawfully obtained from a practitioner or pursuant
2187 to a valid prescription or order of a practitioner while acting
2188 in the course of his or her professional practice or to be in
2189 actual or constructive possession of a controlled substance
2190 except as otherwise authorized by this chapter. A person who
2191 violates this provision commits a felony of the third degree,
2192 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2193 (b) If the offense is the possession of 20 grams or less of
2194 cannabis, as defined in this chapter, ~~or 3 grams or less of a~~
2195 ~~controlled substance described in s. 893.03(1)(c)46., 50., 114.,~~
2196 ~~142., 151., 159., or 166.-173.,~~ the person commits a misdemeanor
2197 of the first degree, punishable as provided in s. 775.082 or s.
2198 775.083. As used in this subsection, the term "cannabis" does
2199 not include the resin extracted from the plants of the genus
2200 *Cannabis*, or any compound manufacture, salt, derivative,
2201 mixture, or preparation of such resin, ~~and a controlled~~
2202 ~~substance described in s. 893.03(1)(c)46., 50., 114., 142., 151.,~~
2203 ~~159., or 166.-173. does not include the substance in a powdered~~
2204 ~~form.~~

2205 (c) Except as provided in this chapter, a person may not
2206 possess more than 10 grams of any substance named or described
2207 in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any

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2208 mixture containing any such substance. A person who violates
2209 this paragraph commits a felony of the first degree, punishable
2210 as provided in s. 775.082, s. 775.083, or s. 775.084.

2211 (d) If the offense is possession of a controlled substance
2212 named or described in s. 893.03(5), the person commits a
2213 misdemeanor of the second degree, punishable as provided in s.
2214 775.082 or s. 775.083.

2215 (e)~~(d)~~ Notwithstanding any provision to the contrary of the
2216 laws of this state relating to arrest, a law enforcement officer
2217 may arrest without warrant any person who the officer has
2218 probable cause to believe is violating the provisions of this
2219 chapter relating to possession of cannabis.

2220 (7) (a) A person may not:

2221 1. Distribute or dispense a controlled substance in
2222 violation of this chapter.

2223 2. Refuse or fail to make, keep, or furnish any record,
2224 notification, order form, statement, invoice, or information
2225 required under this chapter.

2226 3. Refuse entry into any premises for any inspection or
2227 refuse to allow any inspection authorized by this chapter.

2228 4. Distribute a controlled substance named or described in
2229 s. 893.03(1) or (2) except pursuant to an order form as required
2230 by s. 893.06.

2231 5. Keep or maintain any store, shop, warehouse, dwelling,
2232 building, vehicle, boat, aircraft, or other structure or place
2233 which is resorted to by persons using controlled substances in
2234 violation of this chapter for the purpose of using these
2235 substances, or which is used for keeping or selling them in
2236 violation of this chapter.

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2237 6. Use to his or her own personal advantage, or reveal, any
2238 information obtained in enforcement of this chapter except in a
2239 prosecution or administrative hearing for a violation of this
2240 chapter.

2241 7. Possess a prescription form unless it has been signed by
2242 the practitioner whose name appears printed thereon and
2243 completed. This subparagraph does not apply if the person in
2244 possession of the form is the practitioner whose name appears
2245 printed thereon, an agent or employee of that practitioner, a
2246 pharmacist, or a supplier of prescription forms who is
2247 authorized by that practitioner to possess those forms.

2248 8. Withhold information from a practitioner from whom the
2249 person seeks to obtain a controlled substance or a prescription
2250 for a controlled substance that the person making the request
2251 has received a controlled substance or a prescription for a
2252 controlled substance of like therapeutic use from another
2253 practitioner within the previous 30 days.

2254 9. Acquire or obtain, or attempt to acquire or obtain,
2255 possession of a controlled substance by misrepresentation,
2256 fraud, forgery, deception, or subterfuge.

2257 10. Affix any false or forged label to a package or
2258 receptacle containing a controlled substance.

2259 11. Furnish false or fraudulent material information in, or
2260 omit any material information from, any report or other document
2261 required to be kept or filed under this chapter or any record
2262 required to be kept by this chapter.

2263 12. Store anhydrous ammonia in a container that is not
2264 approved by the United States Department of Transportation to
2265 hold anhydrous ammonia or is not constructed in accordance with

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2266 sound engineering, agricultural, or commercial practices.

2267 13. With the intent to obtain a controlled substance or
2268 combination of controlled substances that are not medically
2269 necessary for the person or an amount of a controlled substance
2270 or substances that is not medically necessary for the person,
2271 obtain or attempt to obtain from a practitioner a controlled
2272 substance or a prescription for a controlled substance by
2273 misrepresentation, fraud, forgery, deception, subterfuge, or
2274 concealment of a material fact. For purposes of this
2275 subparagraph, a material fact includes whether the person has an
2276 existing prescription for a controlled substance issued for the
2277 same period of time by another practitioner or as described in
2278 subparagraph 8.

2279 (8)

2280 (d) Notwithstanding paragraph (c), if a prescribing
2281 practitioner has violated paragraph (a) and received \$1,000 or
2282 more in payment for writing one or more prescriptions or, in the
2283 case of a prescription written for a controlled substance
2284 described in s. 893.135, has written one or more prescriptions
2285 for a quantity of a controlled substance which, individually or
2286 in the aggregate, meets the threshold for the offense of
2287 trafficking in a controlled substance under s. 893.135 ~~s.~~
2288 ~~893.15~~, the violation is reclassified as a felony of the second
2289 degree and ranked in level 4 of the Criminal Punishment Code.

2290 Section 8. Paragraphs (g) and (l) of subsection (1) of
2291 section 893.135, Florida Statutes, are republished, paragraph
2292 (k) of that subsection is amended, and subsection (6) of that
2293 section is amended, to read:

2294 893.135 Trafficking; mandatory sentences; suspension or

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2295 reduction of sentences; conspiracy to engage in trafficking.-

2296 (1) Except as authorized in this chapter or in chapter 499
2297 and notwithstanding the provisions of s. 893.13:

2298 (g)1. Any person who knowingly sells, purchases,
2299 manufactures, delivers, or brings into this state, or who is
2300 knowingly in actual or constructive possession of, 4 grams or
2301 more of flunitrazepam or any mixture containing flunitrazepam as
2302 described in s. 893.03(1)(a) commits a felony of the first
2303 degree, which felony shall be known as "trafficking in
2304 flunitrazepam," punishable as provided in s. 775.082, s.
2305 775.083, or s. 775.084. If the quantity involved:

2306 a. Is 4 grams or more but less than 14 grams, such person
2307 shall be sentenced to a mandatory minimum term of imprisonment
2308 of 3 years, and the defendant shall be ordered to pay a fine of
2309 \$50,000.

2310 b. Is 14 grams or more but less than 28 grams, such person
2311 shall be sentenced to a mandatory minimum term of imprisonment
2312 of 7 years, and the defendant shall be ordered to pay a fine of
2313 \$100,000.

2314 c. Is 28 grams or more but less than 30 kilograms, such
2315 person shall be sentenced to a mandatory minimum term of
2316 imprisonment of 25 calendar years and pay a fine of \$500,000.

2317 2. Any person who knowingly sells, purchases, manufactures,
2318 delivers, or brings into this state or who is knowingly in
2319 actual or constructive possession of 30 kilograms or more of
2320 flunitrazepam or any mixture containing flunitrazepam as
2321 described in s. 893.03(1)(a) commits the first degree felony of
2322 trafficking in flunitrazepam. A person who has been convicted of
2323 the first degree felony of trafficking in flunitrazepam under

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2324 this subparagraph shall be punished by life imprisonment and is
2325 ineligible for any form of discretionary early release except
2326 pardon or executive clemency or conditional medical release
2327 under s. 947.149. However, if the court determines that, in
2328 addition to committing any act specified in this paragraph:

2329 a. The person intentionally killed an individual or
2330 counseled, commanded, induced, procured, or caused the
2331 intentional killing of an individual and such killing was the
2332 result; or

2333 b. The person's conduct in committing that act led to a
2334 natural, though not inevitable, lethal result,

2335
2336 such person commits the capital felony of trafficking in
2337 flunitrazepam, punishable as provided in ss. 775.082 and
2338 921.142. Any person sentenced for a capital felony under this
2339 paragraph shall also be sentenced to pay the maximum fine
2340 provided under subparagraph 1.

2341 (k)1. A person who knowingly sells, purchases,
2342 manufactures, delivers, or brings into this state, or who is
2343 knowingly in actual or constructive possession of, 10 grams or
2344 more of any of the following substances described in s.
2345 893.03(1)(c):

2346 a. (MDMA) 3,4-Methylenedioxymethamphetamine ~~(MDMA)~~;

2347 b. DOB (4-Bromo-2,5-dimethoxyamphetamine);

2348 c. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine);

2349 d. 2,5-Dimethoxyamphetamine;

2350 e. DOET (4-Ethyl-2,5-dimethoxyamphetamine) ~~2,5-Dimethoxy-4-~~
2351 ~~ethylamphetamine (DOET)~~;

2352 f. N-ethylamphetamine;

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- 2353 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 2354 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 2355 i. PMA (4-methoxyamphetamine);
- 2356 j. PMMA (4-methoxymethamphetamine);
- 2357 k. DOM (4-Methyl-2,5-dimethoxyamphetamine);
- 2358 l. MDEA (3,4-Methylenedioxy-N-ethylamphetamine);
- 2359 m. MDA (3,4-Methylenedioxyamphetamine);
- 2360 n. N,N-dimethylamphetamine;
- 2361 o. 3,4,5-Trimethoxyamphetamine;
- 2362 p. Methylone (3,4-Methylenedioxymethcathinone);
- 2363 q. MDPV (3,4-Methylenedioxypyrovalerone) ~~(MDPV)~~; or
- 2364 r. Methylnmethcathinone,

2365
 2366 individually or analogs thereto or isomers thereto or in any
 2367 combination of or any mixture containing any substance listed in
 2368 sub-subparagraphs a.-r., commits a felony of the first degree,
 2369 which felony shall be known as "trafficking in Phenethylamines,"
 2370 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2371 2. If the quantity involved:

2372 a. Is 10 grams or more, but less than 200 grams, such
 2373 person shall be sentenced to a mandatory minimum term of
 2374 imprisonment of 3 years and shall be ordered to pay a fine of
 2375 \$50,000.

2376 b. Is 200 grams or more, but less than 400 grams, such
 2377 person shall be sentenced to a mandatory minimum term of
 2378 imprisonment of 7 years and shall be ordered to pay a fine of
 2379 \$100,000.

2380 c. Is 400 grams or more, such person shall be sentenced to
 2381 a mandatory minimum term of imprisonment of 15 years and shall

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2382 be ordered to pay a fine of \$250,000.

2383 3. A person who knowingly manufactures or brings into this
2384 state 30 kilograms or more of any of the following substances
2385 described in s. 893.03(1)(c):

- 2386 a. MDMA (3,4-Methylenedioxyamphetamine) ~~(MDMA)~~;
- 2387 b. 2C-B (4-Bromo-2,5-dimethoxyamphetamine);
- 2388 c. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine);
- 2389 d. 2,5-Dimethoxyamphetamine;
- 2390 e. DOET (4-Ethyl-2,5-dimethoxyamphetamine) ~~2,5-Dimethoxy-4-~~
2391 ~~ethylamphetamine (DOET)~~;
- 2392 f. N-ethylamphetamine;
- 2393 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 2394 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 2395 i. PMA (4-methoxyamphetamine);
- 2396 j. PMMA (4-methoxymethamphetamine);
- 2397 k. DOM (4-Methyl-2,5-dimethoxyamphetamine);
- 2398 l. MDEA (3,4-Methylenedioxy-N-ethylamphetamine);
- 2399 m. MDA (3,4-Methylenedioxyamphetamine);
- 2400 n. N,N-dimethylamphetamine;
- 2401 o. 3,4,5-Trimethoxyamphetamine;
- 2402 p. Methylone (3,4-Methylenedioxy-methcathinone);
- 2403 q. MDPV (3,4-Methylenedioxypropylvalerone) ~~(MDPV)~~; or
- 2404 r. Methylmethcathinone,

2405

2406 individually or analogs thereto or isomers thereto or in any
2407 combination of or any mixture containing any substance listed in
2408 sub-subparagraphs a.-r., and who knows that the probable result
2409 of such manufacture or importation would be the death of any
2410 person commits capital manufacture or importation of

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2411 Phenethylamines, a capital felony punishable as provided in ss.
2412 775.082 and 921.142. A person sentenced for a capital felony
2413 under this paragraph shall also be sentenced to pay the maximum
2414 fine provided under subparagraph 1.

2415 (1)1. Any person who knowingly sells, purchases,
2416 manufactures, delivers, or brings into this state, or who is
2417 knowingly in actual or constructive possession of, 1 gram or
2418 more of lysergic acid diethylamide (LSD) as described in s.
2419 893.03(1)(c), or of any mixture containing lysergic acid
2420 diethylamide (LSD), commits a felony of the first degree, which
2421 felony shall be known as "trafficking in lysergic acid
2422 diethylamide (LSD)," punishable as provided in s. 775.082, s.
2423 775.083, or s. 775.084. If the quantity involved:

2424 a. Is 1 gram or more, but less than 5 grams, such person
2425 shall be sentenced to a mandatory minimum term of imprisonment
2426 of 3 years, and the defendant shall be ordered to pay a fine of
2427 \$50,000.

2428 b. Is 5 grams or more, but less than 7 grams, such person
2429 shall be sentenced to a mandatory minimum term of imprisonment
2430 of 7 years, and the defendant shall be ordered to pay a fine of
2431 \$100,000.

2432 c. Is 7 grams or more, such person shall be sentenced to a
2433 mandatory minimum term of imprisonment of 15 calendar years and
2434 pay a fine of \$500,000.

2435 2. Any person who knowingly manufactures or brings into
2436 this state 7 grams or more of lysergic acid diethylamide (LSD)
2437 as described in s. 893.03(1)(c), or any mixture containing
2438 lysergic acid diethylamide (LSD), and who knows that the
2439 probable result of such manufacture or importation would be the

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2440 death of any person commits capital manufacture or importation
2441 of lysergic acid diethylamide (LSD), a capital felony punishable
2442 as provided in ss. 775.082 and 921.142. Any person sentenced for
2443 a capital felony under this paragraph shall also be sentenced to
2444 pay the maximum fine provided under subparagraph 1.

2445 (6) A mixture, as defined in s. 893.02, containing any
2446 controlled substance described in this section includes, but is
2447 not limited to, a solution or a dosage unit, including but not
2448 limited to, a gelatin capsule, pill, or tablet, containing a
2449 controlled substance. For the purpose of clarifying legislative
2450 intent regarding the weighing of a mixture containing a
2451 controlled substance described in this section, the weight of
2452 the controlled substance is the total weight of the mixture,
2453 including the controlled substance and any other substance in
2454 the mixture. If there is more than one mixture containing the
2455 same controlled substance, the weight of the controlled
2456 substance is calculated by aggregating the total weight of each
2457 mixture.

2458 Section 9. Subsection (2) of section 893.138, Florida
2459 Statutes, is amended to read:

2460 893.138 Local administrative action to abate drug-related,
2461 prostitution-related, or stolen-property-related public
2462 nuisances and criminal gang activity.—

2463 (2) Any place or premises that has been used:

2464 (a) On more than two occasions within a 6-month period, as
2465 the site of a violation of s. 796.07;

2466 (b) On more than two occasions within a 6-month period, as
2467 the site of the unlawful sale, delivery, manufacture, or
2468 cultivation of any controlled substance;

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2469 (c) On one occasion as the site of the unlawful possession
2470 of a controlled substance, where such possession constitutes a
2471 felony and that has been previously used on more than one
2472 occasion as the site of the unlawful sale, delivery,
2473 manufacture, or cultivation of any controlled substance;

2474 (d) By a criminal gang for the purpose of conducting
2475 criminal gang activity as defined by s. 874.03; ~~or~~

2476 (e) On more than two occasions within a 6-month period, as
2477 the site of a violation of s. 812.019 relating to dealing in
2478 stolen property; or

2479 (f) On two or more occasions within a 6-month period, as
2480 the site of a violation of chapter 499,

2481
2482 may be declared to be a public nuisance, and such nuisance may
2483 be abated pursuant to the procedures provided in this section.

2484 Section 10. Subsections (6) and (12) of section 893.145,
2485 Florida Statutes, are amended to read:

2486 893.145 "Drug paraphernalia" defined.—The term "drug
2487 paraphernalia" means all equipment, products, and materials of
2488 any kind which are used, intended for use, or designed for use
2489 in planting, propagating, cultivating, growing, harvesting,
2490 manufacturing, compounding, converting, producing, processing,
2491 preparing, testing, analyzing, packaging, repackaging, storing,
2492 containing, concealing, transporting, injecting, ingesting,
2493 inhaling, or otherwise introducing into the human body a
2494 controlled substance in violation of this chapter or s. 877.111.
2495 Drug paraphernalia is deemed to be contraband which shall be
2496 subject to civil forfeiture. The term includes, but is not
2497 limited to:

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2498 (6) Diluents and adulterants, such as quinine
2499 hydrochloride, caffeine, dimethyl sulfone, mannitol, mannite,
2500 dextrose, and lactose, used, intended for use, or designed for
2501 use in diluting ~~cutting~~ controlled substances; or substances
2502 such as damiana leaf, marshmallow leaf, and mullein leaf, used,
2503 intended for use, or designed for use as carrier mediums of
2504 controlled substances.

2505 (12) Objects used, intended for use, or designed for use in
2506 ingesting, inhaling, or otherwise introducing controlled
2507 substances, as described in s. 893.03, or substances described
2508 in s. 877.111(1) ~~cannabis, cocaine, hashish, hashish oil, or~~
2509 ~~nitrous oxide~~ into the human body, such as:

2510 (a) Metal, wooden, acrylic, glass, stone, plastic, or
2511 ceramic pipes, with or without screens, permanent screens,
2512 hashish heads, or punctured metal bowls.

2513 (b) Water pipes.

2514 (c) Carburetion tubes and devices.

2515 (d) Smoking and carburetion masks.

2516 (e) Roach clips: meaning objects used to hold burning
2517 material, such as a cannabis cigarette, that has become too
2518 small or too short to be held in the hand.

2519 (f) Miniature cocaine spoons, and cocaine vials.

2520 (g) Chamber pipes.

2521 (h) Carburetor pipes.

2522 (i) Electric pipes.

2523 (j) Air-driven pipes.

2524 (k) Chillums.

2525 (l) Bongs.

2526 (m) Ice pipes or chillers.

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2527 (n) A cartridge or canister, which means a small metal
2528 device used to contain nitrous oxide.

2529 (o) A charger, sometimes referred to as a "cracker," which
2530 means a small metal or plastic device that contains an interior
2531 pin that may be used to expel nitrous oxide from a cartridge or
2532 container.

2533 (p) A charging bottle, which means a device that may be
2534 used to expel nitrous oxide from a cartridge or canister.

2535 (q) A whip-it, which means a device that may be used to
2536 expel nitrous oxide.

2537 (r) A tank.

2538 (s) A balloon.

2539 (t) A hose or tube.

2540 (u) A 2-liter-type soda bottle.

2541 (v) Duct tape.

2542 Section 11. Paragraph (a) of subsection (1) of section
2543 895.02, Florida Statutes, is amended to read:

2544 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

2545 (1) "Racketeering activity" means to commit, to attempt to
2546 commit, to conspire to commit, or to solicit, coerce, or
2547 intimidate another person to commit:

2548 (a) Any crime that is chargeable by petition, indictment,
2549 or information under the following provisions of the Florida
2550 Statutes:

2551 1. Section 210.18, relating to evasion of payment of
2552 cigarette taxes.

2553 2. Section 316.1935, relating to fleeing or attempting to
2554 elude a law enforcement officer and aggravated fleeing or
2555 eluding.

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- 2556 3. Section 403.727(3)(b), relating to environmental
2557 control.
- 2558 4. Section 409.920 or s. 409.9201, relating to Medicaid
2559 fraud.
- 2560 5. Section 414.39, relating to public assistance fraud.
- 2561 6. Section 440.105 or s. 440.106, relating to workers'
2562 compensation.
- 2563 7. Section 443.071(4), relating to creation of a fictitious
2564 employer scheme to commit reemployment assistance fraud.
- 2565 8. Section 465.0161, relating to distribution of medicinal
2566 drugs without a permit as an Internet pharmacy.
- 2567 9. Section 499.0051, relating to crimes involving
2568 contraband, ~~and~~ adulterated, or misbranded drugs.
- 2569 10. Part IV of chapter 501, relating to telemarketing.
- 2570 11. Chapter 517, relating to sale of securities and
2571 investor protection.
- 2572 12. Section 550.235 or s. 550.3551, relating to dogracing
2573 and horseracing.
- 2574 13. Chapter 550, relating to jai alai frontons.
- 2575 14. Section 551.109, relating to slot machine gaming.
- 2576 15. Chapter 552, relating to the manufacture, distribution,
2577 and use of explosives.
- 2578 16. Chapter 560, relating to money transmitters, if the
2579 violation is punishable as a felony.
- 2580 17. Chapter 562, relating to beverage law enforcement.
- 2581 18. Section 624.401, relating to transacting insurance
2582 without a certificate of authority, s. 624.437(4)(c)1., relating
2583 to operating an unauthorized multiple-employer welfare
2584 arrangement, or s. 626.902(1)(b), relating to representing or

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2585 aiding an unauthorized insurer.

2586 19. Section 655.50, relating to reports of currency
2587 transactions, when such violation is punishable as a felony.

2588 20. Chapter 687, relating to interest and usurious
2589 practices.

2590 21. Section 721.08, s. 721.09, or s. 721.13, relating to
2591 real estate timeshare plans.

2592 22. Section 775.13(5)(b), relating to registration of
2593 persons found to have committed any offense for the purpose of
2594 benefiting, promoting, or furthering the interests of a criminal
2595 gang.

2596 23. Section 777.03, relating to commission of crimes by
2597 accessories after the fact.

2598 24. Chapter 782, relating to homicide.

2599 25. Chapter 784, relating to assault and battery.

2600 26. Chapter 787, relating to kidnapping or human
2601 trafficking.

2602 27. Chapter 790, relating to weapons and firearms.

2603 28. Chapter 794, relating to sexual battery, but only if
2604 such crime was committed with the intent to benefit, promote, or
2605 further the interests of a criminal gang, or for the purpose of
2606 increasing a criminal gang member's own standing or position
2607 within a criminal gang.

2608 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
2609 796.05, or s. 796.07, relating to prostitution.

2610 30. Chapter 806, relating to arson and criminal mischief.

2611 31. Chapter 810, relating to burglary and trespass.

2612 32. Chapter 812, relating to theft, robbery, and related
2613 crimes.

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- 2614 33. Chapter 815, relating to computer-related crimes.
- 2615 34. Chapter 817, relating to fraudulent practices, false
2616 pretenses, fraud generally, and credit card crimes.
- 2617 35. Chapter 825, relating to abuse, neglect, or
2618 exploitation of an elderly person or disabled adult.
- 2619 36. Section 827.071, relating to commercial sexual
2620 exploitation of children.
- 2621 37. Section 828.122, relating to fighting or baiting
2622 animals.
- 2623 38. Chapter 831, relating to forgery and counterfeiting.
- 2624 39. Chapter 832, relating to issuance of worthless checks
2625 and drafts.
- 2626 40. Section 836.05, relating to extortion.
- 2627 41. Chapter 837, relating to perjury.
- 2628 42. Chapter 838, relating to bribery and misuse of public
2629 office.
- 2630 43. Chapter 843, relating to obstruction of justice.
- 2631 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
2632 s. 847.07, relating to obscene literature and profanity.
- 2633 45. Chapter 849, relating to gambling, lottery, gambling or
2634 gaming devices, slot machines, or any of the provisions within
2635 that chapter.
- 2636 46. Chapter 874, relating to criminal gangs.
- 2637 47. Chapter 893, relating to drug abuse prevention and
2638 control.
- 2639 48. Chapter 896, relating to offenses related to financial
2640 transactions.
- 2641 49. Sections 914.22 and 914.23, relating to tampering with
2642 or harassing a witness, victim, or informant, and retaliation

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2643 against a witness, victim, or informant.

2644 50. Sections 918.12 and 918.13, relating to tampering with
2645 jurors and evidence.

2646 Section 12. Paragraphs (c), (e), and (g) of subsection (3)
2647 of section 921.0022, Florida Statutes, are amended, and
2648 paragraphs (b), (d), and (h) of that subsection are republished,
2649 to read:

2650 921.0022 Criminal Punishment Code; offense severity ranking
2651 chart.—

2652 (3) OFFENSE SEVERITY RANKING CHART

2653 (b) LEVEL 2

2654

Florida Statute	Felony Degree	Description
379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet

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2658	517.07 (2)	3rd	in volume or any quantity for commercial purposes, or hazardous waste.
2659	590.28 (1)	3rd	Failure to furnish a prospectus meeting requirements.
2660	784.05 (3)	3rd	Intentional burning of lands.
2661	787.04 (1)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
2662	806.13 (1) (b) 3.	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
2663			Criminal mischief; damage \$1,000 or more to public communication or any other public service.

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2664

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

2665

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

2666

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

2667

812.014 (2) (d) 3rd Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.

2668

812.015 (7) 3rd Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.

2669

817.234 (1) (a) 2. 3rd False statement in support of insurance claim.

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2670	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
2671	817.52 (3)	3rd	Failure to redeliver hired vehicle.
2672	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
2673	817.60 (5)	3rd	Dealing in credit cards of another.
2674	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
2675	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
2676	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.

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2677	831.01	3rd	Forgery.
2678	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
2679	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
2680	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
2681	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
2682	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
2683	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
	843.08	3rd	False personation.

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2684
2685
2686
2687
2688
2689
2690
2691
2692
2693

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.

893.147 (2)

3rd

Manufacture or delivery
of drug paraphernalia.

(c) LEVEL 3

Florida
Statute

Felony
Degree

Description

119.10 (2) (b)

3rd

Unlawful use of
confidential information
from police reports.

316.066
(3) (b) - (d)

3rd

Unlawfully obtaining or
using confidential crash
reports.

316.193 (2) (b)

3rd

Felony DUI, 3rd conviction.

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	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
2694	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
2695	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
2696	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
2697	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
2698	327.35 (2) (b)	3rd	Felony BUI.
2699	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious,

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2700

stolen, or fraudulent titles or bills of sale of vessels.

328.07(4)

3rd

Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

2701

376.302(5)

3rd

Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

2702

379.2431
(1) (e) 5.

3rd

Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

2703

379.2431
(1) (e) 6.

3rd

Soliciting to commit or conspiring to commit a violation of the Marine

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2704			Turtle Protection Act.
	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
2705			
	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
2706			
	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
2707			
	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
2708			
	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
2709			
	624.401 (4) (b) 1.	3rd	Transacting insurance

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2710	626.902 (1) (a) & (b)	3rd	without a certificate of authority; premium collected less than \$20,000.
2711	697.08	3rd	Representing an unauthorized insurer.
2712	790.15 (3)	3rd	Equity skimming.
2713	806.10 (1)	3rd	Person directs another to discharge firearm from a vehicle.
2714	806.10 (2)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
2715	810.09 (2) (c)	3rd	Interferes with or assaults firefighter in performance of duty.
2716			Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.

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2717 812.014 (2) (c) 2. 3rd Grand theft; \$5,000 or more but less than \$10,000.

2718 812.0145 (2) (c) 3rd Theft from person 65 years of age or older; \$300 or more but less than \$10,000.

2719 815.04 (5) (b) 2nd Computer offense devised to defraud or obtain property.

2720 817.034 (4) (a) 3. 3rd Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.

2721 817.233 3rd Burning to defraud insurer.

2722 817.234 (8) (b) & (c) 3rd Unlawful solicitation of persons involved in motor vehicle accidents.

2723 817.234 (11) (a) 3rd Insurance fraud; property value less than \$20,000.

2724 817.236 3rd Filing a false motor vehicle insurance application.

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2725	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
2726	817.413 (2)	3rd	Sale of used goods as new.
2727	817.505 (4)	3rd	Patient brokering.
2728	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
2729	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
2730	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
2731	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
	843.19	3rd	Injure, disable, or kill

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2732

police dog or horse.

860.15 (3)

3rd

Overcharging for repairs and parts.

2733

870.01 (2)

3rd

Riot; inciting or encouraging.

2734

893.13 (1) (a) 2.

3rd

Sell, manufacture, or deliver cannabis (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).

2735

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 within 1,000 feet of university.

2736

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.

2737

893.13 (4) (c)

3rd

Use or hire of minor;
deliver to minor other
controlled substances.

2738

893.13 (6) (a)

3rd

Possession of any
 controlled substance other
 than felony possession of
 cannabis.

2739

893.13 (7) (a) 8.

3rd

Withhold information from
 practitioner regarding
 previous receipt of or
 prescription for a
 controlled substance.

2740

893.13 (7) (a) 9.

3rd

Obtain or attempt to obtain
 controlled substance by
 fraud, forgery,
 misrepresentation, etc.

2741

893.13 (7) (a) 10.

3rd

Affix false or forged label
 to package of controlled
 substance.

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2742

893.13(7)(a)11.

3rd

Furnish false or fraudulent material information on any document or record required by chapter 893.

2743

893.13(8)(a)1.

3rd

Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

2744

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.

2745

893.13(8)(a)3.

3rd

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

2746

893.13(8)(a)4.

3rd

Write a prescription for a

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2747			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.
2748	918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
2749	944.47 (1) (a) 1. & 2.	3rd	Introduce contraband to correctional facility.
2750	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
2751	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
2752	(d) LEVEL 4		
2753	Florida Statute	Felony Degree	Description
2754	316.1935 (3) (a)	2nd	Driving at high speed or

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2755	499.0051 (1)	3rd	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.
2756	499.0051 (2)	3rd	Failure to maintain or deliver pedigree papers.
2757	499.0051 (6)	2nd	Failure to authenticate pedigree papers.
2758	517.07 (1)	3rd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
2759	517.12 (1)	3rd	Failure to register securities.
2760	784.07 (2) (b)	3rd	Failure of dealer, associated person, or issuer of securities to register.
			Battery of law

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			enforcement officer, firefighter, etc.
2761	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
2762	784.075	3rd	Battery on detention or commitment facility staff.
2763	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
2764	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
2765	784.081 (3)	3rd	Battery on specified official or employee.
2766	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
2767	784.083 (3)	3rd	Battery on code inspector.

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2768

784.085

3rd

Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

2769

787.03 (1)

3rd

Interference with custody; wrongfully takes minor from appointed guardian.

2770

787.04 (2)

3rd

Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

2771

787.04 (3)

3rd

Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

2772

787.07

3rd

Human smuggling.

2773

790.115 (1)

3rd

Exhibiting firearm or

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2774

weapon within 1,000 feet
of a school.

790.115 (2) (b)

3rd

Possessing electric
weapon or device,
destructive device, or
other weapon on school
property.

2775

790.115 (2) (c)

3rd

Possessing firearm on
school property.

2776

800.04 (7) (c)

3rd

Lewd or lascivious
exhibition; offender
less than 18 years.

2777

810.02 (4) (a)

3rd

Burglary, or attempted
burglary, of an
unoccupied structure;
unarmed; no assault or
battery.

2778

810.02 (4) (b)

3rd

Burglary, or attempted
burglary, of an
unoccupied conveyance;
unarmed; no assault or
battery.

2779

810.06

3rd

Burglary; possession of

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2780			tools.
	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
2781			
	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
2782			
	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
2783			
	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
2784			
	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
2785			
	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
2786			

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2787	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
2788	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
2789	837.02 (1)	3rd	Perjury in official proceedings.
2790	837.021 (1)	3rd	Make contradictory statements in official proceedings.
2791	838.022	3rd	Official misconduct.
2792	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
2793	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.

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2794	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
2795	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
2796	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
2797	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
2798	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4.

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2799			drugs).
	914.14 (2)	3rd	Witnesses accepting bribes.
2800			
	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
2801			
	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
2802			
	918.12	3rd	Tampering with jurors.
2803			
	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
2804			
2805	(e) LEVEL 5		
2806			
	Florida Statute	Felony Degree	Description
2807			
	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily

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2808			injury, failure to stop; leaving scene.
2809	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
2810	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
2811	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
2812	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
2813	379.3671 (2) (c) 3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
	381.0041 (11) (b)	3rd	Donate blood, plasma, or

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2814

organs knowing HIV
positive.

440.10(1)(g)

2nd

Failure to obtain
workers' compensation
coverage.

2815

440.105(5)

2nd

Unlawful solicitation
for the purpose of
making workers'
compensation claims.

2816

440.381(2)

2nd

Submission of false,
misleading, or
incomplete information
with the purpose of
avoiding or reducing
workers' compensation
premiums.

2817

624.401(4)(b)2.

2nd

Transacting insurance
without a certificate or
authority; premium
collected \$20,000 or
more but less than
\$100,000.

2818

626.902(1)(c)

2nd

Representing an
unauthorized insurer;

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			repeat offender.
2819	790.01 (2)	3rd	Carrying a concealed firearm.
2820	790.162	2nd	Threat to throw or discharge destructive device.
2821	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
2822	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
2823	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
2824	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
2825	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
2826			

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2827	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
2828	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
2829	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
2830	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
2831	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
2832	812.131 (2) (b)	3rd	Robbery by sudden snatching.
2833	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
	817.034 (4) (a) 2.	2nd	Communications fraud,

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2834

817.234 (11) (b)

2nd

value \$20,000 to
\$50,000.

2835

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.

2836

817.568 (2) (b)

2nd

Fraudulent use of
personal identification
information; value of
benefit, services
received, payment
avoided, or amount of
injury or fraud, \$5,000
or more or use of
personal identification
information of 10 or
more persons.

2837

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2838	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
2839	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
2840	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
2841	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great

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2842			bodily harm or death.
	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
2843			
	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
2844			
	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
2845			
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
2846			
	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
2847			
	874.05 (2) (a)	2nd	Encouraging or

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2848

recruiting person under
13 years of age to join
a criminal gang.

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).

2849

893.13(1)(c)2.

2nd

Sell, manufacture, or
deliver cannabis (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.

2850

893.13(1)(d)1.

1st

Sell, manufacture, or
deliver cocaine (or

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2851

893.13(1)(e)2.

2nd

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.

2852

893.13(1)(f)1.

1st

Sell, manufacture, or
 deliver cannabis 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.

2853

893.13(4)(b)

2nd

Use or hire of minor;

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deliver to minor other
controlled substance
~~cannabis (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).~~

2854

893.1351(1)

3rd

Ownership, lease, or
 rental for trafficking
 in or manufacturing of
 controlled substance.

2855

2856

(g) LEVEL 7

2857

Florida
 Statute

Felony
 Degree

Description

2858

316.027(2)(c)

1st

Accident involving death,
 failure to stop; leaving
 scene.

2859

316.193(3)(c)2.

3rd

DUI resulting in serious
 bodily injury.

2860

316.1935(3)(b)

1st

Causing serious bodily
 injury or death to another

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2861	327.35(3)(c)2.	3rd	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.
2862	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
2863	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
2864	409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
2865	456.065(2)	3rd	Practicing a health care profession without a license.

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2866
2867
2868
2869
2870
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456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327 (1)	3rd	Practicing medicine without a license.
459.013 (1)	3rd	Practicing osteopathic medicine without a license.
460.411 (1)	3rd	Practicing chiropractic medicine without a license.
461.012 (1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.

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465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901 (9)	3rd	Practicing medical physics without a license.
484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.

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2883	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
2884	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.
2885	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
2886	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
2886	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver license or

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2887

775.21(10)(b)

3rd

identification card; other registration violations.

Sexual predator working where children regularly congregate.

2888

775.21(10)(g)

3rd

Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

2889

782.051(3)

2nd

Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

2890

782.07(1)

2nd

Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

2891

782.071

2nd

Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular

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2892			homicide).
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
2893			
	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
2894			
	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
2895			
	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
2896			
	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
2897			
	784.048 (7)	3rd	Aggravated stalking; violation of court order.
2898			
	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
2899			

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2900	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
2901	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
2902	784.081 (1)	1st	Aggravated battery on specified official or employee.
2903	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
2904	784.083 (1)	1st	Aggravated battery on code inspector.
2905	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
	787.06 (3) (e) 2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.

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2906

790.07(4) 1st Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

2907

790.16(1) 1st Discharge of a machine gun under specified circumstances.

2908

790.165(2) 2nd Manufacture, sell, possess, or deliver hoax bomb.

2909

790.165(3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

2910

790.166(3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

2911

790.166(4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or

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2912			attempting to commit a felony.
	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
2913			
	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.
2914			
	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
2915			
	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
2916			
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
2917			
	800.04 (5) (c) 2.	2nd	Lewd or lascivious

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2918	800.04 (5) (e)	1st	molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
2919	806.01 (2)	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
2920	810.02 (3) (a)	2nd	Maliciously damage structure by fire or explosive.
2921	810.02 (3) (b)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
2922	810.02 (3) (d)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
			Burglary of occupied conveyance; unarmed; no assault or battery.

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2923

810.02 (3) (e) 2nd Burglary of authorized emergency vehicle.

2924

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.

2925

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

2926

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

2927

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

2928

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

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			or more.
2929	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
2930	812.131 (2) (a)	2nd	Robbery by sudden snatching.
2931	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
2932	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
2933	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
2934	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
2935	817.234 (11) (c)	1st	Insurance fraud; property

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2936

value \$100,000 or more.

817.2341
(2) (b) & (3) (b)

1st

Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

2937

817.535 (2) (a)

3rd

Filing false lien or other unauthorized document.

2938

825.102 (3) (b)

2nd

Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

2939

825.103 (3) (b)

2nd

Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.

2940

827.03 (2) (b)

2nd

Neglect of a child causing great bodily harm, disability, or

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2941			disfigurement.
	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
2942			
	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
2943			
	838.015	2nd	Bribery.
2944			
	838.016	2nd	Unlawful compensation or reward for official behavior.
2945			
	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
2946			
	838.22	2nd	Bid tampering.
2947			
	843.0855 (2)	3rd	Impersonation of a public officer or employee.
2948			
	843.0855 (3)	3rd	Unlawful simulation of legal process.
2949			

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2950	843.0855 (4)	3rd	Intimidation of a public officer or employee.
2951	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
2952	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
2953	872.06	2nd	Abuse of a dead human body.
2954	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
2955	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other

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2956

893.13(1)(e)1.

1st

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.

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.

2957

893.13(4)(a)

1st

Use or hire of minor;
deliver to minor other
controlled substance
~~cocaine (or other s.~~
~~893.03(1)(a), (1)(b),~~
~~(1)(d), (2)(a), (2)(b), or~~
~~(2)(c)4. drugs).~~

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893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.

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2966	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
2967	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
2968	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
2969	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
2970	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
2971	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
2971	893.135	1st	Trafficking in

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	(1) (k) 2.a.		Phenethylamines, 10 grams or more, less than 200 grams.
2972	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
2973	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
2974	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
2975	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
2976	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure

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2977			to comply with reporting requirements.
	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
2978			
	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2979			
	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2980			
	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
2981			
	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
2982			
	944.607 (12)	3rd	Failure to report or

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2983	944.607(13)	3rd	providing false information about a sexual offender; harbor or conceal a sexual offender.
2984	985.4815(10)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2985	985.4815(12)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
2986	985.4815(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2987			Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

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Florida Statute	Felony Degree	Description
(h) LEVEL 8		
316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
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.
499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.

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2996

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.

2997

655.50 (10) (b) 2.

2nd

Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

2998

777.03 (2) (a)

1st

Accessory after the fact, capital felony.

2999

782.04 (4)

2nd

Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or

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3000

unlawfully discharging
bomb.

782.051 (2)

1st

Attempted felony murder
while perpetrating or
attempting to perpetrate
a felony not enumerated
in s. 782.04(3).

3001

782.071 (1) (b)

1st

Committing vehicular
homicide and failing to
render aid or give
information.

3002

782.072 (2)

1st

Committing vessel
homicide and failing to
render aid or give
information.

3003

787.06 (3) (a) 1.

1st

Human trafficking for
labor and services of a
child.

3004

787.06 (3) (b)

1st

Human trafficking using
coercion for commercial
sexual activity of an
adult.

3005

787.06 (3) (c) 2.

1st

Human trafficking using

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3006

coercion for labor and services of an unauthorized alien adult.

787.06(3)(e)1.

1st

Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.

3007

787.06(3)(f)2.

1st

Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.

3008

790.161(3)

1st

Discharging a destructive device which results in bodily harm or property damage.

3009

794.011(5)(a)

1st

Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not

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3010

use physical force likely to cause serious injury.

794.011 (5) (b)

2nd

Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.

3011

794.011 (5) (c)

2nd

Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.

3012

794.011 (5) (d)

1st

Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.

3013

794.08 (3)

2nd

Female genital mutilation, removal of a victim younger than 18 years of age from this

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			state.
3014	800.04 (4) (b)	2nd	Lewd or lascivious battery.
3015	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
3016	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
3017	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
3018	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
3019	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

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

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3027	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
3028	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
3029	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
3030	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
3031	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital

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3032

felony.

837.021 (2)

2nd

Making contradictory statements in official proceedings relating to prosecution of a capital felony.

3033

860.121 (2) (c)

1st

Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

3034

860.16

1st

Aircraft piracy.

3035

893.13 (1) (b)

1st

Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).

3036

893.13 (2) (b)

1st

Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).

3037

893.13 (6) (c)

1st

Possess in excess of 10 grams of any substance specified in s.

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3038			893.03(1) (a) or (b).
	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
3039			
	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
3040			
	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
3041			
	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, 50 grams or more, less than 200 grams.
3042			
	893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
3043			
	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
3044			

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893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
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

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3050

893.1351(3)

1st

400 grams.

Possession of a place used to manufacture controlled substance when minor is present or resides there.

3051

895.03(1)

1st

Use or invest proceeds derived from pattern of racketeering activity.

3052

895.03(2)

1st

Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

3053

895.03(3)

1st

Conduct or participate in any enterprise through pattern of racketeering activity.

3054

896.101(5)(b)

2nd

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

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- 3077 b. Bone or skull fractures.
- 3078 c. Brain or spinal cord damage.
- 3079 d. Intracranial hemorrhage or injury to other internal
- 3080 organs.
- 3081 e. Asphyxiation, suffocation, or drowning.
- 3082 f. Injury resulting from the use of a deadly weapon.
- 3083 g. Burns or scalding.
- 3084 h. Cuts, lacerations, punctures, or bites.
- 3085 i. Permanent or temporary disfigurement.
- 3086 j. Permanent or temporary loss or impairment of a body part
- 3087 or function.

3088

3089 As used in this subparagraph, the term "willful" refers to the

3090 intent to perform an action, not to the intent to achieve a

3091 result or to cause an injury.

3092 2. Purposely giving a child poison, alcohol, drugs, or

3093 other substances that substantially affect the child's behavior,

3094 motor coordination, or judgment or that result in sickness or

3095 internal injury. For the purposes of this subparagraph, the term

3096 "drugs" means prescription drugs not prescribed for the child or

3097 not administered as prescribed, and controlled substances as

3098 outlined in Schedule I or Schedule II of s. 893.03.

3099 3. Leaving a child without adult supervision or arrangement

3100 appropriate for the child's age or mental or physical condition,

3101 so that the child is unable to care for the child's own needs or

3102 another's basic needs or is unable to exercise good judgment in

3103 responding to any kind of physical or emotional crisis.

3104 4. Inappropriate or excessively harsh disciplinary action

3105 that is likely to result in physical injury, mental injury as

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3106 defined in this section, or emotional injury. The significance
3107 of any injury must be evaluated in light of the following
3108 factors: the age of the child; any prior history of injuries to
3109 the child; the location of the injury on the body of the child;
3110 the multiplicity of the injury; and the type of trauma
3111 inflicted. Corporal discipline may be considered excessive or
3112 abusive when it results in any of the following or other similar
3113 injuries:

- 3114 a. Sprains, dislocations, or cartilage damage.
- 3115 b. Bone or skull fractures.
- 3116 c. Brain or spinal cord damage.
- 3117 d. Intracranial hemorrhage or injury to other internal
3118 organs.
- 3119 e. Asphyxiation, suffocation, or drowning.
- 3120 f. Injury resulting from the use of a deadly weapon.
- 3121 g. Burns or scalding.
- 3122 h. Cuts, lacerations, punctures, or bites.
- 3123 i. Permanent or temporary disfigurement.
- 3124 j. Permanent or temporary loss or impairment of a body part
3125 or function.
- 3126 k. Significant bruises or welts.

3127 (g) Exposes a child to a controlled substance or alcohol.
3128 Exposure to a controlled substance or alcohol is established by:

- 3129 1. A test, administered at birth, which indicated that the
3130 child's blood, urine, or meconium contained any amount of
3131 alcohol or a controlled substance or metabolites of such
3132 substances, the presence of which was not the result of medical
3133 treatment administered to the mother or the newborn infant; or
3134 2. Evidence of extensive, abusive, and chronic use of a

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3135 controlled substance or alcohol by a parent when the child is
3136 demonstrably adversely affected by such usage.

3137
3138 As used in this paragraph, the term "controlled substance" means
3139 prescription drugs not prescribed for the parent or not
3140 administered as prescribed and controlled substances as outlined
3141 in Schedule I or Schedule II of s. 893.03.

3142 Section 14. For the purpose of incorporating the amendment
3143 made by this act to section 893.03, Florida Statutes, in a
3144 reference thereto, subsection (5) of section 316.193, Florida
3145 Statutes, is reenacted to read:

3146 316.193 Driving under the influence; penalties.—

3147 (5) The court shall place all offenders convicted of
3148 violating this section on monthly reporting probation and shall
3149 require completion of a substance abuse course conducted by a
3150 DUI program licensed by the department under s. 322.292, which
3151 must include a psychosocial evaluation of the offender. If the
3152 DUI program refers the offender to an authorized substance abuse
3153 treatment provider for substance abuse treatment, in addition to
3154 any sentence or fine imposed under this section, completion of
3155 all such education, evaluation, and treatment is a condition of
3156 reporting probation. The offender shall assume reasonable costs
3157 for such education, evaluation, and treatment. The referral to
3158 treatment resulting from a psychosocial evaluation shall not be
3159 waived without a supporting independent psychosocial evaluation
3160 conducted by an authorized substance abuse treatment provider
3161 appointed by the court, which shall have access to the DUI
3162 program's psychosocial evaluation before the independent
3163 psychosocial evaluation is conducted. The court shall review the

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3164 results and recommendations of both evaluations before
3165 determining the request for waiver. The offender shall bear the
3166 full cost of this procedure. The term "substance abuse" means
3167 the abuse of alcohol or any substance named or described in
3168 Schedules I through V of s. 893.03. If an offender referred to
3169 treatment under this subsection fails to report for or complete
3170 such treatment or fails to complete the DUI program substance
3171 abuse education course and evaluation, the DUI program shall
3172 notify the court and the department of the failure. Upon receipt
3173 of the notice, the department shall cancel the offender's
3174 driving privilege, notwithstanding the terms of the court order
3175 or any suspension or revocation of the driving privilege. The
3176 department may temporarily reinstate the driving privilege on a
3177 restricted basis upon verification from the DUI program that the
3178 offender is currently participating in treatment and the DUI
3179 education course and evaluation requirement has been completed.
3180 If the DUI program notifies the department of the second failure
3181 to complete treatment, the department shall reinstate the
3182 driving privilege only after notice of completion of treatment
3183 from the DUI program. The organization that conducts the
3184 substance abuse education and evaluation may not provide
3185 required substance abuse treatment unless a waiver has been
3186 granted to that organization by the department. A waiver may be
3187 granted only if the department determines, in accordance with
3188 its rules, that the service provider that conducts the substance
3189 abuse education and evaluation is the most appropriate service
3190 provider and is licensed under chapter 397 or is exempt from
3191 such licensure. A statistical referral report shall be submitted
3192 quarterly to the department by each organization authorized to

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3193 provide services under this section.

3194 Section 15. For the purpose of incorporating the amendment
3195 made by this act to section 893.03, Florida Statutes, in a
3196 reference thereto, paragraph (c) of subsection (2) of section
3197 322.2616, Florida Statutes, is reenacted to read:

3198 322.2616 Suspension of license; persons under 21 years of
3199 age; right to review.—

3200 (2)

3201 (c) When a driver subject to this section has a blood-
3202 alcohol or breath-alcohol level of 0.05 or higher, the
3203 suspension shall remain in effect until such time as the driver
3204 has completed a substance abuse course offered by a DUI program
3205 licensed by the department. The driver shall assume the
3206 reasonable costs for the substance abuse course. As part of the
3207 substance abuse course, the program shall conduct a substance
3208 abuse evaluation of the driver, and notify the parents or legal
3209 guardians of drivers under the age of 19 years of the results of
3210 the evaluation. The term "substance abuse" means the abuse of
3211 alcohol or any substance named or described in Schedules I
3212 through V of s. 893.03. If a driver fails to complete the
3213 substance abuse education course and evaluation, the driver
3214 license shall not be reinstated by the department.

3215 Section 16. For the purpose of incorporating the amendment
3216 made by this act to section 893.03, Florida Statutes, in a
3217 reference thereto, subsection (5) of section 327.35, Florida
3218 Statutes, is reenacted to read:

3219 327.35 Boating under the influence; penalties; "designated
3220 drivers."—

3221 (5) In addition to any sentence or fine, the court shall

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3222 place any offender convicted of violating this section on
3223 monthly reporting probation and shall require attendance at a
3224 substance abuse course specified by the court; and the agency
3225 conducting the course may refer the offender to an authorized
3226 service provider for substance abuse evaluation and treatment,
3227 in addition to any sentence or fine imposed under this section.
3228 The offender shall assume reasonable costs for such education,
3229 evaluation, and treatment, with completion of all such
3230 education, evaluation, and treatment being a condition of
3231 reporting probation. Treatment resulting from a psychosocial
3232 evaluation may not be waived without a supporting psychosocial
3233 evaluation conducted by an agency appointed by the court and
3234 with access to the original evaluation. The offender shall bear
3235 the cost of this procedure. The term "substance abuse" means the
3236 abuse of alcohol or any substance named or described in
3237 Schedules I-V of s. 893.03.

3238 Section 17. For the purpose of incorporating the amendment
3239 made by this act to section 893.03, Florida Statutes, in a
3240 reference thereto, paragraph (b) of subsection (11) of section
3241 440.102, Florida Statutes, is reenacted to read:

3242 440.102 Drug-free workplace program requirements.—The
3243 following provisions apply to a drug-free workplace program
3244 implemented pursuant to law or to rules adopted by the Agency
3245 for Health Care Administration:

3246 (11) PUBLIC EMPLOYEES IN MANDATORY-TESTING OR SPECIAL-RISK
3247 POSITIONS.—

3248 (b) An employee who is employed by a public employer in a
3249 special-risk position may be discharged or disciplined by a
3250 public employer for the first positive confirmed test result if

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3251 the drug confirmed is an illicit drug under s. 893.03. A
3252 special-risk employee who is participating in an employee
3253 assistance program or drug rehabilitation program may not be
3254 allowed to continue to work in any special-risk or mandatory-
3255 testing position of the public employer, but may be assigned to
3256 a position other than a mandatory-testing position or placed on
3257 leave while the employee is participating in the program.
3258 However, the employee shall be permitted to use any accumulated
3259 annual leave credits before leave may be ordered without pay.

3260 Section 18. For the purpose of incorporating the amendment
3261 made by this act to section 893.03, Florida Statutes, in a
3262 reference thereto, subsection (2) of section 456.44, Florida
3263 Statutes, is reenacted to read:

3264 456.44 Controlled substance prescribing.—

3265 (2) REGISTRATION.—Effective January 1, 2012, a physician
3266 licensed under chapter 458, chapter 459, chapter 461, or chapter
3267 466 who prescribes any controlled substance, listed in Schedule
3268 II, Schedule III, or Schedule IV as defined in s. 893.03, for
3269 the treatment of chronic nonmalignant pain, must:

3270 (a) Designate himself or herself as a controlled substance
3271 prescribing practitioner on the physician's practitioner
3272 profile.

3273 (b) Comply with the requirements of this section and
3274 applicable board rules.

3275 Section 19. For the purpose of incorporating the amendment
3276 made by this act to section 893.03, Florida Statutes, in a
3277 reference thereto, subsection (3) of section 458.326, Florida
3278 Statutes, is reenacted to read:

3279 458.326 Intractable pain; authorized treatment.—

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3280 (3) Notwithstanding any other provision of law, a physician
3281 may prescribe or administer any controlled substance under
3282 Schedules II-V, as provided for in s. 893.03, to a person for
3283 the treatment of intractable pain, provided the physician does
3284 so in accordance with that level of care, skill, and treatment
3285 recognized by a reasonably prudent physician under similar
3286 conditions and circumstances.

3287 Section 20. For the purpose of incorporating the amendment
3288 made by this act to section 893.03, Florida Statutes, in a
3289 reference thereto, paragraph (e) of subsection (1) of section
3290 458.3265, Florida Statutes, is reenacted to read:

3291 458.3265 Pain-management clinics.—

3292 (1) REGISTRATION.—

3293 (e) The department shall deny registration to any pain-
3294 management clinic owned by or with any contractual or employment
3295 relationship with a physician:

3296 1. Whose Drug Enforcement Administration number has ever
3297 been revoked.

3298 2. Whose application for a license to prescribe, dispense,
3299 or administer a controlled substance has been denied by any
3300 jurisdiction.

3301 3. Who has been convicted of or pleaded guilty or nolo
3302 contendere to, regardless of adjudication, an offense that
3303 constitutes a felony for receipt of illicit and diverted drugs,
3304 including a controlled substance listed in Schedule I, Schedule
3305 II, Schedule III, Schedule IV, or Schedule V of s. 893.03, in
3306 this state, any other state, or the United States.

3307 Section 21. For the purpose of incorporating the amendment
3308 made by this act to section 893.03, Florida Statutes, in a

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3309 reference thereto, paragraph (e) of subsection (1) of section
3310 459.0137, Florida Statutes, is reenacted to read:

3311 459.0137 Pain-management clinics.—

3312 (1) REGISTRATION.—

3313 (e) The department shall deny registration to any pain-
3314 management clinic owned by or with any contractual or employment
3315 relationship with a physician:

3316 1. Whose Drug Enforcement Administration number has ever
3317 been revoked.

3318 2. Whose application for a license to prescribe, dispense,
3319 or administer a controlled substance has been denied by any
3320 jurisdiction.

3321 3. Who has been convicted of or pleaded guilty or nolo
3322 contendere to, regardless of adjudication, an offense that
3323 constitutes a felony for receipt of illicit and diverted drugs,
3324 including a controlled substance listed in Schedule I, Schedule
3325 II, Schedule III, Schedule IV, or Schedule V of s. 893.03, in
3326 this state, any other state, or the United States.

3327 Section 22. For the purpose of incorporating the amendment
3328 made by this act to section 893.03, Florida Statutes, in a
3329 reference thereto, paragraph (a) of subsection (4) of section
3330 463.0055, Florida Statutes, is reenacted to read:

3331 463.0055 Administration and prescription of ocular
3332 pharmaceutical agents.—

3333 (4) A certified optometrist shall be issued a prescriber
3334 number by the board. Any prescription written by a certified
3335 optometrist for an ocular pharmaceutical agent pursuant to this
3336 section shall have the prescriber number printed thereon. A
3337 certified optometrist may not administer or prescribe:

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3338 (a) A controlled substance listed in Schedule III, Schedule
3339 IV, or Schedule V of s. 893.03, except for an oral analgesic
3340 placed on the formulary pursuant to this section for the relief
3341 of pain due to ocular conditions of the eye and its appendages.

3342 Section 23. For the purpose of incorporating the amendment
3343 made by this act to section 893.03, Florida Statutes, in a
3344 reference thereto, paragraph (b) of subsection (1) of section
3345 465.0276, Florida Statutes, is reenacted to read:

3346 465.0276 Dispensing practitioner.—

3347 (1)

3348 (b) A practitioner registered under this section may not
3349 dispense a controlled substance listed in Schedule II or
3350 Schedule III as provided in s. 893.03. This paragraph does not
3351 apply to:

3352 1. The dispensing of complimentary packages of medicinal
3353 drugs which are labeled as a drug sample or complimentary drug
3354 as defined in s. 499.028 to the practitioner's own patients in
3355 the regular course of her or his practice without the payment of
3356 a fee or remuneration of any kind, whether direct or indirect,
3357 as provided in subsection (5).

3358 2. The dispensing of controlled substances in the health
3359 care system of the Department of Corrections.

3360 3. The dispensing of a controlled substance listed in
3361 Schedule II or Schedule III in connection with the performance
3362 of a surgical procedure. The amount dispensed pursuant to the
3363 subparagraph may not exceed a 14-day supply. This exception does
3364 not allow for the dispensing of a controlled substance listed in
3365 Schedule II or Schedule III more than 14 days after the
3366 performance of the surgical procedure. For purposes of this

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3367 subparagraph, the term "surgical procedure" means any procedure
3368 in any setting which involves, or reasonably should involve:

3369 a. Perioperative medication and sedation that allows the
3370 patient to tolerate unpleasant procedures while maintaining
3371 adequate cardiorespiratory function and the ability to respond
3372 purposefully to verbal or tactile stimulation and makes intra-
3373 and postoperative monitoring necessary; or

3374 b. The use of general anesthesia or major conduction
3375 anesthesia and preoperative sedation.

3376 4. The dispensing of a controlled substance listed in
3377 Schedule II or Schedule III pursuant to an approved clinical
3378 trial. For purposes of this subparagraph, the term "approved
3379 clinical trial" means a clinical research study or clinical
3380 investigation that, in whole or in part, is state or federally
3381 funded or is conducted under an investigational new drug
3382 application that is reviewed by the United States Food and Drug
3383 Administration.

3384 5. The dispensing of methadone in a facility licensed under
3385 s. 397.427 where medication-assisted treatment for opiate
3386 addiction is provided.

3387 6. The dispensing of a controlled substance listed in
3388 Schedule II or Schedule III to a patient of a facility licensed
3389 under part IV of chapter 400.

3390 Section 24. For the purpose of incorporating the amendment
3391 made by this act to section 893.03, Florida Statutes, in
3392 references thereto, subsection (14) and paragraph (a) of
3393 subsection (15) of section 499.0121, Florida Statutes, are
3394 reenacted to read:

3395 499.0121 Storage and handling of prescription drugs;

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3396 recordkeeping.—The department shall adopt rules to implement
3397 this section as necessary to protect the public health, safety,
3398 and welfare. Such rules shall include, but not be limited to,
3399 requirements for the storage and handling of prescription drugs
3400 and for the establishment and maintenance of prescription drug
3401 distribution records.

3402 (14) DISTRIBUTION REPORTING.—Each prescription drug
3403 wholesale distributor, out-of-state prescription drug wholesale
3404 distributor, retail pharmacy drug wholesale distributor,
3405 manufacturer, or repackager that engages in the wholesale
3406 distribution of controlled substances as defined in s. 893.02
3407 shall submit a report to the department of its receipts and
3408 distributions of controlled substances listed in Schedule II,
3409 Schedule III, Schedule IV, or Schedule V as provided in s.
3410 893.03. Wholesale distributor facilities located within this
3411 state shall report all transactions involving controlled
3412 substances, and wholesale distributor facilities located outside
3413 this state shall report all distributions to entities located in
3414 this state. If the prescription drug wholesale distributor, out-
3415 of-state prescription drug wholesale distributor, retail
3416 pharmacy drug wholesale distributor, manufacturer, or repackager
3417 does not have any controlled substance distributions for the
3418 month, a report shall be sent indicating that no distributions
3419 occurred in the period. The report shall be submitted monthly by
3420 the 20th of the next month, in the electronic format used for
3421 controlled substance reporting to the Automation of Reports and
3422 Consolidated Orders System division of the federal Drug
3423 Enforcement Administration. Submission of electronic data must
3424 be made in a secured Internet environment that allows for manual

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3425 or automated transmission. Upon successful transmission, an
3426 acknowledgment page must be displayed to confirm receipt. The
3427 report must contain the following information:

3428 (a) The federal Drug Enforcement Administration
3429 registration number of the wholesale distributing location.

3430 (b) The federal Drug Enforcement Administration
3431 registration number of the entity to which the drugs are
3432 distributed or from which the drugs are received.

3433 (c) The transaction code that indicates the type of
3434 transaction.

3435 (d) The National Drug Code identifier of the product and
3436 the quantity distributed or received.

3437 (e) The Drug Enforcement Administration Form 222 number or
3438 Controlled Substance Ordering System Identifier on all Schedule
3439 II transactions.

3440 (f) The date of the transaction.

3441

3442 The department must share the reported data with the Department
3443 of Law Enforcement and local law enforcement agencies upon
3444 request and must monitor purchasing to identify purchasing
3445 levels that are inconsistent with the purchasing entity's
3446 clinical needs. The Department of Law Enforcement shall
3447 investigate purchases at levels that are inconsistent with the
3448 purchasing entity's clinical needs to determine whether
3449 violations of chapter 893 have occurred.

3450 (15) DUE DILIGENCE OF PURCHASERS.—

3451 (a) Each prescription drug wholesale distributor, out-of-
3452 state prescription drug wholesale distributor, and retail
3453 pharmacy drug wholesale distributor must establish and maintain

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3454 policies and procedures to credential physicians licensed under
3455 chapter 458, chapter 459, chapter 461, or chapter 466 and
3456 pharmacies that purchase or otherwise receive from the wholesale
3457 distributor controlled substances listed in Schedule II or
3458 Schedule III as provided in s. 893.03. The prescription drug
3459 wholesale distributor, out-of-state prescription drug wholesale
3460 distributor, or retail pharmacy drug wholesale distributor shall
3461 maintain records of such credentialing and make the records
3462 available to the department upon request. Such credentialing
3463 must, at a minimum, include:

3464 1. A determination of the clinical nature of the receiving
3465 entity, including any specialty practice area.

3466 2. A review of the receiving entity's history of Schedule
3467 II and Schedule III controlled substance purchasing from the
3468 wholesale distributor.

3469 3. A determination that the receiving entity's Schedule II
3470 and Schedule III controlled substance purchasing history, if
3471 any, is consistent with and reasonable for that entity's
3472 clinical business needs.

3473 Section 25. For the purpose of incorporating the amendment
3474 made by this act to section 893.03, Florida Statutes, in a
3475 reference thereto, paragraph (a) of subsection (3) of section
3476 499.029, Florida Statutes, is reenacted to read:

3477 499.029 Cancer Drug Donation Program.—

3478 (3) As used in this section:

3479 (a) "Cancer drug" means a prescription drug that has been
3480 approved under s. 505 of the federal Food, Drug, and Cosmetic
3481 Act and is used to treat cancer or its side effects or is used
3482 to treat the side effects of a prescription drug used to treat

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3483 cancer or its side effects. "Cancer drug" does not include a
3484 substance listed in Schedule II, Schedule III, Schedule IV, or
3485 Schedule V of s. 893.03.

3486 Section 26. For the purpose of incorporating the amendment
3487 made by this act to section 893.03, Florida Statutes, in
3488 references thereto, subsections (1) and (4) of section 782.04,
3489 Florida Statutes, are reenacted to read:

3490 782.04 Murder.—

3491 (1)(a) The unlawful killing of a human being:

3492 1. When perpetrated from a premeditated design to effect
3493 the death of the person killed or any human being;

3494 2. When committed by a person engaged in the perpetration
3495 of, or in the attempt to perpetrate, any:

3496 a. Trafficking offense prohibited by s. 893.135(1),

3497 b. Arson,

3498 c. Sexual battery,

3499 d. Robbery,

3500 e. Burglary,

3501 f. Kidnapping,

3502 g. Escape,

3503 h. Aggravated child abuse,

3504 i. Aggravated abuse of an elderly person or disabled adult,

3505 j. Aircraft piracy,

3506 k. Unlawful throwing, placing, or discharging of a
3507 destructive device or bomb,

3508 l. Carjacking,

3509 m. Home-invasion robbery,

3510 n. Aggravated stalking,

3511 o. Murder of another human being,

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3512 p. Resisting an officer with violence to his or her person,
3513 q. Aggravated fleeing or eluding with serious bodily injury
3514 or death,

3515 r. Felony that is an act of terrorism or is in furtherance
3516 of an act of terrorism; or

3517 3. Which resulted from the unlawful distribution of any
3518 substance controlled under s. 893.03(1), cocaine as described in
3519 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
3520 compound, derivative, or preparation of opium, or methadone by a
3521 person 18 years of age or older, when such drug is proven to be
3522 the proximate cause of the death of the user,

3523
3524 is murder in the first degree and constitutes a capital felony,
3525 punishable as provided in s. 775.082.

3526 (b) In all cases under this section, the procedure set
3527 forth in s. 921.141 shall be followed in order to determine
3528 sentence of death or life imprisonment.

3529 (4) The unlawful killing of a human being, when perpetrated
3530 without any design to effect death, by a person engaged in the
3531 perpetration of, or in the attempt to perpetrate, any felony
3532 other than any:

3533 (a) Trafficking offense prohibited by s. 893.135(1),

3534 (b) Arson,

3535 (c) Sexual battery,

3536 (d) Robbery,

3537 (e) Burglary,

3538 (f) Kidnapping,

3539 (g) Escape,

3540 (h) Aggravated child abuse,

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3541 (i) Aggravated abuse of an elderly person or disabled
3542 adult,
3543 (j) Aircraft piracy,
3544 (k) Unlawful throwing, placing, or discharging of a
3545 destructive device or bomb,
3546 (l) Unlawful distribution of any substance controlled under
3547 s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or
3548 opium or any synthetic or natural salt, compound, derivative, or
3549 preparation of opium by a person 18 years of age or older, when
3550 such drug is proven to be the proximate cause of the death of
3551 the user,
3552 (m) Carjacking,
3553 (n) Home-invasion robbery,
3554 (o) Aggravated stalking,
3555 (p) Murder of another human being,
3556 (q) Aggravated fleeing or eluding with serious bodily
3557 injury or death,
3558 (r) Resisting an officer with violence to his or her
3559 person, or
3560 (s) Felony that is an act of terrorism or is in furtherance
3561 of an act of terrorism,
3562
3563 is murder in the third degree and constitutes a felony of the
3564 second degree, punishable as provided in s. 775.082, s. 775.083,
3565 or s. 775.084.
3566 Section 27. For the purpose of incorporating the amendment
3567 made by this act to section 893.03, Florida Statutes, in a
3568 reference thereto, paragraph (a) of subsection (2) of section
3569 787.06, Florida Statutes, is reenacted to read:

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- 3570 787.06 Human trafficking.—
- 3571 (2) As used in this section, the term:
- 3572 (a) "Coercion" means:
- 3573 1. Using or threatening to use physical force against any
- 3574 person;
- 3575 2. Restraining, isolating, or confining or threatening to
- 3576 restrain, isolate, or confine any person without lawful
- 3577 authority and against her or his will;
- 3578 3. Using lending or other credit methods to establish a
- 3579 debt by any person when labor or services are pledged as a
- 3580 security for the debt, if the value of the labor or services as
- 3581 reasonably assessed is not applied toward the liquidation of the
- 3582 debt, the length and nature of the labor or services are not
- 3583 respectively limited and defined;
- 3584 4. Destroying, concealing, removing, confiscating,
- 3585 withholding, or possessing any actual or purported passport,
- 3586 visa, or other immigration document, or any other actual or
- 3587 purported government identification document, of any person;
- 3588 5. Causing or threatening to cause financial harm to any
- 3589 person;
- 3590 6. Enticing or luring any person by fraud or deceit; or
- 3591 7. Providing a controlled substance as outlined in Schedule
- 3592 I or Schedule II of s. 893.03 to any person for the purpose of
- 3593 exploitation of that person.
- 3594 Section 28. For the purpose of incorporating the amendment
- 3595 made by this act to section 893.03, Florida Statutes, in a
- 3596 reference thereto, subsection (1) of section 817.563, Florida
- 3597 Statutes, is reenacted to read:
- 3598 817.563 Controlled substance named or described in s.

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3599 893.03; sale of substance in lieu thereof.—It is unlawful for
3600 any person to agree, consent, or in any manner offer to
3601 unlawfully sell to any person a controlled substance named or
3602 described in s. 893.03 and then sell to such person any other
3603 substance in lieu of such controlled substance. Any person who
3604 violates this section with respect to:

3605 (1) A controlled substance named or described in s.
3606 893.03(1), (2), (3), or (4) is guilty of a felony of the third
3607 degree, punishable as provided in s. 775.082, s. 775.083, or s.
3608 775.084.

3609 Section 29. For the purpose of incorporating the amendment
3610 made by this act to section 893.03, Florida Statutes, in a
3611 reference thereto, section 831.31, Florida Statutes, is
3612 reenacted to read:

3613 831.31 Counterfeit controlled substance; sale, manufacture,
3614 delivery, or possession with intent to sell, manufacture, or
3615 deliver.—

3616 (1) It is unlawful for any person to sell, manufacture, or
3617 deliver, or to possess with intent to sell, manufacture, or
3618 deliver, a counterfeit controlled substance. Any person who
3619 violates this subsection with respect to:

3620 (a) A controlled substance named or described in s.
3621 893.03(1), (2), (3), or (4) is guilty of a felony of the third
3622 degree, punishable as provided in s. 775.082, s. 775.083, or s.
3623 775.084.

3624 (b) A controlled substance named or described in s.
3625 893.03(5) is guilty of a misdemeanor of the second degree,
3626 punishable as provided in s. 775.082 or s. 775.083.

3627 (2) For purposes of this section, "counterfeit controlled

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3628 substance" means:

3629 (a) A controlled substance named or described in s. 893.03
3630 which, or the container or labeling of which, without
3631 authorization bears the trademark, trade name, or other
3632 identifying mark, imprint, or number, or any likeness thereof,
3633 of a manufacturer other than the person who in fact manufactured
3634 the controlled substance; or

3635 (b) Any substance which is falsely identified as a
3636 controlled substance named or described in s. 893.03.

3637 Section 30. For the purpose of incorporating the amendment
3638 made by this act to section 893.03, Florida Statutes, in a
3639 reference thereto, section 893.0301, Florida Statutes, is
3640 reenacted to read:

3641 893.0301 Death resulting from apparent drug overdose;
3642 reporting requirements.—If a person dies of an apparent drug
3643 overdose:

3644 (1) A law enforcement agency shall prepare a report
3645 identifying each prescribed controlled substance listed in
3646 Schedule II, Schedule III, or Schedule IV of s. 893.03 which is
3647 found on or near the deceased or among the deceased's
3648 possessions. The report must identify the person who prescribed
3649 the controlled substance, if known or ascertainable. Thereafter,
3650 the law enforcement agency shall submit a copy of the report to
3651 the medical examiner.

3652 (2) A medical examiner who is preparing a report pursuant
3653 to s. 406.11 shall include in the report information identifying
3654 each prescribed controlled substance listed in Schedule II,
3655 Schedule III, or Schedule IV of s. 893.03 that was found in, on,
3656 or near the deceased or among the deceased's possessions.

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3657 Section 31. For the purpose of incorporating the amendment
3658 made by this act to section 893.03, Florida Statutes, in a
3659 reference thereto, paragraph (a) of subsection (7) of section
3660 893.035, Florida Statutes, is reenacted to read:

3661 893.035 Control of new substances; findings of fact;
3662 delegation of authority to Attorney General to control
3663 substances by rule.—

3664 (7) (a) If the Attorney General finds that the scheduling of
3665 a substance in Schedule I of s. 893.03 on a temporary basis is
3666 necessary to avoid an imminent hazard to the public safety, he
3667 or she may by rule and without regard to the requirements of
3668 subsection (5) relating to the Department of Health and the
3669 Department of Law Enforcement schedule such substance in
3670 Schedule I if the substance is not listed in any other schedule
3671 of s. 893.03. The Attorney General shall be required to
3672 consider, with respect to his or her finding of imminent hazard
3673 to the public safety, only those factors set forth in paragraphs
3674 (3) (a) and (4) (d), (e), and (f), including actual abuse,
3675 diversion from legitimate channels, and clandestine importation,
3676 manufacture, or distribution.

3677 Section 32. For the purpose of incorporating the amendment
3678 made by this act to section 893.03, Florida Statutes, in a
3679 reference thereto, subsection (1) of section 893.05, Florida
3680 Statutes, is reenacted to read:

3681 893.05 Practitioners and persons administering controlled
3682 substances in their absence.—

3683 (1) A practitioner, in good faith and in the course of his
3684 or her professional practice only, may prescribe, administer,
3685 dispense, mix, or otherwise prepare a controlled substance, or

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3686 the practitioner may cause the same to be administered by a
3687 licensed nurse or an intern practitioner under his or her
3688 direction and supervision only. A veterinarian may so prescribe,
3689 administer, dispense, mix, or prepare a controlled substance for
3690 use on animals only, and may cause it to be administered by an
3691 assistant or orderly under the veterinarian's direction and
3692 supervision only. A certified optometrist licensed under chapter
3693 463 may not administer or prescribe a controlled substance
3694 listed in Schedule I or Schedule II of s. 893.03.

3695 Section 33. For the purpose of incorporating the amendment
3696 made by this act to section 893.03, Florida Statutes, in a
3697 reference thereto, paragraph (b) of subsection (1) of section
3698 893.055, Florida Statutes, is reenacted to read:

3699 893.055 Prescription drug monitoring program.—

3700 (1) As used in this section, the term:

3701 (b) "Controlled substance" means a controlled substance
3702 listed in Schedule II, Schedule III, or Schedule IV in s.
3703 893.03.

3704 Section 34. For the purpose of incorporating the amendment
3705 made by this act to section 893.03, Florida Statutes, in a
3706 reference thereto, paragraph (b) of subsection (5) of section
3707 893.07, Florida Statutes, is reenacted to read:

3708 893.07 Records.—

3709 (5) Each person described in subsection (1) shall:

3710 (b) In the event of the discovery of the theft or
3711 significant loss of controlled substances, report such theft or
3712 significant loss to the sheriff of that county within 24 hours
3713 after discovery. A person who fails to report a theft or
3714 significant loss of a substance listed in s. 893.03(3), (4), or

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3715 (5) within 24 hours after discovery as required in this
3716 paragraph commits a misdemeanor of the second degree, punishable
3717 as provided in s. 775.082 or s. 775.083. A person who fails to
3718 report a theft or significant loss of a substance listed in s.
3719 893.03(2) within 24 hours after discovery as required in this
3720 paragraph commits a misdemeanor of the first degree, punishable
3721 as provided in s. 775.082 or s. 775.083.

3722 Section 35. For the purpose of incorporating the amendment
3723 made by this act to section 893.03, Florida Statutes, in
3724 references thereto, paragraphs (b), (c), and (d) of subsection
3725 (2) of section 893.12, Florida Statutes, are reenacted to read:
3726 893.12 Contraband; seizure, forfeiture, sale.—

3727 (2)

3728 (b) All real property, including any right, title,
3729 leasehold interest, and other interest in the whole of any lot
3730 or tract of land and any appurtenances or improvements, which
3731 real property is used, or intended to be used, in any manner or
3732 part, to commit or to facilitate the commission of, or which
3733 real property is acquired with proceeds obtained as a result of,
3734 a violation of any provision of this chapter related to a
3735 controlled substance described in s. 893.03(1) or (2) may be
3736 seized and forfeited as provided by the Florida Contraband
3737 Forfeiture Act except that no property shall be forfeited under
3738 this paragraph to the extent of an interest of an owner or
3739 lienholder by reason of any act or omission established by that
3740 owner or lienholder to have been committed or omitted without
3741 the knowledge or consent of that owner or lienholder.

3742 (c) All moneys, negotiable instruments, securities, and
3743 other things of value furnished or intended to be furnished by

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3744 any person in exchange for a controlled substance described in
3745 s. 893.03(1) or (2) or a listed chemical in violation of any
3746 provision of this chapter, all proceeds traceable to such an
3747 exchange, and all moneys, negotiable instruments, and securities
3748 used or intended to be used to facilitate any violation of any
3749 provision of this chapter or which are acquired with proceeds
3750 obtained in violation of any provision of this chapter may be
3751 seized and forfeited as provided by the Florida Contraband
3752 Forfeiture Act, except that no property shall be forfeited under
3753 this paragraph to the extent of an interest of an owner or
3754 lienholder by reason of any act or omission established by that
3755 owner or lienholder to have been committed or omitted without
3756 the knowledge or consent of that owner or lienholder.

3757 (d) All books, records, and research, including formulas,
3758 microfilm, tapes, and data which are used, or intended for use,
3759 or which are acquired with proceeds obtained, in violation of
3760 any provision of this chapter related to a controlled substance
3761 described in s. 893.03(1) or (2) or a listed chemical may be
3762 seized and forfeited as provided by the Florida Contraband
3763 Forfeiture Act.

3764 Section 36. For the purpose of incorporating the amendment
3765 made by this act to section 893.03, Florida Statutes, in a
3766 reference thereto, subsection (2) of section 944.474, Florida
3767 Statutes, is reenacted to read:

3768 944.474 Legislative intent; employee wellness program; drug
3769 and alcohol testing.—

3770 (2) An employee of the department may not test positive for
3771 illegal use of controlled substances. An employee of the
3772 department may not be under the influence of alcohol while on

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3773 duty. In order to ensure that these prohibitions are adhered to
3774 by all employees of the department and notwithstanding s.
3775 112.0455, the department may develop a program for the drug
3776 testing of all job applicants and for the random drug testing of
3777 all employees. The department may randomly evaluate employees
3778 for the contemporaneous use or influence of alcohol through the
3779 use of alcohol tests and observation methods. Notwithstanding s.
3780 112.0455, the department may develop a program for the
3781 reasonable suspicion drug testing of employees who are in
3782 mandatory-testing positions, as defined in s. 440.102(1)(o), or
3783 special risk positions, as defined in s. 112.0455(5), for the
3784 controlled substances listed in s. 893.03(3)(d). The reasonable
3785 suspicion drug testing authorized by this subsection shall be
3786 conducted in accordance with s. 112.0455, but may also include
3787 testing upon reasonable suspicion based on violent acts or
3788 violent behavior of an employee who is on or off duty. The
3789 department shall adopt rules pursuant to ss. 120.536(1) and
3790 120.54 that are necessary to administer this subsection.

3791 Section 37. For the purpose of incorporating the amendment
3792 made by this act to section 893.033, Florida Statutes, in a
3793 reference thereto, subsection (4) of section 893.149, Florida
3794 Statutes, is reenacted to read:

3795 893.149 Unlawful possession of listed chemical.—

3796 (4) Any damages arising out of the unlawful possession of,
3797 storage of, or tampering with a listed chemical, as defined in
3798 s. 893.033, shall be the sole responsibility of the person or
3799 persons unlawfully possessing, storing, or tampering with the
3800 listed chemical. In no case shall liability for damages arising
3801 out of the unlawful possession of, storage of, or tampering with

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3802 a listed chemical extend to the lawful owner, installer,
3803 maintainer, designer, manufacturer, possessor, or seller of the
3804 listed chemical, unless such damages arise out of the acts or
3805 omissions of the owner, installer, maintainer, designer,
3806 manufacturer, possessor, or seller which constitute negligent
3807 misconduct or failure to abide by the laws regarding the
3808 possession or storage of a listed chemical.

3809 Section 38. For the purpose of incorporating the amendment
3810 made by this act to section 893.13, Florida Statutes, in a
3811 reference thereto, paragraph (b) of subsection (4) of section
3812 397.451, Florida Statutes, is reenacted to read:

3813 397.451 Background checks of service provider personnel.—

3814 (4) EXEMPTIONS FROM DISQUALIFICATION.—

3815 (b) Since rehabilitated substance abuse impaired persons
3816 are effective in the successful treatment and rehabilitation of
3817 substance abuse impaired adolescents, for service providers
3818 which treat adolescents 13 years of age and older, service
3819 provider personnel whose background checks indicate crimes under
3820 s. 817.563, s. 893.13, or s. 893.147 may be exempted from
3821 disqualification from employment pursuant to this paragraph.

3822 Section 39. For the purpose of incorporating the amendment
3823 made by this act to section 893.13, Florida Statutes, in a
3824 reference thereto, subsection (2) of section 435.07, Florida
3825 Statutes, is reenacted to read:

3826 435.07 Exemptions from disqualification.—Unless otherwise
3827 provided by law, the provisions of this section apply to
3828 exemptions from disqualification for disqualifying offenses
3829 revealed pursuant to background screenings required under this
3830 chapter, regardless of whether those disqualifying offenses are

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3831 listed in this chapter or other laws.

3832 (2) Persons employed, or applicants for employment, by
3833 treatment providers who treat adolescents 13 years of age and
3834 older who are disqualified from employment solely because of
3835 crimes under s. 817.563, s. 893.13, or s. 893.147 may be
3836 exempted from disqualification from employment pursuant to this
3837 chapter without application of the waiting period in
3838 subparagraph (1)(a)1.

3839 Section 40. For the purpose of incorporating the amendment
3840 made by this act to section 893.13, Florida Statutes, in a
3841 reference thereto, subsection (2) of section 772.12, Florida
3842 Statutes, is reenacted to read:

3843 772.12 Drug Dealer Liability Act.—

3844 (2) A person, including any governmental entity, has a
3845 cause of action for threefold the actual damages sustained and
3846 is entitled to minimum damages in the amount of \$1,000 and
3847 reasonable attorney's fees and court costs in the trial and
3848 appellate courts, if the person proves by the greater weight of
3849 the evidence that:

3850 (a) The person was injured because of the defendant's
3851 actions that resulted in the defendant's conviction for:

3852 1. A violation of s. 893.13, except for a violation of s.
3853 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or

3854 2. A violation of s. 893.135; and

3855 (b) The person was not injured by reason of his or her
3856 participation in the same act or transaction that resulted in
3857 the defendant's conviction for any offense described in
3858 subparagraph (a)1.

3859 Section 41. For the purpose of incorporating the amendment

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3860 made by this act to section 893.13, Florida Statutes, in a
3861 reference thereto, paragraph (a) of subsection (1) of section
3862 775.084, Florida Statutes, is reenacted to read:

3863 775.084 Violent career criminals; habitual felony offenders
3864 and habitual violent felony offenders; three-time violent felony
3865 offenders; definitions; procedure; enhanced penalties or
3866 mandatory minimum prison terms.—

3867 (1) As used in this act:

3868 (a) "Habitual felony offender" means a defendant for whom
3869 the court may impose an extended term of imprisonment, as
3870 provided in paragraph (4) (a), if it finds that:

3871 1. The defendant has previously been convicted of any
3872 combination of two or more felonies in this state or other
3873 qualified offenses.

3874 2. The felony for which the defendant is to be sentenced
3875 was committed:

3876 a. While the defendant was serving a prison sentence or
3877 other sentence, or court-ordered or lawfully imposed supervision
3878 that is imposed as a result of a prior conviction for a felony
3879 or other qualified offense; or

3880 b. Within 5 years of the date of the conviction of the
3881 defendant's last prior felony or other qualified offense, or
3882 within 5 years of the defendant's release from a prison
3883 sentence, probation, community control, control release,
3884 conditional release, parole or court-ordered or lawfully imposed
3885 supervision or other sentence that is imposed as a result of a
3886 prior conviction for a felony or other qualified offense,
3887 whichever is later.

3888 3. The felony for which the defendant is to be sentenced,

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3889 and one of the two prior felony convictions, is not a violation
3890 of s. 893.13 relating to the purchase or the possession of a
3891 controlled substance.

3892 4. The defendant has not received a pardon for any felony
3893 or other qualified offense that is necessary for the operation
3894 of this paragraph.

3895 5. A conviction of a felony or other qualified offense
3896 necessary to the operation of this paragraph has not been set
3897 aside in any postconviction proceeding.

3898 Section 42. For the purpose of incorporating the amendment
3899 made by this act to section 893.13, Florida Statutes, in a
3900 reference thereto, subsection (3) of section 810.02, Florida
3901 Statutes, is reenacted to read:

3902 810.02 Burglary.—

3903 (3) Burglary is a felony of the second degree, punishable
3904 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
3905 course of committing the offense, the offender does not make an
3906 assault or battery and is not and does not become armed with a
3907 dangerous weapon or explosive, and the offender enters or
3908 remains in a:

3909 (a) Dwelling, and there is another person in the dwelling
3910 at the time the offender enters or remains;

3911 (b) Dwelling, and there is not another person in the
3912 dwelling at the time the offender enters or remains;

3913 (c) Structure, and there is another person in the structure
3914 at the time the offender enters or remains;

3915 (d) Conveyance, and there is another person in the
3916 conveyance at the time the offender enters or remains;

3917 (e) Authorized emergency vehicle, as defined in s. 316.003;

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3918 or

3919 (f) Structure or conveyance when the offense intended to be
3920 committed therein is theft of a controlled substance as defined
3921 in s. 893.02. Notwithstanding any other law, separate judgments
3922 and sentences for burglary with the intent to commit theft of a
3923 controlled substance under this paragraph and for any applicable
3924 possession of controlled substance offense under s. 893.13 or
3925 trafficking in controlled substance offense under s. 893.135 may
3926 be imposed when all such offenses involve the same amount or
3927 amounts of a controlled substance.

3928

3929 However, if the burglary is committed within a county that is
3930 subject to a state of emergency declared by the Governor under
3931 chapter 252 after the declaration of emergency is made and the
3932 perpetration of the burglary is facilitated by conditions
3933 arising from the emergency, the burglary is a felony of the
3934 first degree, punishable as provided in s. 775.082, s. 775.083,
3935 or s. 775.084. As used in this subsection, the term "conditions
3936 arising from the emergency" means civil unrest, power outages,
3937 curfews, voluntary or mandatory evacuations, or a reduction in
3938 the presence of or response time for first responders or
3939 homeland security personnel. A person arrested for committing a
3940 burglary within a county that is subject to such a state of
3941 emergency may not be released until the person appears before a
3942 committing magistrate at a first appearance hearing. For
3943 purposes of sentencing under chapter 921, a felony offense that
3944 is reclassified under this subsection is ranked one level above
3945 the ranking under s. 921.0022 or s. 921.0023 of the offense
3946 committed.

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3947 Section 43. For the purpose of incorporating the amendment
3948 made by this act to section 893.13, Florida Statutes, in a
3949 reference thereto, subsection (2) of section 812.014, Florida
3950 Statutes, is reenacted to read:

3951 812.014 Theft.—

3952 (2) (a) 1. If the property stolen is valued at \$100,000 or
3953 more or is a semitrailer that was deployed by a law enforcement
3954 officer; or

3955 2. If the property stolen is cargo valued at \$50,000 or
3956 more that has entered the stream of interstate or intrastate
3957 commerce from the shipper's loading platform to the consignee's
3958 receiving dock; or

3959 3. If the offender commits any grand theft and:

3960 a. In the course of committing the offense the offender
3961 uses a motor vehicle as an instrumentality, other than merely as
3962 a getaway vehicle, to assist in committing the offense and
3963 thereby damages the real property of another; or

3964 b. In the course of committing the offense the offender
3965 causes damage to the real or personal property of another in
3966 excess of \$1,000,

3967
3968 the offender commits grand theft in the first degree, punishable
3969 as a felony of the first degree, as provided in s. 775.082, s.
3970 775.083, or s. 775.084.

3971 (b) 1. If the property stolen is valued at \$20,000 or more,
3972 but less than \$100,000;

3973 2. The property stolen is cargo valued at less than \$50,000
3974 that has entered the stream of interstate or intrastate commerce
3975 from the shipper's loading platform to the consignee's receiving

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3976 dock;

3977 3. The property stolen is emergency medical equipment,
3978 valued at \$300 or more, that is taken from a facility licensed
3979 under chapter 395 or from an aircraft or vehicle permitted under
3980 chapter 401; or

3981 4. The property stolen is law enforcement equipment, valued
3982 at \$300 or more, that is taken from an authorized emergency
3983 vehicle, as defined in s. 316.003,

3984
3985 the offender commits grand theft in the second degree,
3986 punishable as a felony of the second degree, as provided in s.
3987 775.082, s. 775.083, or s. 775.084. Emergency medical equipment
3988 means mechanical or electronic apparatus used to provide
3989 emergency services and care as defined in s. 395.002(9) or to
3990 treat medical emergencies. Law enforcement equipment means any
3991 property, device, or apparatus used by any law enforcement
3992 officer as defined in s. 943.10 in the officer's official
3993 business. However, if the property is stolen within a county
3994 that is subject to a state of emergency declared by the Governor
3995 under chapter 252, the theft is committed after the declaration
3996 of emergency is made, and the perpetration of the theft is
3997 facilitated by conditions arising from the emergency, the theft
3998 is a felony of the first degree, punishable as provided in s.
3999 775.082, s. 775.083, or s. 775.084. As used in this paragraph,
4000 the term "conditions arising from the emergency" means civil
4001 unrest, power outages, curfews, voluntary or mandatory
4002 evacuations, or a reduction in the presence of or response time
4003 for first responders or homeland security personnel. For
4004 purposes of sentencing under chapter 921, a felony offense that

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4005 is reclassified under this paragraph is ranked one level above
4006 the ranking under s. 921.0022 or s. 921.0023 of the offense
4007 committed.

4008 (c) It is grand theft of the third degree and a felony of
4009 the third degree, punishable as provided in s. 775.082, s.
4010 775.083, or s. 775.084, if the property stolen is:

- 4011 1. Valued at \$300 or more, but less than \$5,000.
- 4012 2. Valued at \$5,000 or more, but less than \$10,000.
- 4013 3. Valued at \$10,000 or more, but less than \$20,000.
- 4014 4. A will, codicil, or other testamentary instrument.
- 4015 5. A firearm.
- 4016 6. A motor vehicle, except as provided in paragraph (a).
- 4017 7. Any commercially farmed animal, including any animal of
4018 the equine, bovine, or swine class or other grazing animal; a
4019 bee colony of a registered beekeeper; and aquaculture species
4020 raised at a certified aquaculture facility. If the property
4021 stolen is aquaculture species raised at a certified aquaculture
4022 facility, then a \$10,000 fine shall be imposed.
- 4023 8. Any fire extinguisher.
- 4024 9. Any amount of citrus fruit consisting of 2,000 or more
4025 individual pieces of fruit.
- 4026 10. Taken from a designated construction site identified by
4027 the posting of a sign as provided for in s. 810.09(2)(d).
- 4028 11. Any stop sign.
- 4029 12. Anhydrous ammonia.
- 4030 13. Any amount of a controlled substance as defined in s.
4031 893.02. Notwithstanding any other law, separate judgments and
4032 sentences for theft of a controlled substance under this
4033 subparagraph and for any applicable possession of controlled

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4034 substance offense under s. 893.13 or trafficking in controlled
4035 substance offense under s. 893.135 may be imposed when all such
4036 offenses involve the same amount or amounts of a controlled
4037 substance.

4038

4039 However, if the property is stolen within a county that is
4040 subject to a state of emergency declared by the Governor under
4041 chapter 252, the property is stolen after the declaration of
4042 emergency is made, and the perpetration of the theft is
4043 facilitated by conditions arising from the emergency, the
4044 offender commits a felony of the second degree, punishable as
4045 provided in s. 775.082, s. 775.083, or s. 775.084, if the
4046 property is valued at \$5,000 or more, but less than \$10,000, as
4047 provided under subparagraph 2., or if the property is valued at
4048 \$10,000 or more, but less than \$20,000, as provided under
4049 subparagraph 3. As used in this paragraph, the term "conditions
4050 arising from the emergency" means civil unrest, power outages,
4051 curfews, voluntary or mandatory evacuations, or a reduction in
4052 the presence of or the response time for first responders or
4053 homeland security personnel. For purposes of sentencing under
4054 chapter 921, a felony offense that is reclassified under this
4055 paragraph is ranked one level above the ranking under s.
4056 921.0022 or s. 921.0023 of the offense committed.

4057 (d) It is grand theft of the third degree and a felony of
4058 the third degree, punishable as provided in s. 775.082, s.
4059 775.083, or s. 775.084, if the property stolen is valued at \$100
4060 or more, but less than \$300, and is taken from a dwelling as
4061 defined in s. 810.011(2) or from the unenclosed curtilage of a
4062 dwelling pursuant to s. 810.09(1).

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4063 (e) Except as provided in paragraph (d), if the property
4064 stolen is valued at \$100 or more, but less than \$300, the
4065 offender commits petit theft of the first degree, punishable as
4066 a misdemeanor of the first degree, as provided in s. 775.082 or
4067 s. 775.083.

4068 Section 44. For the purpose of incorporating the amendment
4069 made by this act to section 893.13, Florida Statutes, in a
4070 reference thereto, subsection (1) of section 831.311, Florida
4071 Statutes, is reenacted to read:

4072 831.311 Unlawful sale, manufacture, alteration, delivery,
4073 uttering, or possession of counterfeit-resistant prescription
4074 blanks for controlled substances.—

4075 (1) It is unlawful for any person having the intent to
4076 injure or defraud any person or to facilitate any violation of
4077 s. 893.13 to sell, manufacture, alter, deliver, utter, or
4078 possess with intent to injure or defraud any person, or to
4079 facilitate any violation of s. 893.13, any counterfeit-resistant
4080 prescription blanks for controlled substances, the form and
4081 content of which are adopted by rule of the Department of Health
4082 pursuant to s. 893.065.

4083 Section 45. For the purpose of incorporating the amendment
4084 made by this act to section 893.13, Florida Statutes, in a
4085 reference thereto, subsection (1) of section 893.1351, Florida
4086 Statutes, is reenacted to read:

4087 893.1351 Ownership, lease, rental, or possession for
4088 trafficking in or manufacturing a controlled substance.—

4089 (1) A person may not own, lease, or rent any place,
4090 structure, or part thereof, trailer, or other conveyance with
4091 the knowledge that the place, structure, trailer, or conveyance

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4092 will be used for the purpose of trafficking in a controlled
4093 substance, as provided in s. 893.135; for the sale of a
4094 controlled substance, as provided in s. 893.13; or for the
4095 manufacture of a controlled substance intended for sale or
4096 distribution to another. A person who violates this subsection
4097 commits a felony of the third degree, punishable as provided in
4098 s. 775.082, s. 775.083, or s. 775.084.

4099 Section 46. For the purpose of incorporating the amendment
4100 made by this act to section 893.13, Florida Statutes, in a
4101 reference thereto, subsection (3) of section 893.138, Florida
4102 Statutes, is reenacted to read:

4103 893.38 Local administrative action to abate drug-related,
4104 prostitution-related, or stolen-property-related public
4105 nuisances and criminal gang activity.—

4106 (3) Any pain-management clinic, as described in s. 458.3265
4107 or s. 459.0137, which has been used on more than two occasions
4108 within a 6-month period as the site of a violation of:

4109 (a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,
4110 relating to assault and battery;

4111 (b) Section 810.02, relating to burglary;

4112 (c) Section 812.014, relating to dealing in theft;

4113 (d) Section 812.131, relating to robbery by sudden
4114 snatching; or

4115 (e) Section 893.13, relating to the unlawful distribution
4116 of controlled substances,

4117
4118 may be declared to be a public nuisance, and such nuisance may
4119 be abated pursuant to the procedures provided in this section.

4120 Section 47. For the purpose of incorporating the amendment

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4121 made by this act to section 893.13, Florida Statutes, in a
4122 reference thereto, section 893.15, Florida Statutes, is
4123 reenacted to read:

4124 893.15 Rehabilitation.—Any person who violates s.
4125 893.13(6) (a) or (b) relating to possession may, in the
4126 discretion of the trial judge, be required to participate in a
4127 substance abuse services program approved or regulated by the
4128 Department of Children and Families pursuant to the provisions
4129 of chapter 397, provided the director of such program approves
4130 the placement of the defendant in such program. Such required
4131 participation shall be imposed in addition to any penalty or
4132 probation otherwise prescribed by law. However, the total time
4133 of such penalty, probation, and program participation shall not
4134 exceed the maximum length of sentence possible for the offense.

4135 Section 48. For the purpose of incorporating the amendment
4136 made by this act to section 893.13, Florida Statutes, in a
4137 reference thereto, section 903.133, Florida Statutes, is
4138 reenacted to read:

4139 903.133 Bail on appeal; prohibited for certain felony
4140 convictions.—Notwithstanding the provisions of s. 903.132, no
4141 person adjudged guilty of a felony of the first degree for a
4142 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.
4143 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a
4144 violation of s. 794.011(2) or (3), shall be admitted to bail
4145 pending review either by posttrial motion or appeal.

4146 Section 49. For the purpose of incorporating the amendment
4147 made by this act to section 893.13, Florida Statutes, in a
4148 reference thereto, paragraph (1) of subsection (1) of section
4149 921.187, Florida Statutes, is reenacted to read:

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4150 921.187 Disposition and sentencing; alternatives;
4151 restitution.—

4152 (1) The alternatives provided in this section for the
4153 disposition of criminal cases shall be used in a manner that
4154 will best serve the needs of society, punish criminal offenders,
4155 and provide the opportunity for rehabilitation. If the offender
4156 does not receive a state prison sentence, the court may:

4157 (1)1. Require the offender who violates any criminal
4158 provision of chapter 893 to pay an additional assessment in an
4159 amount up to the amount of any fine imposed, pursuant to ss.
4160 938.21 and 938.23.

4161 2. Require the offender who violates any provision of s.
4162 893.13 to pay an additional assessment in an amount of \$100,
4163 pursuant to ss. 938.055 and 943.361.

4164 Section 50. For the purpose of incorporating the amendment
4165 made by this act to section 893.145, Florida Statutes, in a
4166 reference thereto, paragraph (a) of subsection (2) of section
4167 893.12, Florida Statutes, is reenacted to read:

4168 893.12 Contraband; seizure, forfeiture, sale.—

4169 (2) (a) Any vessel, vehicle, aircraft, or drug paraphernalia
4170 as defined in s. 893.145 which has been or is being used in
4171 violation of any provision of this chapter or in, upon, or by
4172 means of which any violation of this chapter has taken or is
4173 taking place may be seized and forfeited as provided by the
4174 Florida Contraband Forfeiture Act.

4175 Section 51. For the purpose of incorporating the amendment
4176 made by this act to section 893.145, Florida Statutes, in a
4177 reference thereto, paragraph (a) of subsection (6) of section
4178 893.147, Florida Statutes, is reenacted to read:

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4179 893.147 Use, possession, manufacture, delivery,
4180 transportation, advertisement, or retail sale of drug
4181 paraphernalia.—

4182 (6) RETAIL SALE OF DRUG PARAPHERNALIA.—

4183 (a) It is unlawful for a person to knowingly and willfully
4184 sell or offer for sale at retail any drug paraphernalia
4185 described in s. 893.145(12) (a)-(c) or (g)-(m), other than a pipe
4186 that is primarily made of briar, meerschaum, clay, or corn cob.

4187 Section 52. For the purpose of incorporating the amendment
4188 made by this act to section 895.02, Florida Statutes, in a
4189 reference thereto, paragraph (a) of subsection (1) of section
4190 16.56, Florida Statutes, is reenacted to read:

4191 16.56 Office of Statewide Prosecution.—

4192 (1) There is created in the Department of Legal Affairs an
4193 Office of Statewide Prosecution. The office shall be a separate
4194 "budget entity" as that term is defined in chapter 216. The
4195 office may:

4196 (a) Investigate and prosecute the offenses of:

4197 1. Bribery, burglary, criminal usury, extortion, gambling,
4198 kidnapping, larceny, murder, prostitution, perjury, robbery,
4199 carjacking, and home-invasion robbery;

4200 2. Any crime involving narcotic or other dangerous drugs;

4201 3. Any violation of the Florida RICO (Racketeer Influenced
4202 and Corrupt Organization) Act, including any offense listed in
4203 the definition of racketeering activity in s. 895.02(1) (a),
4204 providing such listed offense is investigated in connection with
4205 a violation of s. 895.03 and is charged in a separate count of
4206 an information or indictment containing a count charging a
4207 violation of s. 895.03, the prosecution of which listed offense

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4208 may continue independently if the prosecution of the violation
4209 of s. 895.03 is terminated for any reason;

4210 4. Any violation of the Florida Anti-Fencing Act;

4211 5. Any violation of the Florida Antitrust Act of 1980, as
4212 amended;

4213 6. Any crime involving, or resulting in, fraud or deceit
4214 upon any person;

4215 7. Any violation of s. 847.0135, relating to computer
4216 pornography and child exploitation prevention, or any offense
4217 related to a violation of s. 847.0135 or any violation of
4218 chapter 827 where the crime is facilitated by or connected to
4219 the use of the Internet or any device capable of electronic data
4220 storage or transmission;

4221 8. Any violation of chapter 815;

4222 9. Any criminal violation of part I of chapter 499;

4223 10. Any violation of the Florida Motor Fuel Tax Relief Act
4224 of 2004;

4225 11. Any criminal violation of s. 409.920 or s. 409.9201;

4226 12. Any crime involving voter registration, voting, or
4227 candidate or issue petition activities;

4228 13. Any criminal violation of the Florida Money Laundering
4229 Act;

4230 14. Any criminal violation of the Florida Securities and
4231 Investor Protection Act; or

4232 15. Any violation of chapter 787, as well as any and all
4233 offenses related to a violation of chapter 787;

4234

4235 or any attempt, solicitation, or conspiracy to commit any of the
4236 crimes specifically enumerated above. The office shall have such

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4237 power only when any such offense is occurring, or has occurred,
4238 in two or more judicial circuits as part of a related
4239 transaction, or when any such offense is connected with an
4240 organized criminal conspiracy affecting two or more judicial
4241 circuits. Informations or indictments charging such offenses
4242 shall contain general allegations stating the judicial circuits
4243 and counties in which crimes are alleged to have occurred or the
4244 judicial circuits and counties in which crimes affecting such
4245 circuits or counties are alleged to have been connected with an
4246 organized criminal conspiracy.

4247 Section 53. For the purpose of incorporating the amendment
4248 made by this act to section 895.02, Florida Statutes, in a
4249 reference thereto, paragraph (g) of subsection (3) of section
4250 655.50, Florida Statutes, is reenacted to read:

4251 655.50 Florida Control of Money Laundering and Terrorist
4252 Financing in Financial Institutions Act.—

4253 (3) As used in this section, the term:

4254 (g) "Specified unlawful activity" means "racketeering
4255 activity" as defined in s. 895.02.

4256 Section 54. For the purpose of incorporating the amendment
4257 made by this act to section 895.02, Florida Statutes, in a
4258 reference thereto, paragraph (g) of subsection (2) of section
4259 896.101, Florida Statutes, is reenacted to read:

4260 896.101 Florida Money Laundering Act; definitions;
4261 penalties; injunctions; seizure warrants; immunity.—

4262 (2) As used in this section, the term:

4263 (g) "Specified unlawful activity" means any "racketeering
4264 activity" as defined in s. 895.02.

4265 Section 55. For the purpose of incorporating the amendment

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4266 made by this act to section 895.02, Florida Statutes, in a
4267 reference thereto, section 905.34, Florida Statutes, is
4268 reenacted to read:

4269 905.34 Powers and duties; law applicable.—The jurisdiction
4270 of a statewide grand jury impaneled under this chapter shall
4271 extend throughout the state. The subject matter jurisdiction of
4272 the statewide grand jury shall be limited to the offenses of:

4273 (1) Bribery, burglary, carjacking, home-invasion robbery,
4274 criminal usury, extortion, gambling, kidnapping, larceny,
4275 murder, prostitution, perjury, and robbery;

4276 (2) Crimes involving narcotic or other dangerous drugs;

4277 (3) Any violation of the provisions of the Florida RICO
4278 (Racketeer Influenced and Corrupt Organization) Act, including
4279 any offense listed in the definition of racketeering activity in
4280 s. 895.02(1)(a), providing such listed offense is investigated
4281 in connection with a violation of s. 895.03 and is charged in a
4282 separate count of an information or indictment containing a
4283 count charging a violation of s. 895.03, the prosecution of
4284 which listed offense may continue independently if the
4285 prosecution of the violation of s. 895.03 is terminated for any
4286 reason;

4287 (4) Any violation of the provisions of the Florida Anti-
4288 Fencing Act;

4289 (5) Any violation of the provisions of the Florida
4290 Antitrust Act of 1980, as amended;

4291 (6) Any violation of the provisions of chapter 815;

4292 (7) Any crime involving, or resulting in, fraud or deceit
4293 upon any person;

4294 (8) Any violation of s. 847.0135, s. 847.0137, or s.

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4295 847.0138 relating to computer pornography and child exploitation
4296 prevention, or any offense related to a violation of s.
4297 847.0135, s. 847.0137, or s. 847.0138 or any violation of
4298 chapter 827 where the crime is facilitated by or connected to
4299 the use of the Internet or any device capable of electronic data
4300 storage or transmission;

4301 (9) Any criminal violation of part I of chapter 499;
4302 (10) Any criminal violation of s. 409.920 or s. 409.9201;
4303 (11) Any criminal violation of the Florida Money Laundering
4304 Act;

4305 (12) Any criminal violation of the Florida Securities and
4306 Investor Protection Act; or

4307 (13) Any violation of chapter 787, as well as any and all
4308 offenses related to a violation of chapter 787;

4309

4310 or any attempt, solicitation, or conspiracy to commit any
4311 violation of the crimes specifically enumerated above, when any
4312 such offense is occurring, or has occurred, in two or more
4313 judicial circuits as part of a related transaction or when any
4314 such offense is connected with an organized criminal conspiracy
4315 affecting two or more judicial circuits. The statewide grand
4316 jury may return indictments and presentments irrespective of the
4317 county or judicial circuit where the offense is committed or
4318 triable. If an indictment is returned, it shall be certified and
4319 transferred for trial to the county where the offense was
4320 committed. The powers and duties of, and law applicable to,
4321 county grand juries shall apply to a statewide grand jury except
4322 when such powers, duties, and law are inconsistent with the
4323 provisions of ss. 905.31-905.40.

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4324

Section 56. This act shall take effect July 1, 2016.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Community Affairs, *Chair*
Environmental Preservation and Conservation,
Vice Chair
Appropriations Subcommittee on General Government
Finance and Tax
Judiciary
Transportation

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR WILTON SIMPSON

18th District

January 15, 2016

The Honorable Rob Bradley
Senate Committee on Regulated Industries, Chair
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Bradley:

I respectfully request that Senate Bill 1528, relating to *Synthetic Drugs*, be placed on the committee agenda at your earliest convenience.

Thank you for your consideration, and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson, State Senator, 18th District

CC: Regulated Industries Staff

REPLY TO:

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/14
Meeting Date

1528
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Duys
Name Grestford

Job Title _____
Address 9166 Sunrise Dr Phone _____

City Largo State Fla Zip 33773 Email _____

Speaking: For Against Information In Support Against Waive Speaking:
(The Chair will read this information into the record.)

Representing Saving families

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-16
Meeting Date

1528
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic

Name THAD LAWRKY

Job Title VP Governmental Relations

Address 7720 Washington St. Suite 102
Street

DORT RICHEY FL 34668
City State Zip

Phone 727-992-8508

Email tlawrky@perpar.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing OPERATION PAR

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-16

Meeting Date

1528

Bill Number (if applicable)

Topic Illicit Drugs Amendment Barcode (if applicable)

Name RON DRAA

Job Title DIRECTOR OF EXTERNAL AFFAIRS

Address 2331 PHILLIPS RD Phone 850.410.7020

TALLAHASSEE FL 32308
City State Zip

Speaking: For Against Information In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA DEPARTMENT OF LAW ENFORCEMENT

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/27/16
Meeting Date

HB 1528

Bill Number (if applicable)

Topic MUCET DRUGS

Amendment Barcode (if applicable)

Name LOU MARINO

Job Title LIEUTENANT - VOLUSIA COUNTY SHERIFFS OFFICE

Address 123 W. INDIANA AVE.
Street

Phone (386) 248 1777

DELAND, FL 32720
City State Zip

Email lmarino@vcs0.us

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA SHERIFFS ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/15
Meeting Date

1528
Bill Number (if applicable)

Topic Elkitt Duggs Amendment Barcode (if applicable)

Name Andrew Fay

Job Title Special Counsel

Address PL 01 Phone 850-445-0182

Street Falchensee, FL City Falchensee, FL State FL Zip 32038

Email- _____

Speaking: For Against Information Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Office of the Attorney General

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

**The Florida Senate
COMMITTEE VOTE RECORD**

COMMITTEE: Regulated Industries
ITEM: SB 1528
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Wednesday, January 27, 2016
TIME: 9:00—11:00 a.m.
PLACE: 110 Senate Office Building

FINAL VOTE		SENATORS	1/27/2016 Amendment 496120 ¹		1/27/2016 Motion to have staff prepare technical changes ²			
			Flores	Flores	Flores	Flores	Yea	Nay
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
		Abruzzo						
		Bean						
X		Braynon						
X		Diaz de la Portilla						
X		Flores						
		Latvala						
X		Negron						
X		Richter						
X		Sachs						
X		Stargel						
X		Margolis, VICE CHAIR						
X		Bradley, CHAIR						
9	0	TOTALS	RCS	-	FAV	-		
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
 UNF=Unfavorable
 -R=Reconsidered

RCS=Replaced by Committee Substitute
 RE=Replaced by Engrossed Amendment
 RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
 VA=Vote After Roll Call
 VC=Vote Change After Roll Call

WD=Withdrawn
 OO=Out of Order
 AV=Abstain from Voting



496120

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/28/2016	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Flores) recommended the following:

Senate Amendment (with title amendment)

Delete lines 91 - 251.

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

And the title is amended as follows:

Delete lines 2 - 17

and insert:

An act relating to illicit drugs; amending s. 893.02,
F.S.;

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: CS/SB 768

INTRODUCER: Regulated Industries Committee and Senator Flores

SUBJECT: Alarm System Registration

DATE: January 27, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kraemer	Imhof	RI	Fav/CS
2.			CA	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 768 creates a uniform process and application form for registration of home and business alarm systems. Any local enforcement agency (responsible for building inspections and code enforcement) or local law enforcement agency that is responsible for handling alarm system registrations (local government entity) must use the new process if registration of alarm systems is required by a local ordinance, regulation, or rule.

Alarm systems are electrical devices or signaling devices used to detect a burglary, fire, robbery, or medical emergency. A low-voltage alarm system is hardwired and operates at low voltage (with or without home-automation equipment, thermostats, and video cameras). Wireless alarm systems are burglar alarm systems or smoke detectors that are not hardwired.

In addition to setting forth a uniform application for registration of alarm systems, the bill establishes a maximum fee of \$25 that may be charged by a local government entity for registration of an alarm system. The application must be filed within 20 days of installation or activation of an alarm system or occupancy of a property with an activated alarm system.

Registrations are valid for as long as the registrant occupies the property; upon transfer of possession of the property, a registration application must be filed by the new occupant. The local government entity must be notified within 30 days by the owner, lessee, or occupant or their authorized representative, of any change to the information previously submitted on a registration application.

The bill creates an obligation for licensed electrical and alarm system contractors to advise consumers when an alarm system is installed that there may be an obligation to register the system with the local government entity.

The bill provides that penalties and fines for failure to register an alarm system or for excessive false alarms are the responsibility of the owner, lessee, or occupant of the property. Further, a local ordinance, regulation, or rule may not impose penalties or fines for excessive false alarms against an alarm contractor or alarm monitoring company.

The bill provides that a customer of an alarm monitoring company may authorize the company to immediately contact a law enforcement agency when an alarm signal is received. The customer is liable for any penalties for false alarms signals.

The bill provides an October 1, 2016, effective date.

II. Present Situation:

Part II of ch. 489, F.S., regulates electrical and alarm system contracting. An alarm system is any electrical device, signaling device, or combination of electrical devices used to signal or detect a burglary, fire, robbery, or medical emergency.¹ Licensure of electrical and alarm systems contractors is required, and applicants must have sufficient technical experience and be tested on technical and business matters.

Section 489.505, F.S., contains references to various types of contractors that may lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems. An alarm system contractor means a person whose business includes the execution of contracts requiring the ability, experience, science, knowledge, and skill to conduct all alarm services for compensation, for all types of alarm systems for all purposes.² The term also means any person, firm, or corporation that engages in the business of alarm contracting under an expressed or implied contract or that undertakes, offers to undertake, or submits a bid to engage in the business of alarm contracting.³

An alarm system contractor whose business includes all types of alarm systems for all purposes is designated as an alarm system contractor I (contractor I); the business of an alarm system contractor II (contractor II) is identical except that it does not include fire alarm systems.⁴

Alarm system contractors may also hold certificates of competency from the Department of Business and Professional Regulation (department), which are geographically unlimited.⁵ Holders of those certificates are certified alarm system contractors, and the scope of certification

¹ See Section 489.505(1), F.S.

² See Section 489.505(2), F.S.

³ *Id.*

⁴ *Id.*

⁵ See Sections 489.505(4) and 489.505(5), F.S.

is limited to specific alarm circuits and equipment.⁶ There is no mandatory licensure requirement created by the availability of certification.⁷

A certified electrical contractor, a certified fire alarm system contractor, a registered fire alarm system contractor, a journeyman electrician licensed by any local jurisdiction, or an alarm technician licensed by a local jurisdiction that requires an examination and experience or training as licensure qualifications, is not required to complete the training required for fire alarm system agents, and a registered electrical contractor is not required to complete that training, provided he or she is only doing electrical work up to the alarm panel.⁸

Part II of ch. 553, F.S., constitutes the Florida Building Codes Act (act). The act provides a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of the Florida Building Code, consisting of a single set of documents that apply to the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities, and to the enforcement of such requirements, for effective and reasonable protection for public safety, health, and general welfare at the most reasonable cost to the consumer.⁹

Pursuant to s. 553.88, F.S., the current edition of the following standards are in effect for the purpose of establishing minimum electrical and alarm standards in Florida:

- National Electrical Code, NFPA¹⁰ No. 70;
- Underwriters' Laboratories, Inc. (UL), Standards for Safety, Electrical Lighting Fixtures, and Portable Lamps, UL 57 and UL 153;
- Underwriters' Laboratories, Inc., Standard for Electric Signs, UL 48;
- The provisions of the following which prescribe minimum electrical and alarm standards:
 - NFPA No. 56A, Inhalation Anesthetics;
 - NFPA No. 56B, Respiratory Therapy;
 - NFPA No. 56C, Laboratories in Health-related Institutions;
 - NFPA No. 56D, Hyperbaric Facilities;
 - NFPA No. 56F, Nonflammable Medical Gas Systems;
 - NFPA No. 72, National Fire Alarm Code;
 - NFPA No. 76A, Essential Electrical Systems for Health Care Facilities;

⁶ Section 489.505(7), F.S., describes the limitations as those circuits originating in alarm control panels, equipment governed by the Articles 725, 760, 770, 800, and 810 of the National Electrical Code, Current Edition, and National Fire Protection Association Standard 72, Current Edition, as well as the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts (RMS), when those items are for the purpose of transmitting data or proprietary video (satellite systems that are not part of a community antenna television or radio distribution system) or providing central vacuum capability or electric locks.

⁷ *Id.*

⁸ See Section 489.5185(2), F.S.

⁹ See Section 553.72(1), F.S.

¹⁰ NFPA is the acronym for the National Fire Protection Association, which is an international nonprofit organization established in 1896. Its mission is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes, standards, research, training and education. NFPA develops, publishes, and disseminates more than 300 consensus codes and standards intended to minimize the possibility and effects of fire and other risks. See <http://www.nfpa.org/about-nfpa> (last visited Jan. 22, 2016).

- The rules and regulations of the Department of Health, entitled “Nursing Homes and Related Facilities Licensure; and
- The minimum standards for grounding of portable electric equipment, ch. 8C-27, F.A.C., as recommended by the Division of Workers’ Compensation, Department of Financial Services.

Section 553.71(5), F.S., provides that a local enforcement agency¹¹ is an agency with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

A number of local governments require permitting or registration of burglar alarm systems, often to address the volume of false alarms reported to law enforcement. According to a recent Internet search, these local governments were identified as requiring permits for burglar alarm systems:

- the Counties of Alachua, Lee, Martin, Palm Beach, and St. Lucie; and
- the Cities of Boca Raton, Cape Coral, Clearwater, Cutler Bay, Deerfield Beach, Doral, Gainesville, Hollywood, Largo, Miami, Miami Beach, Miami Gardens, Miramar, North Lauderdale, North Miami Beach, Palatka, Palm Bay, Pembroke Pines, Plantation, Pompano Beach, Riviera Beach, St. Petersburg, Sarasota, Sunny Isles, and West Palm Beach.

Many of these local governments require a permit to be submitted to the local law enforcement agency. For example, the County of Palm Beach requires a permit to be submitted to the Palm Beach County Sheriff’s Office with a \$25 application fee. The permit must be renewed annually. Failure to submit an application for a permit results in a “no response” to the alarm system and a fine of \$250.00 per “incident.”¹² The purpose of these types of permits is to:

In concert with the county sheriff’s office commitment to problem solving policing, the purpose of this article is to prevent false alarm activations that require the sheriff’s office to respond. Deputies responding to false alarms are more wisely utilized preventing crime and solving neighborhood crime problems. This article is a cooperative effort among the board of county commissioners, the Alarm Association of Florida and the county sheriff’s office to prevent false alarm activations in the most effective manner.¹³

After July 1, 2015, the maximum charge that may be imposed by any local enforcement agency for a permit to install or replace a new or existing alarm system is \$40.¹⁴

¹¹ Section 553.71(5), F.S., of the Florida Building Codes Act defines local enforcement agency as an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

¹² See http://www.pbso.org/documents/Burglar_Alarm_Permit_Form.pdf (last visited Jan. 22, 2016) and Palm Beach County Ordinance 2008-038, codified at art. III, s. 16-51 et seq., Code of Ordinances, Palm Beach County, at https://www.municode.com/library/fl/palm_beach_county/codes/code_of_ordinances?searchRequest=%7B%22searchText%22:%22part%20III,%20section%2016%22,%22pageNum%22:1,%22resultsPerPage%22:25,%22booleanSearch%22:false,%22stemming%22:true,%22fuzzy%22:false,%22synonym%22:false,%22contentTypes%22:%5B%22CODES%22%5D,%22productIds%22:%5B%5D%7D&nodeId=PABECOCO_CH16LAEN_ARTIII (last visited Jan. 22, 2016).

¹³ Section 16-52, Purpose, Code of Ordinances, Palm Beach County.

¹⁴ See s. 559.793(4), F.S.

III. Effect of Proposed Changes:

The bill creates a uniform process and application form for registration of home and business alarm systems. Any local enforcement agency (responsible for building inspections and code enforcement) or local law enforcement agency that is responsible for handling alarm system registrations (local government entity) must use the new process if registration of alarm systems is required by a local ordinance, regulation, or rule.

Alarm systems are electrical devices or signaling devices used to detect a burglary, fire, robbery, or medical emergency. A low-voltage alarm system is hardwired and operates at low voltage (with or without home-automation equipment, thermostats, and video cameras). Wireless alarm systems are burglar alarm systems or smoke detectors that are not hardwired.

The bill requires that the uniform registration application contain substantially the following information:

- The name, address, telephone number and e-mail address of the owner, lessee, or occupant;
- The date of occupancy of the property;
- The name, telephone number, and Florida license number of the alarm contractor;
- The name, telephone number, and Florida license number of the alarm monitoring company;
- Emergency contact information (name, address, and telephone number); and
- The signature of the owner, lessee, occupant, or their authorized representative, certifying that the information in the application is true and accurate.

In addition to setting forth a uniform application for registration of alarm systems, the bill establishes a maximum fee of \$25 that may be charged by a local government entity for registration of an alarm system. The application must be filed within 20 days of installation or activation of an alarm system or occupancy of a property with an activated alarm system.

Registrations are valid for as long as the registrant occupies the property; upon transfer of possession of the property, a registration application must be filed by the new occupant. The local government entity must be notified within 30 days by the owner, lessee, or occupant or their authorized representative, of any change to the information previously submitted on a registration application.

The bill creates an obligation for licensed electrical and alarm system contractors to advise consumers when an alarm system is installed that there may be an obligation to register the system with the local government entity.

The bill provides that penalties and fines for failure to register an alarm system or for excessive false alarms are the responsibility of the owner, lessee, or occupant of the property. Further, a local ordinance, regulation, or rule may not impose penalties or fines for excessive false alarms against an alarm contractor or alarm monitoring company.

The bill amends s. 489.529, F.S., to provide that a customer of an alarm monitoring company may authorize the company to immediately contact a law enforcement agency when an alarm signal is received. The customer is liable for any penalties for false alarms signals.

The bill provides an October 1, 2016, effective date.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill provides that the maximum fee for registration of a home or business alarm system with a local government entity is \$25. Costs associated with the registration of alarm systems in jurisdictions that currently require registration of these systems may be reduced. Local government entities will no longer be authorized to impose penalties and fees for excessive false alarms against alarm contractors and alarm monitoring companies.

The property owner, lessee, or occupant is responsible for any fines or penalties for failure to register an alarm system or excessive false alarms. The procedure for alarm verification calls is modified to allow customers to authorize alarm monitoring companies to immediately contact a law enforcement agency when an alarm signal is received. Customers providing such authorization are liable for any penalties for false alarms signals.

C. Government Sector Impact:

Revenues of local enforcement agencies may be impacted by imposition of a maximum fee of \$25 for registration of alarm systems, and by the requirement that they impose penalties and fines for excessive false alarms only against owners, lessees, and occupants, rather than against alarm contractors and alarm monitoring companies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 489.529 of the Florida Statutes.

This bill creates section 553.7931 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Regulated Industries on January 27, 2016:

- Information to be provided in the uniform application for registration of alarm systems must also include the Florida license numbers for the alarm contractor and the alarm monitoring company.
- The bill amends s. 489.529, F.S., to provide that a customer of an alarm monitoring company may authorize the company to immediately contact a law enforcement agency when an alarm signal is received. The customer is liable for any penalties for false alarms signals.

- B. **Amendments:**

None.

By Senator Flores

37-00753B-16

2016768__

1 A bill to be entitled
2 An act relating to alarm system registration; creating
3 s. 553.7931, F.S.; defining the term "applicable local
4 governmental entity"; providing a uniform process for
5 the registration of home and business alarm systems
6 under certain circumstances; requiring the owner,
7 lessee, or occupant, or an authorized representative
8 thereof, of a property to register an alarm system
9 within 20 days after occupancy or after installation
10 of the alarm system; authorizing the applicable local
11 governmental entity to charge a registration fee;
12 specifying the requirements of the application form;
13 requiring the owner, lessee, or occupant, or an
14 authorized representative thereof, to notify the
15 applicable local governmental agency of a change in
16 the information provided in the application form
17 within 30 days; authorizing the applicable local
18 governmental entity to assess or impose fines or
19 penalties for a failure to register an alarm system or
20 for excessive false alarms; providing that fines and
21 penalties are the responsibility of the owner, lessee,
22 or occupant of the property; providing an effective
23 date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 553.7931, Florida Statutes, is created
28 to read:

29 553.7931 Uniform alarm registration process.-

37-00753B-16

2016768__

30 (1) As used in this section, the term "applicable local
31 governmental entity" means the local enforcement agency or local
32 law enforcement agency responsible for the administration of
33 alarm system registration in a jurisdiction.

34 (2) This section creates a uniform process for the
35 registration of a home or business alarm system and applies only
36 if such registration is required by a local ordinance,
37 regulation, or rule.

38 (a) The owner, lessee, or occupant, or an authorized
39 representative thereof, of a property must file a uniform alarm
40 registration application with the applicable local governmental
41 entity that requires registration within 20 days after the
42 installation or activation of an alarm system or occupancy of a
43 property with an activated alarm system. During the intervening
44 period, local first responders shall respond to a dispatch
45 request. The application may be submitted electronically, or by
46 facsimile, if signed by the owner, lessee, or occupant, or an
47 authorized representative thereof.

48 (b) The applicable local governmental entity may charge the
49 owner, lessee, or occupant an alarm registration fee of up to
50 \$25. The registration is valid for as long as the registrant
51 occupies the property. If possession of the property is
52 transferred, the new occupant must file an application pursuant
53 to paragraph (a).

54 (c) The uniform alarm registration application must contain
55 substantially the following information:

56
57 UNIFORM ALARM REGISTRATION APPLICATION
58

37-00753B-16

2016768__

59 Owner, Lessee, or Occupant Name.....
60 Owner, Lessee, or Occupant Address.....
61 City.....
62 State.... Zip....
63 Phone Number.....
64 E-mail Address.....
65 Date of Occupancy.....
66 Name of Alarm Contractor.....
67 Phone Number of Alarm Contractor.....
68 Name of Alarm Monitoring Company.....
69 Phone Number of Alarm Monitoring Company.....
70
71 Emergency Contact Information:
72 Name.....
73 Address.....
74 City.....
75 State.... Zip....
76 Phone Number.....
77
78 I certify that the foregoing information is true and accurate.
79 ...(Date)...
80 ...(Signature of Owner, Lessee, or Occupant, or Authorized
81 Representative)...

83 (d) The owner, lessee, or occupant, or an authorized
84 representative thereof, shall notify the applicable local
85 governmental entity within 30 days of any change to the
86 information previously submitted. A contractor, as defined in s.
87 553.793, must advise a consumer at the time of an alarm system

37-00753B-16

2016768__

88 installation that an obligation to register the system may
89 exist.

90 (3) Civil penalties and fines assessed or imposed by the
91 applicable local governmental entity for a failure to register
92 an alarm system as required under subsection (1) or for
93 excessive false alarms shall be the responsibility of the owner,
94 lessee, or occupant of the property. A local ordinance,
95 regulation, or rule may not impose a civil penalty or fine
96 against an alarm contractor or alarm monitoring company for
97 excessive false alarms.

98 Section 2. This act shall take effect October 1, 2016.



The Florida Senate

Committee Agenda Request

To: Senator Rob Bradley, Chair
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: January 15, 2016

I respectfully request that **Senate Bill #768**, relating to Alarm System Registration, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

Anitere Flores

Senator Anitere Flores
Florida Senate, District 37

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01.27.16

Meeting Date

SB 768

Bill Number (if applicable)

* 685680

Amendment Barcode (if applicable)

Topic

Name MIKE FEWLOS

Job Title CHIEF

Address 506 W. BERKMAN ST
Street

Phone 352-360-6655

FRUITLAND PARK FC
City State Zip

Email MFEWLESS@FRUITLANDPARK.GA

Speaking: For

Against

Information

Waive Speaking: In Support Against

(The Chair will read this information into the record.)

Representing Police CHIEFS ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/27/2016

Bill Number (if applicable) 768

Topic Alarm Registrations

Amendment Barcode (if applicable)

Name Jorge Charnizo

Job Title Attorney

Address 108 South Monroe

Phone (850) 681-0024

Street Tallahassee, FL

City State Zip

Email jorge@flapartners.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ADT & Florida Cable Telecomm Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Regulated Industries
ITEM: SB 768
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Wednesday, January 27, 2016
TIME: 9:00—11:00 a.m.
PLACE: 110 Senate Office Building

FINAL VOTE		SENATORS	1/27/2016 Amendment 703218 ¹		1/27/2016 Amendment 685680 ²			
Yea	Nay		Flores		Flores		Yea	Nay
			Yea	Nay	Yea	Nay	Yea	Nay
X		Abruzzo						
		Bean						
X		Braynon						
X		Diaz de la Portilla						
X		Flores						
		Latvala						
X		Negron						
X		Richter						
X		Sachs						
X		Stargel						
X		Margolis, VICE CHAIR						
X		Bradley, CHAIR						
10	0		RCS	-	RCS	-		
Yea	Nay	TOTALS	Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting



703218

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Flores) recommended the following:

Senate Amendment

Delete lines 68 - 87

and insert:

Florida License Number of Alarm Contractor.....

Name of Alarm Monitoring Company.....

Phone Number of Alarm Monitoring Company.....

Florida License Number of Alarm Monitoring Company.....

1
2
3
4
5
6
7
8
9



703218

10 Emergency Contact Information:

11 Name.....

12 Address.....

13 City.....

14 State.... Zip....

15 Phone Number.....

17 I certify that the foregoing information is true and accurate.

18 ...(Date)...

19 ...(Signature of Owner, Lessee, or Occupant, or Authorized
20 Representative)...

22 (d) The owner, lessee, or occupant, or an authorized
23 representative thereof, shall notify the applicable local
24 governmental entity within 30 days after any change in the
25 information submitted pursuant to paragraph (c). A contractor,
26 as defined in s. 553.793, must advise an owner, a lessee, an
27 occupant, or an authorized representative thereof, at the time
28 of an alarm system



685680

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Flores) recommended the following:

Senate Amendment (with title amendment)

Between lines 97 and 98

insert:

Section 3. Section 489.529, Florida Statutes, is amended to read

489.529 (1) Alarm verification calls required.—All residential or commercial intrusion/burglary alarms that have central monitoring must have a central monitoring verification call made to the premises generating the alarm signal, prior to



685680

11 alarm monitor personnel contacting a law enforcement agency for
12 alarm dispatch. The central monitoring station must employ call-
13 verification methods for the premises generating the alarm
14 signal if the first call is not answered. However, if the
15 intrusion/burglary alarms have properly operating visual or
16 auditory sensors that enable the monitoring personnel to verify
17 the alarm signal, or upon authorization as provided in
18 subsection (2), verification calling is not required.

19 (2) A residential or commercial intrusion/burglary alarm
20 customer may give written authorization to the central
21 monitoring alarm system company to contact a law enforcement
22 agency immediately upon receiving an alarm signal. The customer
23 giving the authorization is responsible for any penalties
24 resulting from any false alarm signals.

25
26
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete line 22
30 and insert: or occupant of the property; amending s. 489.529,
31 F.S.; providing for written consent to monitoring company to
32 contact law enforcement; providing an effective
33

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: CS/SB 832

INTRODUCER: Regulated Industries Committee and Senator Negron

SUBJECT: Fantasy Contests

DATE: January 29, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	_____	_____	<u>AGG</u>	_____
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 832 creates the “Fantasy Contest Amusement Act” (act) in ss. 546.11-546.19, which addresses issues related to consumer protection, public confidence in the integrity of fantasy contests and contest operators, and prizes offered to individuals (participants) who pay a fee to participate in a fantasy contest (participants). A fantasy contest is a fantasy or simulation sports game or contest in which a participant manages a fantasy sports team composed of athletes from an amateur or professional sports organization. The bill sets forth a statement of legislative intent that fantasy contests operated pursuant to the requirements in the act involve skill, and do not constitute gambling, gaming, or games of chance.

The bill sets forth definitions and establishes the Office of Amusements in the Department of Business and Professional Regulation (department). A distinction is made between fantasy contests in which a contest operator returns only a portion of the funds collected from participants (entry fees) as cash prizes, and contests in which a noncommercial contest operator returns all entry fees as prizes to the participants.

The bill requires licensure of all operators of qualified fantasy games for play by participants in Florida to apply for licensure with the Office of Amusements. The initial license application fee is \$500,000, and the annual license renewal fee is \$100,000. Lower fees apply to smaller fantasy contest operators, whose fees may not exceed 10 percent of total collected entry fees, less amounts paid to participants. The bill provides methods to establish appropriate fees payable by a contest operator, for both initial licensure and renewal of a license.

Qualified fantasy contests are those in which:

- The value of all prizes is disclosed in advance of the fantasy game;
- The value of all prizes and awards is not determined by the number of participants or the amount of entry fees;
- All winning outcomes reflect the relative knowledge and skill of game participants and are determined predominantly by accumulated statistical results of the performance of the athletes who perform in multiple sporting or other events;
- A winning outcome is not based on the score, point spread, or performance of a single team or any combination of teams, on any single performance of an athlete or player in a single sporting or other event, or on a live pari-mutuel event.

The bill requires games operators to implement consumer protection procedures. The bill addresses the use of insider information, prohibitions against play by minors, restrictions for employees and contest operators, restrictions against players, game officials, or other participants in a live sports game or contest from participating in a fantasy contest where the results of the individual's performance, team, or sport determine the outcome. Contest operators must allow individuals to exclude themselves from accessing a fantasy contest and prevent them from participating. In addition, the maximum number of fantasy contests a single participant may enter must be disclosed, and the contest operator must prevent participants from exceeding the maximum.

The bill provides that a contest operator must further insure the integrity of its operations, by:

- Segregating participants' funds from operational funds;
- Maintaining a reserve in the form of cash, cash equivalents, an irrevocable letter of credit, a bond, or a combination thereof equal to the amounts in all accounts of participants, to protect deposits made by authorized participants;
- Annually contracting with a third party to perform an independent audit, and submitting the results of the audit to the Office of Amusements.

The bill creates s. 546.18 respecting penalties for violation of the act. A contest operator, or an employee or agent thereof, who violates the act is subject to a civil penalty not to exceed \$5,000 for each violation, not to exceed \$100,000 in the aggregate, which shall accrue to the state. An action to recover such penalties may be brought by the Office of Amusements or the Department of Legal Affairs in the circuit courts in the name and on behalf of the state. The bill provides that the penalty provisions do not apply to a contest operator who applies for a license within 90 days after the effective date of the act and receives a license within 240 days after the effective date of the act. The applicability of penalty provisions subsequent to licensure of a contest operator that has applied for and received a license within these time frames is unclear.

Section 546.19 provides that fantasy contests conducted by a contest operator or noncommercial contest operator in accordance with the act are not subject to s. 849.01, s. 849.08, s. 849.09, s. 849.11, s. 849.14, or s. 849.25, regarding gambling, lotteries, games of chance, contests of skill, or bookmaking.

The bill provides that the act shall take effect upon becoming a law.

II. Present Situation:

Introduction

The operation of fantasy sports activities in Florida has recently received significant publicity, much like the operation of internet cafes in recent years. Many states are now evaluating the status of fantasy gaming activities in their jurisdictions,¹ as there are millions of participants.²

A fantasy game typically has multiple players who select and manage imaginary teams whose players are actual professional sports players. Fantasy game players compete against one another in various formats, including weekly leagues among friends and colleagues, season-long leagues, and on-line contests (daily and weekly) entered by using the internet through personal computers or mobile telephones and other communications devices. There are various financial arrangements among players and game operators.

While Florida law does not specifically address fantasy contests, but as discussed below, such activity appears to violate s. 849.14, F.S.,³ which provides that a person who wagers any “thing of value” upon the result of a contest of skill or endurance of human or beast, or who receives any money wagered, or who knowingly becomes the custodian of money or other thing of value that is wagered, is guilty of a second degree misdemeanor.⁴

In 2013, Spectrum Gaming Group, as part of a Gambling Impact Study prepared for the Florida Legislature, analyzed data related to participation by adults in selected activities.⁵ Based on 2012 U.S. Census data, participation in fantasy sports leagues in the prior 12 months (nearly 9 million adults), and those who participate two or more times weekly (nearly 3 million adults), was greater than attendance at horse races in the prior 12 months (6,654,000 adults) with 159,000 attending two or more times weekly.⁶

¹ See Marc Edelman, *A Short Treatise on Fantasy Sports and the Law: How America Regulates its New National Pastime*, *Journal of Sports & Entertainment Law*, Harvard Law School Vol. 3 (Jan. 2012) (available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1907272 (last visited Jan. 28, 2016), and Jonathan Griffin, *The Legality of Fantasy Sports*, National Conference of State Legislatures Legisbrief (Sep. 2015) (on file with the Committee on Regulated Industries).

² According to the Fantasy Sports Trade Association, which states it represents the interests of 57 million fantasy sports players, fantasy sports leagues were originally referred to as “roisserie leagues” with the development of Rotisserie League Baseball in 1980, by magazine writer/editor Daniel Okrent, who met and played it with friends at a New York City restaurant La Rotisserie Francaise. See <http://fsta.org/about/history-of-fsta/> (last visited Jan. 28, 2016).

³ See Op. Att’y Gen. Fla. 91-03 (1991)

⁴ A conviction for a second degree misdemeanor may subject the violator to a definite term of imprisonment not exceeding 60 days, and a fine not exceeding \$500. See ss. 775.082 and 775.083, F.S.

⁵ See Spectrum Gaming Group Gambling Impact Study (Gambling Impact Study) at http://www.leg.state.fl.us/gamingstudy/docs/FGIS_Spectrum_28Oct2013.pdf (Oct. 28, 2013) (last accessed Jan. 28, 2016).

⁶ *Id.*, Figure 22 at p. 67.

Gambling in Florida

In general, gambling is illegal in Florida.⁷ Chapter 849, F.S., prohibits keeping a gambling house,⁸ running a lottery,⁹ or the manufacture, sale, lease, play, or possession of slot machines.¹⁰

Section 7 of Article X of the 1968 State Constitution provides, “Lotteries, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution, are hereby prohibited in this state.”¹¹

Section 15 of Article X of the State Constitution (adopted by the voters in 1986) provides for state operated lotteries:

Lotteries may be operated by the state.... On the effective date of this amendment, the lotteries shall be known as the Florida Education Lotteries. Net proceeds derived from the lotteries shall be deposited to a state trust fund, to be designated The State Education Lotteries Trust Fund, to be appropriated by the Legislature. The schedule may be amended by general law.

Section 24.102, F.S., creates the Department of the Lottery and states the Legislature’s intent that it be self-supporting and revenue-producing and function as an entrepreneurial business enterprise.¹²

Section 23 of Article X of the State Constitution (adopted by the voters electors in 2004) provides for slot machines in Miami-Dade and Broward Counties:

After voter approval of this constitutional amendment, the governing bodies of Miami-Dade and Broward Counties each may hold a county-wide referendum in their respective counties on whether to authorize slot machines within existing, licensed parimutuel facilities (thoroughbred and harness racing, greyhound racing, and jai-alai) that have conducted live racing or games in that county during each of the last two calendar years before the effective date of this amendment. If the voters of such county approve the referendum question by majority vote, slot machines shall be authorized in such parimutuel facilities. If the voters of such county by majority vote disapprove the referendum question, slot machines shall not be so authorized, and the question shall not be presented in another referendum in that county for at least two years.

⁷ Section 849.08, F.S.

⁸ Section 849.01, F.S.

⁹ Section 849.09, F.S.

¹⁰ Section 849.16, F.S., defines slot machines for purposes of ch. 849, F.S. Section 849.15(2), F.S., provides an exemption to the transportation of slot machines for the facilities that are authorized to conduct slot machine gaming under ch. 551, F.S.

¹¹ The pari-mutuel pools that were authorized by law on the effective date of the Florida Constitution, as revised in 1968, include horseracing, greyhound racing, and jai alai games. The revision was ratified by the electorate on November 5, 1968.

¹² Chapter 24, F.S., was enacted by ch. 87-65, L.O.F., to establish the state lottery. Section 24.102, F.S., provides the legislative purpose and intent in regard to the lottery.

Chapter 550, F.S., authorizes pari-mutuel wagering at licensed tracks and frontons and provides for state regulation.¹³ Chapter 551, F.S., authorizes slot machine gaming at the location of certain licensed pari-mutuel locations in Miami-Dade County or Broward County and provides for state regulation.¹⁴ Chapter 849, F.S., authorizes cardrooms at certain pari-mutuel facilities.¹⁵ A license to offer pari-mutuel wagering, slot machine gambling, or a cardroom at a pari-mutuel facility is a privilege granted by the state.¹⁶

Chapter 849, F.S., also authorizes, with conditions, penny-ante games,¹⁷ bingo,¹⁸ charitable drawings, game promotions (sweepstakes),¹⁹ bowling tournaments, and amusement games and machines.²⁰

The Professional and Amateur Sports Protection Act of 1992 (PASPA)

In 1992, the U.S. Congress enacted the Professional and Amateur Sports Protection Act, which provides that it is unlawful for a governmental entity²¹ or any person to sponsor, operate, advertise, or promote:

a lottery, sweepstakes, or other betting, gambling, or wagering scheme based . . . on one or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on one or more performances of such athletes in such games.

The prohibited activity is generally known as “sports betting.” However, PASPA does not apply to pari-mutuel animal racing or jai alai games. It does not apply to a lottery, sweepstakes, or other betting, gambling, or wagering conducted by a governmental entity between January 1, 1976, and August 31, 1990.

The prohibition against sporting betting also does not apply to a lottery, sweepstakes, or other betting, gambling, or wagering lawfully conducted, where such activity was authorized by law on October 2, 1991, and was conducted in a state or other governmental entity at any time between September 1, 1989, and October 2, 1991. As noted above, Florida’s Lottery was approved by the voters in 1986.

¹³ See ch. 550, F.S., relating to the regulation of pari-mutuel activities.

¹⁴ See ch. 551, F.S., relating to the regulation of slot machine gaming at pari-mutuel locations.

¹⁵ Section 849.086, F.S. Section 849.086(2)(c), F.S., defines “cardroom” to mean a facility where authorized card games are played for money or anything of value and to which the public is invited to participate in such games and charges a fee for participation by the operator of such facility.

¹⁶ See section 550.1625(1), F.S., “...legalized pari-mutuel betting at dog tracks is a privilege and is an operation that requires strict supervision and regulation in the best interests of the state.” See also *Solimena v. State*, 402 So.2d 1240, 1247 (Fla. 3d DCA 1981), review denied, 412 So.2d 470, which states “Florida courts have consistently emphasized the special nature of legalized racing, describing it as a privilege rather than as a vested right”, citing *State ex rel. Mason v. Rose*, 122 Fla. 413, 165 So. 347 (1936).

¹⁷ Section 849.085, F.S.

¹⁸ Section 849.0931, F.S.

¹⁹ Section 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.

²⁰ Section 849.161, F.S.

²¹ Governmental entities are also prohibited from licensing such activities or authorizing them by law or compact. See <https://www.gpo.gov/fdsys/pkg/USCODE-2008-title28/html/USCODE-2008-title28-partVI-chap178-sec3702.htm> (last visited Jan. 28, 2016).

The Unlawful Internet Gambling Enforcement Act of 2006 (UIGEA)

The Unlawful Internet Gambling Enforcement Act of 2006 (UIGEA)²² was signed into law by President George W. Bush on October 13, 2006.²³ Internet gambling is not determined to be legal in a state, nor illegal. Instead, UIGEA targets financial institutions in an attempt to prevent the flow of money from an individual to an internet gaming company. Congress found that enforcement of gambling laws through new mechanisms “are necessary because traditional law enforcement mechanisms are often inadequate for enforcing gambling prohibitions or regulations on the Internet, especially where such gambling crosses State or national borders.”²⁴

As to the impact of UIGEA on gambling activities, the law expressly states that none of its provisions “shall be construed as altering, limiting, or extending any Federal or State law or Tribal-State compact prohibiting, permitting, or regulating gambling within the United States.”²⁵

Therefore, although UIGEA excludes from its terms funds received by financial institutions that are generated from bets or wagers of participants in certain fantasy sports games and contests,²⁶ it does not authorize fantasy sports betting or wagering activities in Florida.

Section 849.14, F.S. states:

Unlawful to bet on result of trial or contest of skill, etc.—Whoever stakes, bets or wagers any money or other thing of value upon the result of any trial or contest of skill, speed or power or endurance of human or beast, or whoever receives in any manner whatsoever any money or other thing of value staked, bet or wagered, or offered for the purpose of being staked, bet or wagered, by or for any other person upon any such result, or whoever knowingly becomes the custodian or depositary of any money or other thing of value so staked, bet, or wagered upon any such result, or whoever aids, or assists, or abets in any manner in any of such acts all of which are hereby forbidden, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

In 2015, at least one fantasy sports site allows for “One-Week Fantasy Football Leagues for Real Money.”²⁷ In 1991, the Florida Attorney General, in AGO 91-03,²⁸ evaluated the scenario in which groups of football fans (contestants) paid for the right to manage a team under certain specified conditions. The Attorney General stated:

You ask whether the formation of a fantasy football league by a group of football fans in which contestants pay \$100 for the right to “manage” one

²² See <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title31/pdf/USCODE-2011-title31-subtitleIV-chap53.pdf>, (UIGEA online) at p. 46 (last visited Jan. 28, 2016).

²³ The provisions of UIGEA were adopted in Conference Committee as an amendment to H.R. 4954 by Representative Daniel E. Lungren (CA-3), “The SAFE Ports Act of 2006.”

²⁴ See 31 U.S.C. s. 5361(a)(4), [UIGEA online](#), at p. 46.

²⁵ See 31 U.S.C. s. 5361(b).

²⁶ See 31 U.S.C. s. 5362(1)(E)(ix), [UIGEA online](#), at p. 47.

²⁷ See <https://www.fanduel.com/fantasy-football> (last visited Jan. 28, 2016).

²⁸ See <http://myfloridalegal.com/. . . 91-03> (last visited Jan. 28, 2016).

of eight teams violates the state's gambling laws. You state that these teams are created by contestants by "drafting" players from all current eligible National Football League (NFL) members. Thus, these fantasy teams consist of members of various NFL teams.

According to your letter, each week the performance statistics of the players in actual NFL games are evaluated and combined with the statistics of the other players on the fantasy team to determine the winner of the fantasy game and their ranking or standing in the fantasy league. No games are actually played by the fantasy teams; however, all results depend upon performance in actual NFL games. Following completion of the season, the proceeds are distributed according to the performance of the fantasy team.

The Attorney General cited Florida case law to address the distinction between a "purse, prize or premium" and a "stake, bet or wager."²⁹ As each contestant paid \$100 to participate by managing one of eight teams, and the resulting \$800 in proceeds were used for prizes, the proceeds qualify as a "stake, bet or wager" on the result of a contest of skill. Specifically, the prizes are paid based upon the performance of the individual professional football players in actual games. Based on the language in s. 849.14, F.S. above, the Attorney General determined that the operation of fantasy sports leagues as described would violate Florida law.

Gaming Compact with the Seminole Tribe of Florida

The current gaming compact with the Seminole Tribe of Florida (Seminole Tribe) dated April 7, 2010 (the 2010 gaming compact)³⁰ provides that it is not a crime for a person to participate in raffles, drawings, slot machine gaming, or banked card games (e.g., blackjack or baccarat) at a tribal facility operating under the 2010 gaming compact.³¹

²⁹ The distinction was reaffirmed in *Creash v. State*, 179 So. 149, 152 (Fla. 1938) as follows: "In gamblers' lingo, 'stake, bet or wager' are synonymous and refer to the money or other thing of value put up by the parties thereto with the understanding that one or the other gets the whole for nothing but on the turn of a card, the result of a race, or some trick of magic. A 'purse, prize, or premium' has a broader significance. If offered by one (who in no way competes for it) to the successful contestant in a [feat] of mental or physical skill, it is not generally condemned as gambling, while if contested for in a game of. . . . chance, it is so considered. . . . It is also banned as gambling if created . . . by . . . contributing to a fund from which the 'purse, prize, or premium' contested for is paid, and wherein the winner gains, and the other contestants lose all."

³⁰ The 2010 gaming compact was executed by the Governor and the Seminole Tribe on April 7, 2010, ratified by the Legislature, effective April 28, 2010, and approved by U.S. Secretary of the Interior, pursuant to the Indian Gaming Regulatory Act of 1988, on June 24, 2010. It took effect when published in the Federal Register on July 6, 2010. The 20-year term of the 2010 gaming compact expires July 31, 2030, unless renewed. Section 285.710(1)(f), F.S., designates the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation as the "state compliance agency" having authority to carry out the state's oversight responsibilities under the 2010 gaming compact. See [http://www.flsenate.gov/. . . RI/Links/Gaming Compact between The Seminole Tribe of Florida and the State of Florida.pdf](http://www.flsenate.gov/. . . RI/Links/Gaming%20Compact%20between%20The%20Seminole%20Tribe%20of%20Florida%20and%20the%20State%20of%20Florida.pdf) (last accessed Jan. 28, 2016).

³¹ See Section 285.710, F.S., especially subsections (3), (13), and (14). The seven tribal locations where gaming is authorized by the 2010 gaming compact are: (1) Seminole Hard Rock Hotel & Casino—Hollywood (Broward); (2) Seminole Indian Casino—Coconut Creek (Broward); (3) Seminole Indian Casino—Hollywood (Broward); (4) Seminole Hard Rock Hotel & Casino—Tampa (Hillsborough); (5) Seminole Indian Casino—Immokalee (Collier); (6) Seminole Indian Casino—Brighton (Glades); and (7) Seminole Indian Casino—Big Cypress (Hendry). Banked card games are not authorized at the Brighton and Big Cypress casinos.

The 2010 gaming compact also provides for revenue sharing payments from the Seminole Tribe to the state. For its exclusive authority during a five-year period³² to offer banked card games on tribal lands at five locations, and to offer slot machine gaming during the 20-year term of the 2010 gaming compact, outside Miami-Dade and Broward Counties, the Seminole Tribe pays the State of Florida a share of “net win” (approximately \$240 million per year).³³

Except for those locations authorized pursuant to the 2010 gaming compact, free-standing, commercial casinos are not authorized, and gaming activity, other than what is expressly authorized, is illegal.

Internet Gaming under the 2010 Gaming Compact and the Proposed 2015 Gaming Compact

Although the 2010 gaming compact provides that any change in state law to allow internet/on-line gaming (or any functionally remote gaming system that permits gaming from a home or any other location other than a casino or other commercial gaming facility), current revenue sharing payment are not impacted. The guaranteed \$1 billion payments have been paid by the Seminole Tribe, and the percentage revenue share amounts continue.³⁴ There is no definition of internet in either the 2010 gaming compact or the proposed 2015 gaming compact, although the term “Internet” is defined in the Unlawful Internet Gambling Enforcement Act of 2006 (UIGEA).³⁵

If fantasy contests are classified as internet/on-line gaming, authorizing fantasy contests in Florida would trigger an impact to the revenue sharing provisions in the proposed 2015 gaming compact.³⁶

³² While the exclusive authorization to conduct banked card games expired July 31, 2015, and has not been renewed, according to staff at the department and the Legislature’s Office of Economic and Demographic Research, the Seminole Tribe has continued to transmit monthly payments to the state that include estimated table games revenue. The Seminole Tribe and the State of Florida are parties to litigation regarding the offering of table games by the Seminole Tribe after July 31, 2015. Those parties have negotiated a proposed gaming compact dated December 7, 2015 (the 2015 gaming compact), that the Governor, as the designated state officer responsible for negotiating and executing tribal-state gaming compacts with federally recognized Indian tribes, has transmitted to the President of the Senate and the Speaker of the House of Representatives for consideration, as required by s. 285.712, F.S. To be effective, the proposed 2015 gaming compact must be ratified by the Senate and by the House, by a majority vote of the members present. *See* s. 285.712(3), F.S.

³³ Subject to the outcome of the pending litigation between the state and the Seminole Tribe respecting continuation of the authorization to offer tables games, the 2010 gaming compact provides if (1) authorization for banked card games is not extended beyond July 31, 2015, or (2) the Legislature authorizes Class III (casino-style) games in Broward or Miami-Dade County other than at the eight existing state-licensed pari-mutuel locations, then the “net win” for revenue sharing will exclude amounts from the Seminole Tribe’s facilities in Broward County (i.e., payments will be reduced by approximately \$120 million per year). If the Legislature authorizes new Class III (casino-style) games outside Broward and Miami-Dade Counties, then all revenue sharing under the 2010 gaming compact is discontinued.

³⁴ Enactment of state law to allow internet or on-line gaming could have impacted the \$1 billion guaranteed revenue sharing in payable through Year 5 of the 2010 gaming compact, which provides in Part XI, Paragraph B3 that if the Seminole Tribe's Net Win at all of its casinos dropped more than five percent (5%) below its Net Win from the previous twelve month period, the Tribe would be required to pay only the percentage revenue share amount, not the guaranteed minimum revenue share. If (a) the decline in Net Win is due to acts of God, war, terrorism, fires, floods, or accidents causing damage to or destruction of one or more of the casinos, or (2) the Seminole Tribe is authorized by law to offer internet/on-line gaming, then Paragraph B3 does not apply. Currently, the Seminole Tribe is paying the percentage revenue share amount.

³⁵ UIGEA defines the term “Internet” as the international computer network of interoperable packet switched data networks. *See* 31 U.S.C. s. 5362(5).

³⁶ Part XII, Paragraph 10 of the proposed 2015 gaming compact states:

State law currently does not permit internet gaming involving wagering. However, after any change in State law to affirmatively allow internet/on-line gaming (or any functionally equivalent remote gaming

Class III Gaming under the Indian Gaming Regulatory Act

If fantasy contests are instead classified as Class III gaming rather than internet gaming, authorizing fantasy contests in Florida would trigger an impact to the revenue sharing provisions of both the 2010 gaming compact³⁷ and the proposed 2015 gaming compact.³⁸ The payments due to the state will cease.

Gambling on Indian lands is regulated by the Indian Gaming Regulatory Act of 1988 (IGRA).³⁹ The 2010 gaming compact authorizes the Seminole Tribe to conduct Class III gaming at its seven tribal facilities in Florida.⁴⁰

Under IGRA, gaming is categorized in three classes:

- **Class I** gaming means social games for minimal value or traditional forms of Indian gaming engaged in by individuals for tribal ceremonies or celebrations;
- **Class II** gaming includes bingo and pull-tabs, lotto, punch boards, tip jars, instant bingo, other games similar to bingo, and certain non-banked card games if not explicitly prohibited by the laws of the state and if played in conformity with state law; and
- **Class III** gaming includes all forms of gaming that are not Class I or Class II, such as house-banked card games, casino games such as craps and roulette, electronic or electromechanical facsimiles of games of chance, slot machines, and pari-mutuel wagering.

If fantasy contests are classified as Class III gaming, authorizing fantasy contests in Florida, i.e., additional Class III gaming, would trigger a violation of the exclusivity provisions in the 2010

system that permits a person to game from home or any other location that is remote from a casino or other commercial gaming facility), the Tribe shall no longer be required to make payments to the State based on the Guaranteed Revenue Sharing Cycle Payment and shall not be required to make the Guaranteed Minimum Compact Term Payment. Instead, if after the Initial Payment Period, the Tribe shall make payments based on the percentage amounts in Part XI, Section B.1.(c). This subsection does not apply if the Tribe offers, to players in the State, internet gaming involving wagering (or any functionally equivalent remote gaming system that permits a person to game from home or any other location that is remote from any of the Tribe's Facilities), as a Covered Game or as authorized by State law. Nothing herein limits the Tribe's right to offer internet gaming involving wagering under any applicable federal law. Except as provided in this Part, any expanded gaming activities consistent with Part XII, Sections A. or B. authorized or permitted by the State shall relieve the Tribe of its obligations to make both the Guaranteed Minimum Compact Term Payment and any further Guaranteed Revenue Sharing Cycle Payment.

The proposed 2015 gaming compact, comparison chart, and transmittal letter from Governor Scott, are available for review on the Florida Senate Regulated Industries Committee website. See [http://www.flsenate.gov/.../Proposed 2015 Gaming Compact, Comparison Chart, and Letter from Governor Scott.pdf](http://www.flsenate.gov/.../Proposed_2015_Gaming_Compact_Comparison_Chart_and_Letter_from_Governor_Scott.pdf) (last visited Jan. 28, 2016).

³⁷ See Paragraph A of Part XII of the 2010 gaming compact at [http://www.flsenate.gov/.../RI/Links/Gaming Compact between The Seminole Tribe of Florida and the State of Florida.pdf](http://www.flsenate.gov/.../RI/Links/Gaming_Compact_between_The_Seminole_Tribe_of_Florida_and_the_State_of_Florida.pdf) (last accessed Jan. 28, 2016).

³⁸ See Paragraph A of Part XII of the 2015 gaming compact at [http://www.flsenate.gov/.../Proposed 2015 Gaming Compact, Comparison Chart, and Letter from Governor Scott.pdf](http://www.flsenate.gov/.../Proposed_2015_Gaming_Compact_Comparison_Chart_and_Letter_from_Governor_Scott.pdf) (last accessed Jan. 28, 2016).

³⁹ See Pub. L. 100-497, 102 Stat. 2467, codified at 18 U.S.C. ss. 1166-1168 and 25 U.S.C. s. 2701 *et seq.*

⁴⁰ The Tribe has three gaming facilities in Broward County (The Seminole Indian Casinos at Coconut Creek and Hollywood, and the Seminole Hard Rock Hotel & Casino-Hollywood), and gaming facilities in Collier County (Seminole Indian Casino-Immokalee), Glades County (Seminole Indian Casino-Brighton), Hendry County (Seminole Indian Casino-Big Cypress), and Hillsborough County (Seminole Hard Rock Hotel & Casino-Tampa). The 2010 gaming compact was approved by the U.S. Department of the Interior effective July 6, 2010. See 75 Fed. Reg. 38833-38834 at <https://www.gpo.gov/fdsys/pkg/FR-2010-07-06/pdf/2010-16213.pdf> (last accessed Jan. 28, 2016). See [http://www.flsenate.gov/.../RI/Links/Gaming Compact between The Seminole Tribe of Florida and the State of Florida.pdf](http://www.flsenate.gov/.../RI/Links/Gaming_Compact_between_The_Seminole_Tribe_of_Florida_and_the_State_of_Florida.pdf) (last accessed Jan. 28, 2016).

gaming compact or the proposed 2015 gaming compact, by canceling certain proposed revenue sharing provisions of the compact (specifically the proposed \$3 billion guarantee), and granting the Tribe the right to offer similar internet/on-line gaming, including sports betting.

An opinion of the National Indian Gaming Commission (commission) dated March 13, 2001,⁴¹ while evaluating sports betting, is instructive on classification considerations and the use of the internet for on-line gaming.

The game analyzed by the commission for play in Arizona and California was determined to be a sports betting game classified as Class III gaming. Because sports betting is unlawful in those two states (as well as most other states), and “because the use of the Internet is not authorized by IGRA,” the game could not be operated pursuant to IGRA. Further, because sports betting did not fit within Class II gaming, stated the commission, “it is a Class III form of gaming” that may only be played pursuant to a gaming compact between a tribe and a state.

III. Effect of Proposed Changes:

CS/SB 832 creates the “Fantasy Contest Amusement Act” (act) in ss. 546.11-546.19, which addresses issues related to consumer protection, public confidence in the integrity of fantasy contests and contest operators, and prizes offered to individuals (participants) who pay a fee to participate in a fantasy contest. A fantasy contest is a fantasy or simulation sports game or contest in which a participant manages a fantasy sports team composed of athletes from an amateur or professional sports organization. Section 546.12 sets forth a statement of legislative intent that fantasy contests operated pursuant to the requirements in the act (qualified fantasy contests) involve skill, and do not constitute gambling, gaming, or games of chance. See s. 546.12.

Qualified fantasy contests are those in which:

- The value of all prizes and awards offered to winning game participants must be established and disclosed in advance of the fantasy game;
- The value of all prizes and awards is not determined by the number of participants or the amount of entry fees;
- All winning outcomes reflect the relative knowledge and skill of game participants and are determined predominantly by accumulated statistical results of the performance of the athletes who perform in multiple sporting or other events; and
- A winning outcome is not based on the score, point spread, or performance of a single team or any combination of teams, on any single performance of an athlete or player in a single sporting or other event, or on a live pari-mutuel event.⁴²

The bill sets forth definitions in s. 546.13 and establishes the Office of Amusements in the Department of Business and Professional Regulation (department) (*see* s. 546.14). The bill includes definitions in s. 546.13 for two types of contest operators. A distinction is made between fantasy contests in which the operator returns only a portion of the funds collected from

⁴¹ See http://www.nigc.gov/images/uploads/game-opinions/WIN_Sports_Betting_Class_III.pdf (last accessed Jan. 28, 2016).

⁴² Section 550.002(22), F.S., defines “pari-mutuel” as “a system of betting on races or games in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes.”

participants (entry fees) as cash prizes, and contests in which the (noncommercial) operator returns all entry fees as prizes to the participants. *See* ss. 546.13(2) and (6).

The bill requires licensure of all operators of qualified fantasy or simulation sports games or contests which offer fantasy contests for play by participants in the state to apply for licensure with the Office of Amusements. *See* s. 546.15.

The initial license application fee is \$500,000, and the annual license renewal fee is \$100,000. Lower fees apply to smaller fantasy contest operators, whose fees may not exceed 10 percent of the total entry fees collected (related to the operation of fantasy contests in Florida), less those amounts paid to participants. The bill provides methods to establish appropriate fees payable by a contest operator, for both initial licensure and renewal of a license.

The Office of Amusements is created within the Department of Business and Professional Regulation, to operate under the supervision of a senior manager appointed by the secretary of the department. The manager is exempt under s. 110.205, F.S., and in the Senior Management Service.

The duties of the Office of Amusements include administering and enforcing the act and any rules adopted pursuant thereto, and any other duties authorized by the secretary of the department. The Office of Amusements may work with department personnel as needed to assist in fulfilling its duties, and may:

- Conduct investigations and monitor the operation and play of fantasy contests;
- Review the books, accounts, and records of any current or former contest operator;
- Suspend or revoke any license, after hearing, for any violation of state law or rule;
- Take testimony, issue summons and subpoenas for any witness, and issue subpoenas duces tecum in connection with any matter within its jurisdiction;
- Monitor and ensure the proper collection and safeguarding of contest fees and the payment of contest prizes, in accordance with consumer protection procedures adopted pursuant to the act; and
- Adopt rules to implement the act.

The Office of Amusements must grant or deny a complete application within 120 days after receipt. A completed application that is not acted upon by the Office of Amusements within 120 days after receipt is deemed approved, and the license must be issued. Applications for a contest operator's license are exempt from the 90-day licensure timeframe imposed in s. 120.60(1), F.S.

The application must include:

- The full name of the applicant;
- If the applicant is a corporation, the name of the state in which the applicant is incorporated and the names and addresses of the officers, directors, and shareholders of the corporation who hold 5 percent or more equity;
- If the applicant is a business entity other than a corporation, the names and addresses of the principals, partners, or shareholders who hold 5 percent or more equity;

- The names and addresses of the ultimate equitable owners⁴³ of the corporation or other business entity, unless the securities of the corporation or entity are registered pursuant to s. 12 of the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk, and:
 - The corporation or entity files with the United States Securities and Exchange Commission, the reports required by s. 13 of that act; or
 - The securities of the corporation or entity are regularly traded on an established securities market in the United States.
- The estimated number of fantasy sports contests to be conducted by the applicant annually;
- A statement of the assets and liabilities of the applicant;
- If required by the Office of Amusements, the names and addresses of the officers and directors of any debtor of the applicant and of stockholders who hold more than 10 percent of the stock of the debtor; and
- For each individual listed in the application as an officer or director, a complete set of fingerprints taken by an authorized law enforcement officer. The Office of Amusements shall submit such fingerprints to the Federal Bureau of Investigation for national processing. Foreign nationals shall submit such documents as necessary to allow the Office of Amusements to conduct criminal history records checks in the individual's home country. The applicant must pay the full cost of processing fingerprints and required documentation. The Office of Amusements also may charge a \$2 handling fee for each set of fingerprints submitted.

The bill provides that a person or entity is not eligible for licensure as a contest operator or licensure renewal if he or she or an officer or director of the entity is determined by the Office of Amusements, after investigation, not to be of good moral character, or if found to have been convicted of a felony in this state, any offense in another jurisdiction which would be considered a felony if committed in this state, or a felony under the laws of the United States. For purposes of this subsection, the term "convicted" means having been found guilty, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

The bill provides that the contest operator shall provide evidence of a surety bond in the amount of \$1 million, payable to the state, furnished by a corporate surety authorized to do business. The surety bond shall be kept in full force and effect by the contest operator during the term of the license and any renewal thereof. The Office of Amusements shall adopt by rule the form required for such surety bond.

The bill requires that the Office of Amusements may suspend, revoke, or deny the license of a contest operator who fails to comply with this act or rules adopted pursuant thereto.

⁴³ Section 550.002 (37), F.S., defines "ultimate equitable owner" to mean natural person who, directly or indirectly, owns or controls 5 percent or more of an ownership interest in a corporation, foreign corporation, or alien business organization, regardless of whether such ownership or control is through one or more natural persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof.

The bill requires games operators to implement procedures intended to protect consumers that:

- Prevent employees or relatives living in a contest operator's household from competing in a fantasy game with a cash prize;
- Prohibit the contest operator from participating in a fantasy game he or she offers;
- Prevent the sharing of confidential information by employees or agents that could affect fantasy contest play with third parties, if that information is obtained solely as a result of being an employee or agent, until the information is made publicly available;
- Verify that a contest participant is 18 years of age or older;
- Restrict a player, game official, or other participant in a live sports game or competition from participating in a fantasy contest whose outcome is determined, in whole or in part, on the performance of that individual, the individual's team, or the accumulated statistical results of the sport or competition in which he or she is a player, game official, or other participant;
- Allow individuals to exclude themselves from accessing a fantasy contest and take reasonable steps to prevent those individuals from participating in a fantasy contest;
- Disclose the number of fantasy contests a single contest participant may enter and take reasonable steps to prevent participants from exceeding that number;
- Segregate contest participants' funds from operational funds; and
- Maintain a reserve in the form of cash, cash equivalents, an irrevocable letter of credit, a bond, or a combination thereof equal to the amounts in all accounts of contest participants, to protect deposits made by authorized contest participants.

The bill requires a contest operator offering fantasy contests in the state to annually contract with a third party to perform an independent audit, consistent with the standards established by the Public Company Accounting Oversight Board,⁴⁴ to ensure compliance with the act. The results of the independent audit must be submitted by the contest operator to the Office of Amusements.

The bill requires the maintenance of records and reports by contest operators, who must:

- Keep and maintain daily records of its operations and maintain such records for a period of at least 3 years. The records must sufficiently detail all financial transactions to determine compliance with the requirements of this section and must be available for audit and inspection by the Office of Amusements or other law enforcement agencies during the contest operator's regular business hours. The Office of Amusements must adopt rules to implement this subsection; and
- File quarterly with the Office of Amusements, a report that includes the required records and any additional information deemed necessary by the Office of Amusements. The report shall be submitted on the required forms, and are deemed public records once filed.

The bill creates s. 546.18 providing penalties for violation of the act. A contest operator, or an employee or agent thereof, who violates the act is subject to a civil penalty not to exceed \$5,000 for each violation, not to exceed \$100,000 in the aggregate, which shall accrue to the state. An action to recover such penalties may be brought by the Office of Amusements or the Department

⁴⁴ The Public Company Accounting Oversight Board (PCAOB) states on its website: PCAOB is a nonprofit corporation established by Congress to oversee the audits of public companies in order to protect the interests of investors and further the public interest in the preparation of informative, accurate and independent audit reports. The PCAOB also oversees the audits of broker-dealers, including compliance reports filed pursuant to federal securities laws, to promote investor protection. See <http://pcaobus.org/Pages/default.aspx> (last visited Jan. 28, 2016).

of Legal Affairs in the circuit courts in the name and on behalf of the state. The bill provides that the penalty provisions do not apply to a contest operator who applies for a license within 90 days after the effective date of the act and receives a license within 240 days after the effective date of the act. The applicability of penalty provisions subsequent to licensure of a contest operator that has applied for and received a license within these time frames is unclear.

Section 546.19 provides that fantasy contests conducted by a contest operator or noncommercial contest operator in accordance with the act are not subject to s. 849.01, s. 849.08, s. 849.09, s. 849.11, s. 849.14, or s. 849.25, regarding gambling, lotteries, games of chance, contests of skill, or bookmaking.

The bill provides that the act shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The initial license application fee is \$500,000, and the annual license renewal fee is \$100,000. Lower fees apply to smaller fantasy contest operators, whose fees may not exceed 10 percent of the total entry fees collected (related to the operation of fantasy contests in Florida), less those amounts paid to participants. The bill provides methods to establish appropriate fees payable by a contest operator, for both initial licensure and renewal of a license.

B. Private Sector Impact:

The initial license application fee is \$500,000, and the annual license renewal fee is \$100,000. Lower fees apply to smaller fantasy contest operators, whose fees may not exceed 10 percent of the total entry fees collected (related to the operation of fantasy contests in Florida), less those amounts paid to participants. The bill provides methods to establish appropriate fees payable by a contest operator, for both initial licensure and renewal of a license.

C. Government Sector Impact:

The Office of Amusements is created in the Department of Business and Professional Regulation (department) as the entity to which contest operators must apply for licensure in order to offer fantasy contests for play by participants in Florida. The department will incur costs for personnel and operation of the Office of Amusements. Rulemaking by the department will be required to promulgate the procedures and forms necessary to administer and enforce the act.

VI. Technical Deficiencies:

The bill provides that the penalty provisions do not apply to a contest operator who applies for a license within 90 days after the effective date of the act and receives a license within 240 days after the effective date of the act. The applicability of penalty provisions subsequent to licensure of a contest operator that has applied for and received a license within these time frames is unclear. An amendment to clarify this issue should be considered.

VII. Related Issues:

Consideration should be given to stating that compliance with the rules of the department does not authorize and is not a defense to a charge of a violation of any other law. Similar language is included in s. 849.084, F.S., regarding regulation by the department of a registered game promotion (a contest, game of chance, sweepstakes, or gift enterprise incidental to the sale of consumer products or services in Florida and other states).

An amendment should be considered to address the statement on lines 271-272 of the bill that the performance of an independent audit by a third party “to ensure compliance” with the provisions of the act. As stated by the Public Company Accounting Oversight Board, an auditor's report is the medium through which an auditor's opinion is expressed, or, if circumstances require, an opinion is disclaimed. In either case, whether the audit has been made in accordance with the standards of the board must be stated, and the standards require a statement whether the financial statements are presented in conformity with generally accepted accounting principles. The auditor must also identify those circumstances in which such principles have not been consistently observed in the preparation of the financial statements (current period relative to the preceding period).

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 546.11, 546.12, 546.13, 546.14, 546.15, 546.16, 546.17, 546.18, and 546.19.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Regulated Industries on January 27, 2016:

- The CS creates the Fantasy Contest Amusement Act.

- An Office of Amusements is created in the Department of Business and Professional Regulation.
- Extensive regulatory provisions regarding the fantasy contests industry are provided.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Negrón

32-00936-16

2016832__

1 A bill to be entitled
2 An act relating to fantasy games; creating ch. 547,
3 F.S., entitled "Fantasy Games"; creating s. 547.01,
4 F.S.; defining terms; creating s. 547.02, F.S.;
5 requiring certain game operators to register with the
6 Department of Agriculture and Consumer Services and to
7 pay related fees; requiring a game operator to
8 implement certain procedures; requiring a game
9 operator to prevent certain persons from competing in
10 a fantasy game; preventing certain information from
11 being shared with third parties; requiring a game
12 operator to verify the age of a game participant;
13 restricting certain persons from participating in a
14 fantasy game; requiring a game operator to allow
15 individuals to restrict or prevent their own access to
16 fantasy games; requiring that certain information be
17 disclosed to game participants; requiring the
18 segregation of certain funds by a game operator;
19 requiring a game operator to annually contract with a
20 third party to perform an independent audit; requiring
21 a game operator to submit the audit results to the
22 department; creating s. 547.03, F.S.; providing a
23 civil penalty; creating s. 547.04, F.S.; exempting
24 fantasy games from regulation under ch. 849, F.S.;
25 providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Chapter 547, Florida Statutes, entitled

32-00936-16

2016832__

30 "Fantasy Games," is created.

31 Section 2. Section 547.01, Florida Statutes, is created to
32 read:

33 547.01 Definitions.—As used in this chapter, the term:

34 (1) "Confidential information" means information related to
35 the playing of fantasy games by game participants which is
36 obtained solely as a result of a person's employment with or
37 work as an agent for a game operator.

38 (2) "Department" means the Department of Agriculture and
39 Consumer Services.

40 (3) "Fantasy game" means a fantasy or simulation sports
41 game or educational game or contest that meets the following
42 conditions:

43 (a) The value of all prizes and awards offered to winning
44 game participants is established and made known to the game
45 participants in advance of the fantasy game.

46 (b) All winning outcomes reflect the relative knowledge and
47 skill of game participants and are determined predominantly by
48 accumulated statistical results of the performance of
49 individuals, including athletes in the case of sporting events.

50 (c) A winning outcome is not based on the score, point
51 spread, or performance of a single team or combination of such
52 teams or on any single performance of an individual athlete or
53 player in a single event.

54 (4) "Game operator" means a person or an entity that offers
55 fantasy games for a cash prize to more than 750 members of the
56 public.

57 (5) "Game participant" means a person who participates in a
58 fantasy game offered by a game operator.

32-00936-16

2016832__

59 Section 3. Section 547.02, Florida Statutes, is created to
60 read:

61 547.02 Consumer protection.-

62 (1) A game operator offering fantasy games in this state
63 must register with the department. The initial registration fee
64 is \$500,000 and the annual renewal fee is \$100,000.

65 (2) A game operator offering fantasy games in this state
66 must implement procedures that are intended to:

67 (a) Prevent employees or relatives living in the same
68 household as any game operator from competing in a fantasy game
69 in which the game cash prize is over \$5.

70 (b) Prohibit the game operator from being a game
71 participant in a fantasy game that he or she offers.

72 (c) Prevent the employees or agents of the game operator
73 from sharing confidential information that could affect fantasy
74 game play with third parties until the information is made
75 publicly available.

76 (d) Verify that a game participant is 18 years of age or
77 older.

78 (e) Restrict an individual who is a player, game official,
79 or other participant in a real-world game or competition from
80 participating in a fantasy game that is determined in whole or
81 in part on the performance of that individual, the individual's
82 real-world team, or the accumulated statistical results of the
83 sport or competition in which he or she is a player, game
84 official, or other participant.

85 (f) Allow individuals to restrict or prevent their own
86 access to a fantasy game and take reasonable steps to prevent
87 those individuals from entering a fantasy game.

32-00936-16

2016832__

88 (g) Disclose the number of fantasy games a single game
89 participant may enter and take reasonable steps to prevent game
90 participants from entering more than the allowable number of
91 fantasy games.

92 (h) Segregate game participants' funds from operational
93 funds and maintain a reserve in the form of cash, cash
94 equivalents, an irrevocable letter of credit, a bond, or a
95 combination thereof in the total amount of deposits in game
96 participant accounts for the benefit and protection of
97 authorized game participants' funds held in fantasy game
98 accounts.

99 (3) A game operator offering fantasy games in this state
100 must annually contract with a third party to perform an
101 independent audit, consistent with the standards established by
102 the Public Company Accounting Oversight Board, to ensure
103 compliance with this chapter. The game operator must submit the
104 results of the independent audit to the department.

105 Section 4. Section 547.03, Florida Statutes, is created to
106 read:

107 547.03 Penalties.—A game operator, or an employee or agent
108 thereof, who violates this chapter is subject to a civil penalty
109 not to exceed \$1,000 for each violation, which shall accrue to
110 the state and may be recovered in a civil action brought by the
111 department.

112 Section 5. Section 547.04, Florida Statutes, is created to
113 read:

114 547.04 Exemption.—Fantasy games are exempt from regulation
115 under chapter 849.

116 Section 6. This act shall take effect July 1, 2016.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on Criminal and
Civil Justice, *Chair*
Appropriations
Banking and Insurance
Ethics and Elections
Higher Education
Regulated Industries
Rules

SENATOR JOE NEGRON

32nd District

November 24, 2015

Senator Rob Bradley, Chair
Committee on Regulated Industries
330 Knot Building
404 S Monroe Street
Tallahassee, FL 32399-1100

Re: Senate Bill 832

Dear Chairman Bradley:

I would like to request Senate Bill 832 relating to fantasy games be placed on the agenda for the next scheduled committee meeting.

Thank you for your consideration of this request.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Joe Negron".

Joe Negron
State Senator
District 32

JN/hd

c: Patrick L. "Booter" Imhof, Staff Director

REPLY TO:

- 3500 SW Corporate Parkway, Suite 204, Palm City, Florida 34990 (772) 219-1665 FAX: (772) 219-1666
- 412 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-16

Meeting Date

832

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Marc Dunbar

Job Title

Address 215 S. Monroe St

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-425-7800

Email mdunbar@joneswalker.com

Speaking: For

Against

Information

In Support

Against

(The Chair will read this information into the record.)

Representing Stronach Group

Appearing at request of Chair: Yes No

Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-2016
Meeting Date

SB 832
Bill Number (if applicable)

Topic Fantasy Sports Betting
Amendment Barcode (if applicable)

Name John Sowinski

Job Title President, No Casinos, Inc

Address 201 S. Orange Ave. SW 880 Phone 407-608-8104

Street Orlando, FL City State Zip Email sowinski@no-casinos.com

Speaking: For Against Information In Support Against No
(The Chair will read this information into the record.)

Representing No Casinos, Inc

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Jan. 27, 2016
Meeting Date

832
Bill Number (if applicable)

Topic Fantasy Games

Amendment Barcode (if applicable)

Name Bill Bunkley

Job Title President

Address PO BOX 341644
Street

Phone (813) 264-2977

Tampa
City

FL 33694
State Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Ethics & Religious Liberty Commission

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Negron) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 546.11, Florida Statutes, is created to
read:

546.11 SHORT TITLE.—Sections 546.11-546.18 may be cited as
the "Fantasy Contest Amusement Act."

Section 2. Section 546.12, Florida Statutes, is created to
read:



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11 546.12. LEGISLATIVE INTENT.—It is the intent of the
12 Legislature to ensure public confidence in the integrity of
13 fantasy contests and fantasy contest operators. This act is
14 designed to strictly regulate the operators of fantasy contests
15 and individuals who participate in such contests and to adopt
16 consumer protections related to fantasy contests. Furthermore,
17 the Legislature finds that fantasy contests, as that term is
18 defined in s. 546.13, involve the skill of contest participants
19 and do not constitute gambling, gaming, or games of chance.

20 Section 3. Section 546.13, Florida Statutes, is created to
21 read:

22 546.13 DEFINITIONS.—As used in this chapter, the term:

23 (1) "Confidential information" means information related to
24 the playing of fantasy contests by contest participants which is
25 obtained solely as a result of a person's employment with or
26 work as an agent of a contest operator.

27 (2) "Contest operator" means a person or entity that offers
28 fantasy contests for a cash prize to members of the public.

29 (3) "Contest participant" means a person who pays a fee for
30 the ability to participate in a fantasy contest offered by a
31 contest operator.

32 (4) "Entry fee" means the cash or cash equivalent amount
33 that is required to be paid by a fantasy contest player to a
34 fantasy contest operator to participate in a fantasy contest.

35 (5) "Fantasy contest" means a fantasy or simulation sports
36 game or contest offered by a contest operator or a noncommercial
37 contest operator in which a contest participant manages a
38 fantasy or simulation sports team composed of athletes from an
39 amateur or professional sports organization and which meets the



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40 following conditions:

41 (a) All prizes and awards offered to winning participants
42 are established and made known to the participants in advance of
43 the game or contest and their value is not determined by the
44 number of participants or the amount of any fees paid by those
45 participants.

46 (b) All winning outcomes reflect the relative knowledge and
47 skill of the participants and are determined predominantly by
48 accumulated statistical results of the performance of the
49 athletes participating in multiple real-world sporting or other
50 events. However, a winning outcome may not be based:

51 1. On the score, point spread, or any performance or
52 performances of a single real-world team or any combination of
53 such teams;

54 2. Solely on any single performance of an individual
55 athlete in a single real-world sporting or other event; or

56 3. On a live pari-mutuel event, as the term "pari-mutuel"
57 is defined by s. 550.002.

58 (6) "Noncommercial contest operator" means a person who
59 organizes and conducts a fantasy contest in which contest
60 participants are charged entry fees for the right to
61 participate; entry fees are collected, maintained, and
62 distributed by the same person; and all entry fees are returned
63 to the players in the form of prizes.

64 (7) "Office" means the Office of Amusements created in s.
65 546.14.

66 Section 4. Section 546.14, Florida Statutes is created to
67 read:

68 546.14 OFFICE OF AMUSEMENTS.—



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69 (1) The Office of Amusements is created within the
70 Department of Business and Professional Regulation. The office
71 shall operate under the supervision of a senior manager exempt
72 under s. 110.205 in the Senior Management Service appointed by
73 the secretary.

74 (2) The duties of the office include, but are not limited
75 to, administering and enforcing this act and any rules adopted
76 pursuant thereto and any other duties authorized by the
77 Secretary of Business and Professional Regulation. The office
78 may work with department personnel as needed to assist in
79 fulfilling its duties.

80 (3) The office may:

81 (a) Conduct investigations and monitor the operation and
82 play of fantasy contests.

83 (b) Review the books, accounts, and records of any current
84 or former contest operator.

85 (c) Suspend or revoke any license, after hearing, for any
86 violation of state law or rule.

87 (d) Take testimony, issue summons and subpoenas for any
88 witness, and issue subpoenas duces tecum in connection with any
89 matter within its jurisdiction.

90 (e) Monitor and ensure the proper collection and
91 safeguarding of contest fees and the payment of contest prizes
92 in accordance with consumer protection procedures adopted
93 pursuant to s. 546.16.

94 (4) The office may adopt rules to implement this act.

95 Section 5. Section 546.15, Florida Statutes, is created to
96 read:

97 546.15 LICENSING.—



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98 (1) A contest operator that offers fantasy contests for
99 play by persons in this state must be licensed by the office to
100 conduct fantasy contests within this state. The initial license
101 application fee is \$500,000 and the annual license renewal fee
102 is \$100,000, however, the respective fees may not exceed 10
103 percent of the amount of entry fees collected by a contest
104 operator from the operation of fantasy contests in this state,
105 less the amount of cash or cash equivalents paid to contest
106 participants. The office shall require the contest operator to
107 provide written evidence of the proposed amount of entry fees
108 and cash or cash equivalents to be paid to contest participants
109 during the annual license period. Prior to renewing a license,
110 the contest operator shall provide written evidence to the
111 office of the actual entry fees collected and cash or cash
112 equivalents paid to contest participants during the previous
113 period of licensure. The contest operator shall remit to the
114 office any difference in license fee that results from the
115 difference between the proposed amount of entry fees and cash or
116 cash equivalents paid to contest participants and the actual
117 amounts collected and paid.

118 (2) The office shall grant or deny a complete application
119 within 120 days after receipt, and a completed application that
120 is not acted upon by the office within 120 days after receipt is
121 deemed approved, and the office shall issue the license.
122 Applications for a contest operator's license are exempt from
123 the 90-day licensure timeframe imposed in s. 120.60(1).

124 (3) The application must include:
125 (a) The full name of the applicant.
126 (b) If the applicant is a corporation, the name of the



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127 state in which the applicant is incorporated and the names and
128 addresses of the officers, directors, and shareholders of the
129 corporation who hold 5 percent or more equity.

130 (c) If the applicant is a business entity other than a
131 corporation, the names and addresses of the principals,
132 partners, or shareholders who hold 5 percent or more equity.

133 (d) The names and addresses of the ultimate equitable
134 owners of the corporation or other business entity, if different
135 from those provided under paragraphs (b) and (c), unless the
136 securities of the corporation or entity are registered pursuant
137 to s. 12 of the Securities Exchange Act of 1934, 15 U.S.C. ss.
138 78a-78kk, and:

139 1. The corporation or entity files with the United States
140 Securities and Exchange Commission, the reports required by s.
141 13 of that act; or

142 2. The securities of the corporation or entity are
143 regularly traded on an established securities market in the
144 United States.

145 (e) The estimated number of fantasy sports contests to be
146 conducted by the applicant annually.

147 (f) A statement of the assets and liabilities of the
148 applicant.

149 (g) If required by the office, the names and addresses of
150 the officers and directors of any debtor of the applicant and of
151 stockholders who hold more than 10 percent of the stock of the
152 debtor.

153 (h) For each individual listed in the application as an
154 officer or director, a complete set of fingerprints taken by an
155 authorized law enforcement officer. The office shall submit such



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156 fingerprints to the Federal Bureau of Investigation for national
157 processing. Foreign nationals shall submit such documents as
158 necessary to allow the office to conduct criminal history
159 records checks in the individual's home country. The applicant
160 must pay the full cost of processing fingerprints and required
161 documentation. The office also may charge a \$2 handling fee for
162 each set of fingerprints submitted.

163 (4) A person or entity is not eligible for licensure as a
164 contest operator or licensure renewal if he or she or an officer
165 or director of the entity is determined by the office, after
166 investigation, not to be of good moral character or if found to
167 have been convicted of a felony in this state, any offense in
168 another jurisdiction which would be considered a felony if
169 committed in this state, or a felony under the laws of the
170 United States. For purposes of this subsection, the term
171 "convicted" means having been found guilty, with or without
172 adjudication of guilt, as a result of a jury verdict, nonjury
173 trial, or entry of a plea of guilty or nolo contendere.

174 (5) The contest operator shall provide evidence of a surety
175 bond in the amount of \$1 million, payable to the state,
176 furnished by a corporate surety authorized to do business. The
177 surety bond shall be kept in full force and effect by the
178 contest operator during the term of the license and any renewal
179 thereof. The office shall adopt by rule the form required for
180 such surety bond.

181 (6) The office may suspend, revoke, or deny the license of
182 a contest operator who fails to comply with this act or rules
183 adopted pursuant thereto.

184 Section 6. Section 546.16, Florida Statutes, is created to



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185 read:

186 546.16 Consumer protection.—

187 (1) A contest operator who charges an entry fee to contest
188 participants shall implement procedures for fantasy sports
189 contests which:

190 (a) Prevent employees of the fantasy contest operator, and
191 relatives living in the same household as such employees, from
192 competing in a fantasy contest in which a cash prize is awarded.

193 (b) Prohibit the contest operator from being a contest
194 participant in a fantasy contest that he or she offers.

195 (c) Prevent the employees or agents of the contest operator
196 from sharing with third parties confidential information that
197 could affect fantasy contest play until the information has been
198 made publicly available.

199 (d) Verify that contest participants are 18 years of age or
200 older.

201 (e) Restrict an individual who is a player, a game
202 official, or another participant in a real-world game or
203 competition from participating in a fantasy contest that is
204 determined, in whole or in part, on the performance of that
205 individual, the individual's real-world team, or the accumulated
206 statistical results of the sport or competition in which he or
207 she is a player, game official, or other participant.

208 (f) Allow individuals to restrict or prevent their own
209 access to such a fantasy contest and take reasonable steps to
210 prevent those individuals from entering a fantasy sports
211 contest.

212 (g) Limit the number of entries a single contest
213 participant may submit to each fantasy contest and take



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214 reasonable steps to prevent participants from submitting more
215 than the allowable number of entries.

216 (h) Segregate contest participants' funds from operational
217 funds and maintain a reserve in the form of cash, cash
218 equivalents, an irrevocable letter of credit, a bond, or a
219 combination thereof in the total amount of deposits in contest
220 participants' accounts for the benefit and protection of
221 authorized contest participants' funds held in fantasy contest
222 accounts.

223 (2) A contest operator that offers fantasy contests in this
224 state which require contest participants to pay an entry fee
225 shall annually contract with a third party to perform an
226 independent audit, consistent with the standards established by
227 the Public Company Accounting Oversight Board, to ensure
228 compliance with this act. The contest operator shall submit the
229 results of the independent audit to the office.

230 Section 7. Section 546.17, Florida Statutes is created to
231 read:

232 546.17 RECORDS AND REPORTS.—

233 (1) Each contest operator shall keep and maintain daily
234 records of its operations and shall maintain such records for a
235 period of at least 3 years. The records must sufficiently detail
236 all financial transactions to determine compliance with the
237 requirements of this section and must be available for audit and
238 inspection by the office or other law enforcement agencies
239 during the contest operator's regular business hours. The office
240 shall adopt rules to implement this subsection.

241 (2) Each contest operator shall file quarterly with the
242 office a report that includes the required records and any



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243 additional information deemed necessary by the office. The
244 report shall be submitted on forms prescribed by the office, and
245 are deemed public records once filed.

246 Section 8. Section 546.18, Florida Statutes, is created to
247 read:

248 546.18 PENALTIES.—A contest operator, or an employee or
249 agent thereof, who violates this act is subject to a civil
250 penalty not to exceed \$5,000 for each violation, not to exceed
251 \$100,000 in the aggregate, which shall accrue to the state. An
252 action to recover such penalties may be brought by the office or
253 the Department of Legal Affairs in the circuit courts in the
254 name and on behalf of the state.

255 Section 9. Section 546.19, Florida Statutes, is created to
256 read:

257 546.19 Exemption.—Fantasy contests conducted by a contest
258 operator and noncommercial contest operator in accordance with
259 this act are not subject to s. 849.01, s. 849.08, s. 849.09, s.
260 849.11, s. 849.14, or s. 849.25.

261 Section 10. The penalty provisions established by s.
262 546.18, Florida Statutes, do not apply to a contest operator who
263 applies for a license within 90 days after the effective date of
264 this act and receives a license within 240 days after the
265 effective date of this act.

266 Section 11. This act shall take effect upon becoming law.

267
268 ===== T I T L E A M E N D M E N T =====

269 And the title is amended as follows:

270 Delete everything before the enacting clause
271 and insert:



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272 A bill to be entitled
273 An act relating to fantasy contests; creating s.
274 546.11, F.S.; providing a short title; creating s.
275 546.12, F.S.; providing legislative findings and
276 intent; creating s. 546.13, F.S.; defining terms;
277 creating s. 545.14, F.S.; creating the Office of
278 Amusement within the Department of Business and
279 Professional Regulation; requiring that the office be
280 under the supervision of a senior manager who is
281 exempt from the Career Service System and is appointed
282 by the secretary of the department; providing duties
283 of the office; providing for rulemaking; creating s.
284 546.15, F.S.; providing licensing requirements for
285 contest operators offering fantasy contests; exempting
286 applicants for a contest operator's license from
287 certain licensing requirements for a specified period
288 of time after receipt of a complete application by the
289 Office of Amusements; requiring the office to grant or
290 deny a license within a specified timeframe; providing
291 that a completed application is deemed approved 120
292 days after receipt by the office under certain
293 circumstances; providing requirements for the license
294 application; providing that persons or entities are
295 not eligible for licensure under certain
296 circumstances; providing a definition; requiring a
297 contest operator to provide evidence of a surety bond;
298 requiring the surety bond to be kept during the term
299 of the license and any renewal term thereafter;
300 authorizing the office to suspend, revoke, or deny a



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301 license under certain circumstances; creating s.
302 546.16, F.S.; requiring a contest operator to
303 implement specified consumer protection procedures;
304 requiring a contest operator to annually contract with
305 a third party to perform an independent audit;
306 requiring a contest operator to submit the audit
307 results to the department; creating s. 546.17, F.S.;
308 requiring contest operators to keep and maintain
309 certain records for a specified period; providing
310 requirements; requiring a contest operator to file a
311 quarterly report with the office; providing for
312 rulemaking; creating s. 546.18, F.S.; providing a
313 civil penalty; creating s. 546.19, F.S.; exempting
314 fantasy contests from regulation under ch. 849, F.S.;
315 providing applicability of penalty provisions;
316 providing an effective date.

1405

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Thomas Delacenserie

is duly appointed

**Secretary,
Department of Lottery**

for a term beginning on the
Twenty-Third day of November, A.D., 2015,
to serve at the pleasure of the Governor
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Eighth day of December, A.D., 2015.*



Ken Detzner

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2" x 11" document.



rick scott
GOVERNOR

RECEIVED
15 NOV 30 AM 11:27
DIVISION OF ELECTIONS
SECRETARY OF STATE

November 23, 2015

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised that effective November 23, 2015, I have made the following appointment under the provisions of Section 20.317, Florida Statutes:

Mr. Thomas Delacenserie
2119 Fielding Way
Tallahassee, Florida 32311

as Secretary of the Florida Lottery, subject to confirmation by the Senate. This appointment is effective November 23, 2015, for a term ending at the pleasure of the Governor.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/cc

OATH OF OFFICE

(Art. II. § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

2015 DEC -8 AM 9:31

STATE OF FLORIDA

County of LEON

DIVISION OF ELECTIONS
TALLAHASSEE, FL

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

SECRETARY FLORIDA Lottery
(Title of Office)

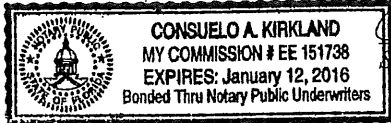
on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Handwritten Signature]

Signature

Sworn to and subscribed before me this 4th day of December, 2015.



Consuelo A. Kirkland

Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

250 Yarniot Dr
Street or Post Office Box

Tallahassee, FL 32301
City, State, Zip Code

THOMAS DELACENSERIE
Print name as you desire commission issued

[Handwritten Signature]
Signature

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Thomas Robert Delacenserie
Secretary of the Department of the Lottery

NOTICE OF HEARING

TO: Mr. Thomas Robert Delacenserie

YOU ARE HEREBY NOTIFIED that the Committee on Regulated Industries of the Florida Senate will conduct a hearing on your executive appointment on Wednesday, January 27, 2016, in the Toni Jennings Committee Room, 110 Senate Office Building, commencing at 9:00 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 25th day of January, 2016

Committee on Regulated Industries



Senator Rob Bradley
As Chair and by authority of the committee

cc: Members, Committee on Regulated Industries
Office of the Sergeant at Arms

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16

Meeting Date

N/A

Bill Number (if applicable)

N/A

Topic Confirmation Hearing

Amendment Barcode (if applicable)

Name Tom Delacenserie

Job Title Secretary of the Florida Lottery

Address 250 Marriott Drive

Phone 850 - 487-7728

Street

Tallahassee

FL

32301

Email DelacenserieT@flalottery.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Department of Florida Lottery

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: Thomas Delacenserie

ANSWER: I DO

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Regulated Industries

DATE: January 27, 2016

Proposed 2015 Compact: Revenue Overview (Simple Ratification)

January 27, 2016

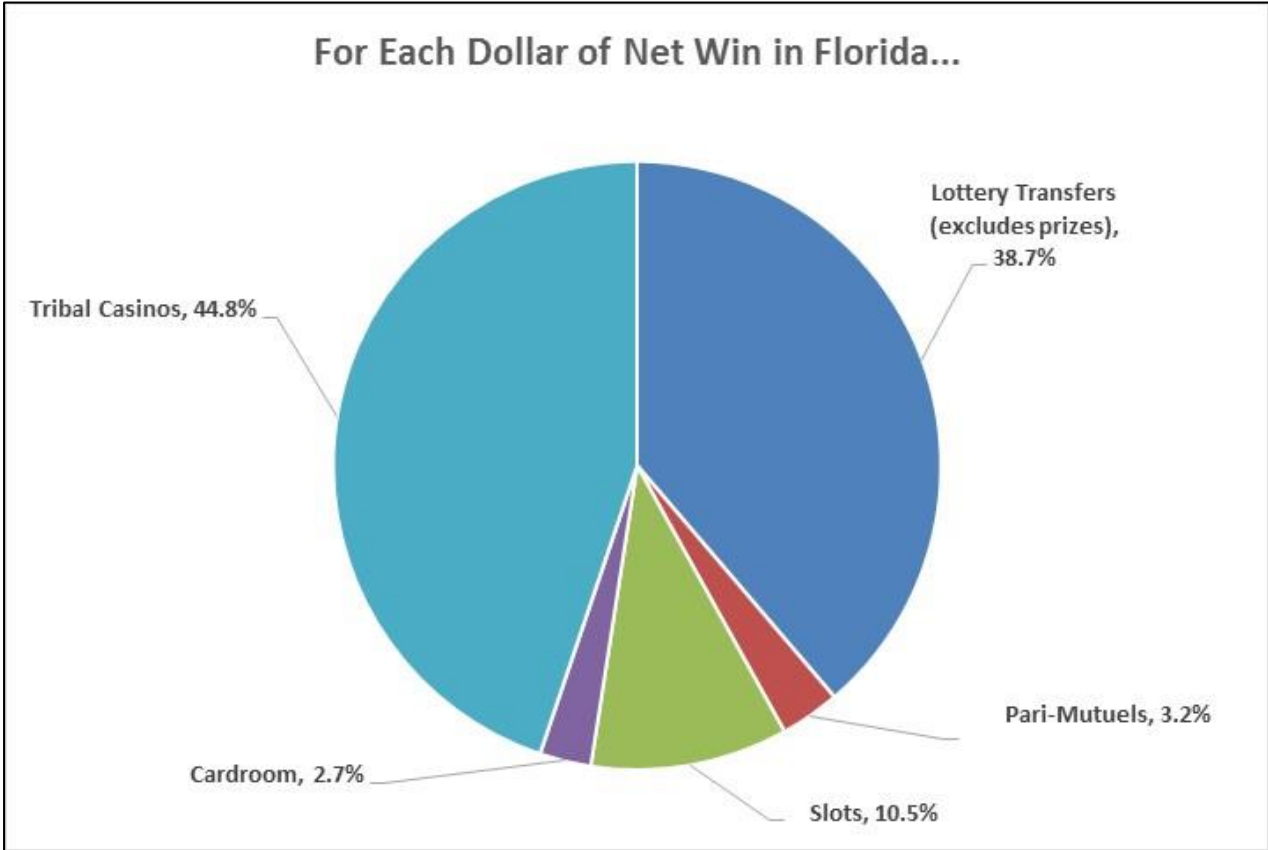
Presented by:



The Florida Legislature
Office of Economic and
Demographic Research
850.487.1402
<http://edr.state.fl.us>

Gaming in General...

FY 2014-15	(Amount in millions)	
Florida	State Revenues	Net Win
Lottery Transfers (excludes prizes)	\$ 1,479.00	\$ 1,918.80
Pari-Mutuels	\$ 12.59	\$ 157.58
Slots	\$ 182.20	\$ 520.57
Cardroom	\$ 14.34	\$ 135.89
Tribal Casinos	\$ 248.50	\$ 2,218.90
Total	\$ 1,936.63	\$ 4,951.74
Dollar Total Per Capita (18+)	\$ 122.26	\$ 312.62



Current Indian Gaming Compact...

- The existing Compact has a term of 20 years, which began the first day of the month following the publication of the notice of approval in the Federal Register --- effectively August 1, 2010. Based on this, the expiration date is July 31, 2030.
- An exception was made for the authorization of banking or banked card games (including baccarat, chemin de fer, and blackjack). That authorization expired July 31, 2015.
- Roulette, craps, roulette-styled games, and craps-styled games were expressly prohibited.
- The covered games can be offered at all seven facilities, but two are slots-only:
 - Seminole Indian Casino – Brighton (Glades) --- **Slots Only**
 - Seminole Indian Casino – Coconut Creek (Broward)
 - Seminole Indian Casino – Hollywood (Broward)
 - Seminole Indian Casino – Immokalee (Collier)
 - Seminole Indian Casino – Big Cypress (Hendry) --- **Slots Only**
 - Seminole Hard Rock Hotel & Casino – Hollywood (Broward)
 - Seminole Hard Rock Hotel & Casino – Tampa (Hillsborough)

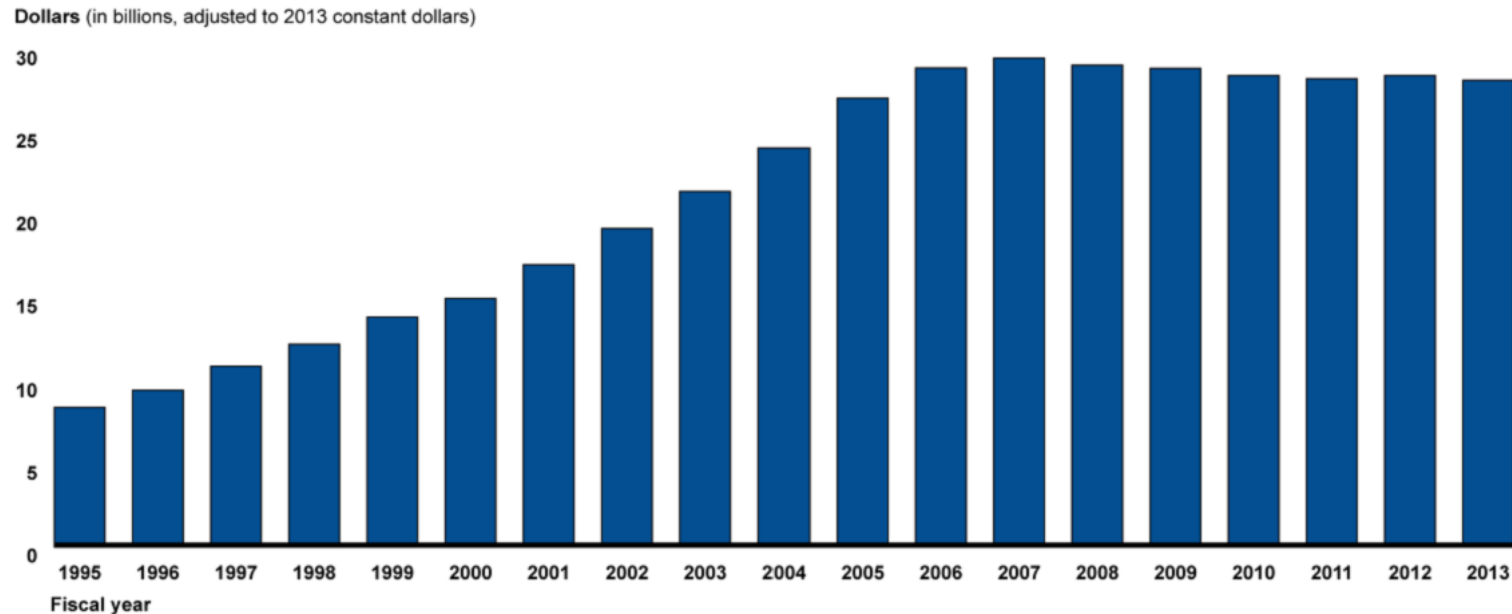
Revenue Sharing Details...

- **Guaranteed Minimum Payments were required for the first five years of the Compact which totaled \$1.0 billion.**
 - **\$150 million for Fiscal Years 2010-11 and 2011-12 ✓**
 - **\$233 million for Fiscal Years 2012-13 and 2013-14 ✓**
 - **\$234 million for Fiscal Year 2014-15 ✓**
- If the Revenue Sharing calculation exceeded the Minimum Guarantee, a True-up Payment had to be made.
 - True-up payments were generated in Fiscal Years 2012-13, 2013-14 and 2014-15; each payment was received in the immediately following fiscal year.
- The Compact also provides the following Revenue Sharing schedule.
 - 12% of Net Win up to \$2 billion (**in place through 2012-13**)
 - 15% of Net Win between \$2 billion and \$3 billion (**triggered in 2013-14**)
 - 17.5% of Net Win between \$3 billion and \$3.5 billion (**not reached in forecast**)
 - 20% of Net Win between \$3.5 billion and \$4 billion (**not reached in forecast**)
 - 22.5% of Net Win between \$4 billion and \$4.5 billion (**not reached in forecast**)
 - 25% of Net Win over \$4.5 billion (**not reached in forecast**)

Indian Gaming Across States...

Florida's estimate assumes annual long-term growth of about 1.6% per year, but slightly higher growth rates over the next few years.

Growth of Indian Gaming Revenues, Fiscal Years from 1995 to 2013 (GAO)

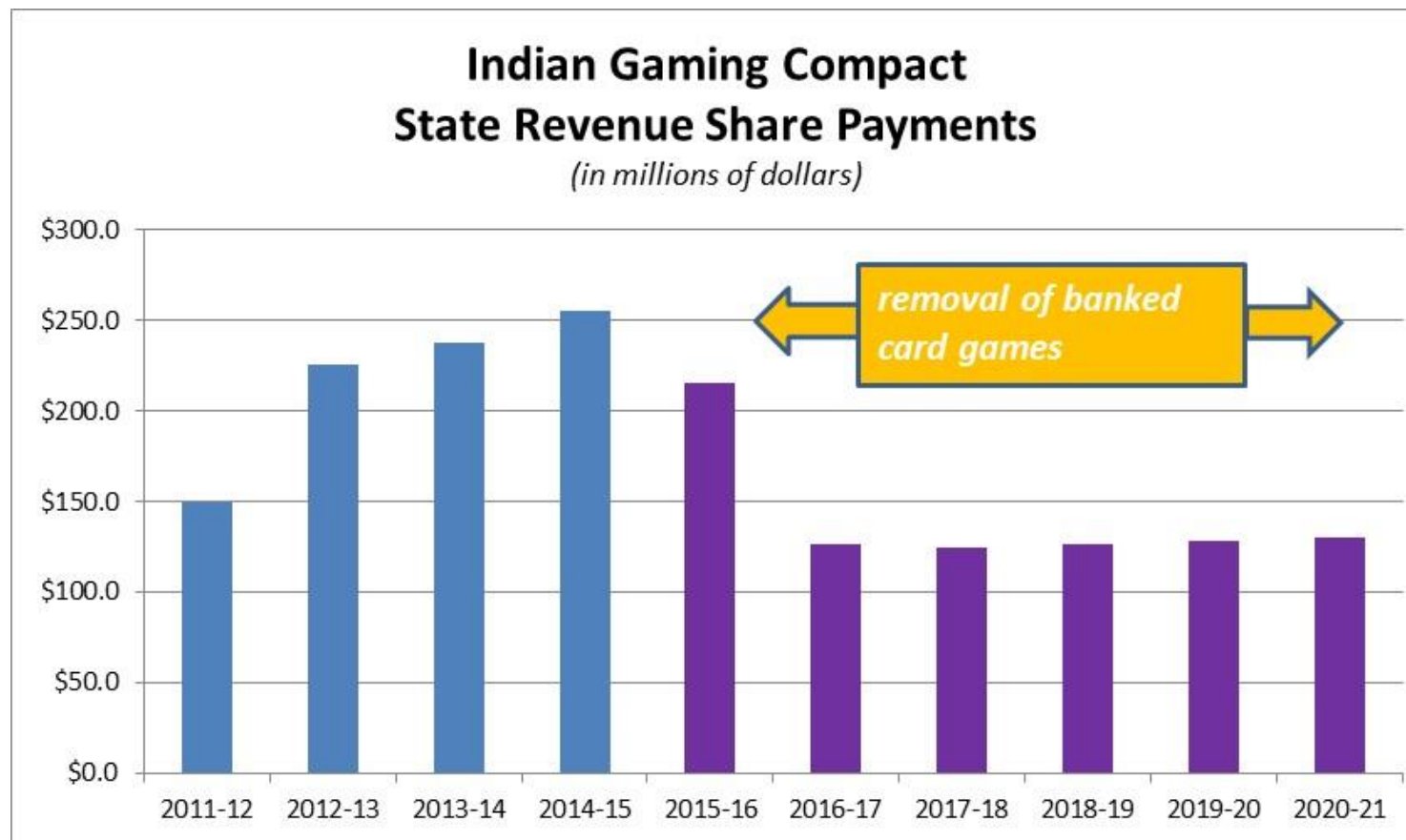


Source: GAO analysis of National Indian Gaming Commission data. | GAO-15-355

- In fiscal year 2013, about 240 of the 566 federally recognized tribes operated more than 400 Indian gaming operations across 28 states, generating \$28.0 billion. These establishments included a broad range of operations, from tribal bingo to multimillion dollar casino gaming facilities. Of these establishments, a few large operations account for a major portion of the revenue. [GAO-15-355T]

- **HISTORY...** True-up payments are received the year after they are generated, so they appear here in Fiscal Years 2013-14 (\$4.3m), 2014-15 (\$21.7m), and 2015-16 (\$38.8 m). By the end of FY 2014-15, the Compact generated \$1.0648 billion in revenue sharing over its first five years (\$1 billion through the minimum payments, and \$64.8 million in true-up payments).

- **FORECAST...** The Revenue Estimating Conference's convention of looking at current law / current administration means that the current forecast assumes that the authorization expires. This removes all revenue sharing related to Broward County, as well as the banked card games for the remainder of the forecast. FY 2015-16 contains the mid-year transition.



Proposed Compact...

The Revenue Estimating Conference considered the simple ratification of the Compact, with no other changes. The key revenue provisions are:

- 1) IGRA approval prior to June 30, 2016, and application of the new Compact provisions to the entire 2015-16 fiscal year.
- 2) Restoration of banked card games (and all of the share from Broward).
- 3) Extension of banked card games to potentially two facilities (Brighton and Big Cypress).
- 4) Addition of Craps and Roulette at potentially all seven facilities.
- 5) New Revenue Sharing brackets and guarantee.

Adjustments to Net Win...

Net Win	Current	Add Back	Add New Banked	Add New	Total
	<u>Forecast</u>	Broward + Banked <u>Card Games</u>	Card Games at <u>2 Facilities</u>	Craps & <u>Roulette</u>	
2015-16	1,428.0	879.7	**	**	2,307.7
2016-17	1,017.8	1,359.1	8.6	40.6	2,426.1
2017-18	1,038.2	1,386.3	8.8	41.4	2,474.6
2018-19	1,054.4	1,407.9	8.9	42.0	2,513.2
2019-20	1,070.8	1,429.9	9.0	42.7	2,552.4
2020-21	1,087.5	1,452.2	9.2	43.4	2,592.2
2021-22	1,104.5	1,474.9	9.3	44.0	2,632.7
2022-23	1,121.7	1,497.9	9.5	44.7	2,673.8
2023-24	1,139.2	1,521.2	9.6	45.4	2,715.5

Based on Nevada;
assumes 45 tables.

Revenue Sharing Adjustments...

The term of the 2015 Compact is from its effective date through June 30, 2036.

- **Initial Payment Period (IPP)**... runs from the effective date to June 30, 2017. During the Initial Payment Period, the revenue share rates and brackets are equal to those in the 2010 Compact.
- **Guarantee Payment Period (GPP)**... runs through the seven-year period beginning July 1, 2017 and ending June 30, 2024. During the Guarantee Payment Period, the Tribe will make payments as specified, ranging from \$325 million in the first year to \$550 million in the last year, for a total of \$3 billion.

- At the end of the seven-year period, a **true-up payment** is required if the amount due using the revenue share rates and brackets outlined in the 2015 Compact would have generated more than \$3 billion.

New Revenue Sharing Rates (effective July 1, 2017)

<u>Brackets</u>	<u>Current Compact</u>	<u>2015 Compact</u>	<u>difference</u>
\$0-\$2.0B	IPP 12.0%	13.0%	1.0%
\$2.0B-\$3.0B	15.0%	17.5%	2.5%
\$3.0B-\$3.5B	17.5%	17.5%	0.0%
\$3.5B-\$4.0B	20.0%	20.0%	0.0%
\$4.0B-\$4.5B	22.5%	22.5%	0.0%
\$4.5B+	25.0%	25.0%	0.0%

Revenue Sharing

	Current <u>Forecast</u>	2015 <u>Compact</u>	<u>Impact</u>	
2015-16	215.4	286.2	70.7	Initial Payment Period
2016-17	126.2	303.9	177.7	
2017-18	124.4	325.0	200.6	
2018-19	126.4	350.0	223.6	Guarantee Payment Period
2019-20	128.3	375.0	246.7	
2020-21	130.3	425.0	294.7	
2021-22	132.4	475.0	342.6	
2022-23	134.4	500.0	365.6	
2023-24	136.5	550.0	413.5	

Amounts shown for the new Compact are by year of obligation (not receipt). The Compact establishes the actual amount due to the State for each of the seven years in the Guarantee period.

At this time, the Conference does not believe a true-up payment will be needed. The minimum guarantee generates more than the application of the brackets over the seven-year period. Even with the changes set in motion by the new Compact, the state does not move out of the second bracket (net win greater than \$3 billion) in the forecast window.

Revenue Sharing			
	2015 Compact Minimum <u>Guarantee</u>	2015 Compact Revenue Share <u>Calculated</u>	<u>difference</u>
2017-18	325.0	343.1	-18.1
2018-19	350.0	349.8	0.2
2019-20	375.0	356.7	18.3
2020-21	425.0	363.6	61.4
2021-22	475.0	370.7	104.3
2022-23	500.0	377.9	122.1
2023-24	<u>550.0</u>	<u>385.2</u>	<u>164.8</u>
7-Year	3,000.0	2,547.0	453.0

Key Assumption for Impact Conference...

- Cannibalization—creating demand for one product at the expense of another; substitution of one purchase for another. It can be detected through:
 - The shifting among state revenue sources when the gambling product is a substitute purchase replacing the purchase of another good which would have been taxed in a different manner. (+ or – depending on the difference in tax rates)
 - The shifting among gambling products that are substitutes for each other. (+ or - depending on the difference in tax rates)
 - The shifting between a nontaxable purchase to a taxed gambling product. (+)
- Conference assumed that the additional \$40+ million from craps and roulette would mostly come from additional out-of-state visitors and Floridians who used to leave the state to play this type of game—essentially eliminating the cannibalization effect from this change. This comports with the Tribe’s stated plans to attract additional tourists.

Adjustments Not Included...

- Stated intention to undertake significant fixed capital investment, since no guarantees or deadlines were provided.
- New non-tribal gaming and other adjustments authorized by the compact, but requiring additional legislation.
- Cash Adjustments to line the estimate up with state fiscal years.

Initial Payment Period

Comparison of Cash Numbers for Fiscal Years 2015-16 and 2016-17

Current Forecast		2015 Compact		difference
	<i>FY15-16</i>		<i>FY15-16</i>	<i>FY15-16</i>
■ june 14-15	19.5	■ june 14-15	19.5	0.0
jul-may 15-16	157.1	jul-may 15-16	262.3	105.2
true-up	<u>38.8</u>	true-up	<u>38.8</u>	<u>0.0</u>
	215.4		320.6	105.2
	<i>FY16-17</i>		<i>FY16-17</i>	<i>FY16-17</i>
■ june 15-16	14.3	■ june 15-16	23.8	9.6
jul-may 16-17	<u>112.0</u>	jul-may 16-17	<u>278.6</u>	<u>166.6</u>
	126.2		302.4	176.2

Difference column shows additional \$281.4 million that could be appropriated in the upcoming budget.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16
Meeting Date

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Decoupling
Name William White
Job Title President - FHBA Horse Trained

Address 2839 Morning Glory Circle Phone 954-303-5448

Davie FL 33328
City State Zip

Email White-raising@Comcast.net

Speaking: For Against Information
Representing FHBA

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Appearing at request of Chair: Yes No
Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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1/27/14
Meeting Date

Bill Number (if applicable)

Topic Seminole Compact

Amendment Barcode (if applicable)

Name Christian Malesic

Job Title President/CEO Melbourne Chamber of Commerce

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Melbourne Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

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1/27/16
Meeting Date

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Decoupling
Name Laurine Fuller-Vargas
Job Title Thoroughbred horse trainer/farmer

Address 14650 NW Hwy 464B Phone (774) 328-1760

Morrison FL 32668 City State Zip
Email Billybcs13788@aol.com

Speaking: For Against Information In Support Against
(The Chair will read this information into the record.)

Representing Florida Horsemen & Small Business Owners

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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1/27/2016

Meeting Date

Bill Number (if applicable)

Topic Workshop and Testimony on the Indian Gaming Compact

Amendment Barcode (if applicable)

Name Antonio Jefferson

Job Title City Manager

Address 14615 Main Street

Phone 8508565257

Street

Gretna

Florida

32332

Email ajefferson@mygretna.com

City

State

Zip

Speaking: For Against

Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing City of Gretna

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/27/16
Bill Number (if applicable) Committee/Conference

Amendment Barcode (if applicable) _____

Topic Game / Dec 2016

Name Dr. Steve Fisch

Job Title VETERINARIAN

Address 9085 Magnolia Ave Drive

Phone 850-510-9650

Street Acacia St

Email STFISCHAVM@AUSCANA

City FL

110507AC.com

State _____

Zip _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Fishin' Charlie Horse Racing Association, Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE

APPEARANCE RECORD

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1/27/16
Meeting Date

Bill Number (if applicable)

Topic Greyhound Decoupling / Seminole Compact
Amendment Barcode (if applicable)

Name Carey Theil

Job Title Executive Director

Address 7 Central St. Phone

City Avington, MA State Zip 02476

Speaking: For Against Information In Support Against
(The Chair will read this information into the record.)

Representing GREYHOUND USA

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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1/27/16

Meeting Date

Bill Number (if applicable)

Topic Workshop Family

Amendment Barcode (if applicable)

Name Greg Pound

Job Title _____

Address 9166 Sunrise Dr. Phone _____

Street

Largo Fla. 33773 Email _____

City

State

Zip

Speaking: For Against Information In Support Against

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Saving Families

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

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1/27/16
Meeting Date

worksheets
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Compact / Gaming

Name George Birkhold

Job Title Standardbred horse breeder

Address 512 W. Orange Ave

Sarasota, FL 34236
City State Zip

Phone 941-704-1696

Email trout2win@yepoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Standardbred breeder

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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1/27/2016

Meeting Date

Bill Number (if applicable)

Topic Florida-Seminole Gaming Compact

Amendment Barcode (if applicable)

Name Richard Skeen

Job Title ~~Business~~ Citizen

Address 6465 US HWY 1 (Po Box 394)

Phone 321-745-7534

Grant-Valkaria

32949

Email RickSkeen@aol.com

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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1/27/16
Meeting Date

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic de coupling

Name Julie Braswell

Job Title Laboratory owner + operator

Address 10481 N US HWY 27

Street Ocala

City FL

State

Zip 34482

Phone 3527323338

Email provetlab@embargmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL small business owners + Agriculture

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

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Meeting Date _____ Bill Number (if applicable) _____

Topic Compact - Seminar Amendment Barcode (if applicable) _____

Name Jim Allen

Job Title CEO

Address 1 Semmes way Phone 954 932 5910

Street Hollywood Fl City _____ State _____ Zip _____

City _____ State _____ Zip _____

Speaking: For Against Information Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-16

Meeting Date: 1-27-16 Bill Number (if applicable): _____

Topic: Comduct - De Couplings Amendment Barcode (if applicable): _____

Name: LONNY POWELL

Job Title: CEO, FL Thoroughbred Breeders & Owners Assn

Address: 800 SW 60th Ave Phone: 352-207-4321

City: Ocala State: FL Zip: 34474

Email: lpowell@ftbaa.com

Speaking: For Against Information Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing: _____

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date: 1/27/16

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Compact

Name: Howard Harman

Job Title: CEO Tax Crepeboard Realty

Address: PO Box 959 Phone

City: Orange Park State: FL Zip: 32067 Email

Speaking: For [] Against [] Information [X]

Waive Speaking: In Support [] Against [X] (The Chair will read this information into the record.)

Representing: [Signature]

Appearing at request of Chair: Yes [] No [X]

Lobbyist registered with Legislature: Yes [] No [X]

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

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1/27/15
Meeting Date

Bill Number (if applicable)

Topic Workshop - Seminole Gaming Compact Amendment Barcode (if applicable) _____

Name Stella Thayer

Job Title President

Address 11225 Race Track Rd. Phone (813) 855-4401

TAMPA, FL 33626 Email _____
City State Zip

Speaking: For Against Information In Support Against
(The Chair will read this information into the record.)

Representing TAMPA BAY DOWNS

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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1-27-16

Meeting Date

Bill Number (if applicable)

Topic TRIBAL GAMING COMPACT

Amendment Barcode (if applicable)

Name DONN MITCHELL

Job Title CHIEF ADMINISTRATIVE OFFICER

Address Phone 314-306-0118

Street POMPANO BEACH

City State Zip

Speaking: For [] Against [] Information [x]

Waive Speaking: In Support [] Against [] (The Chair will read this information into the record.)

Representing SOUTH FLORIDA GAMING ASSOC.

Appearing at request of Chair: Yes [] No [x]

Lobbyist registered with Legislature: Yes [] No [x]

PRINCIPAL

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Marc Dunbar

Speak on

Job Title

Compact

Address

215 S Monroe

Phone

Street

Tam.

F

City

State

32312

Zip

Email

Speaking: For

Against

Information

Waive Speaking: In Support Against

(The Chair will read this information into the record.)

Representing

Stonach Group

Appearing at request of Chair: Yes No

Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

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1-27-2016
Meeting Date

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Seminole Gaming Compact

Name John Sowinski

Job Title President, No Casinos Inc

Address 201 S. Orange Ave, Ste 880

Orlando City FL State 32801 Zip

Phone 407-608-5904

Email sowinski@nocsos.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing No Casinos Inc

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Jan. 27, 2016
Meeting Date

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Seminole Gaming Compact

Name Amber Kelly

Job Title Legislative Assistant

Address 4853 S. Orange Ave

Orlando FL
City State

32806
Zip

Phone (407) 418-0250

Email amberke@floridafamilyaction.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Family Action

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/2016
Meeting Date

Bill Number (if applicable)

Topic Seminole Gaming Compact

Amendment Barcode (if applicable)

Name Bill Bunkley

Job Title President

Address PO Box 341644
Street

Phone (813) 264-2977

Tampa
City

FL
State

33694
Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Ethics & Religious Liberty Commission

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

CourtSmart Tag Report

Room: EL 110 Case No.:
Caption: Senate Committee on Regulated Industries

Type:
Judge:

Started: 1/27/2016 9:07:27 AM
Ends: 1/27/2016 11:00:52 AM Length: 01:53:26

9:08:38 AM Opening remarks from Chair
9:09:00 AM Roll call
9:09:38 AM Workshop on Gaming - Amy Baker presentation
9:32:51 AM Senator Sachs
9:34:28 AM Ms. Baker
9:35:47 AM Senator Sachs
9:36:30 AM Ms. Baker
9:37:18 AM Senator Margolis
9:38:18 AM Senator Abruzzo
9:39:17 AM Ms. Baker
9:40:00 AM Senator Abruzzo
9:40:06 AM Ms. Baker
9:40:33 AM Senator Margolis
9:40:58 AM Senator Abruzzo
9:42:03 AM Antonio Jefferson, City Manager, Gretna
9:44:02 AM Lonny Powell, FL Thoroughbred Breeders
9:47:51 AM Howard Korman, CEO, Jax Greyhound Racing
9:54:45 AM Senator Latvala
9:54:56 AM Mr. Korman
9:55:58 AM Senator Latvala
9:56:06 AM Stella Thayer, President, Tampa Bay Downs
9:59:15 AM Donn Mitchell, CFO, South FL Gaming Assoc.
10:05:18 AM Senator Bradley
10:06:06 AM Tab 1 SB 1602 - Senator Galvano
10:06:22 AM Amendment Barcode 956882 by Senator Negrón
10:07:24 AM Amendment adopted
10:07:45 AM SB 1602 as Amended favorable
10:08:33 AM Tab 2 SB 1528 - Senator Simpson
10:09:06 AM Amendment Barcode 496120 by Senator Flores
10:09:22 AM Amendment adopted
10:09:53 AM Greg Pound
10:11:35 AM SB 1528 as amended favorable
10:12:03 AM Motion for staff to make technical changes to SB 1528 adopted
10:12:17 AM Back to gaming workshop
10:12:26 AM Marc Dunbar
10:13:51 AM John Sowinski, President, No Casinos
10:17:46 AM Tab 4 SB 832 - Senator Negrón
10:20:08 AM Amendment Barcode 615790 by Senator Negrón
10:21:19 AM Senator Flores
10:21:48 AM Senator Negrón
10:22:31 AM Marc Dunbar, Stronach Group
10:23:41 AM Amendment adopted
10:24:37 AM Marc Dunbar, Stronach Group
10:27:02 AM Senator Negrón
10:27:31 AM Mr. Dunbar
10:27:38 AM Senator Negrón
10:28:14 AM Mr. Dunbar
10:29:52 AM Senator Negrón
10:30:14 AM Mr. Dunbar
10:31:06 AM Senator Margolis
10:32:56 AM Senator Negrón to close
10:34:46 AM Senator Abruzzo

10:36:12 AM Senator Flores
10:38:00 AM Senator Bradley
10:41:03 AM SB 832 favorable
10:42:14 AM Senator Sachs
10:45:56 AM Senator Bradley
10:46:16 AM Tab 3 SB 768 - Senator Flores
10:47:18 AM Amendment barcode 703218 by Senator Flores
10:47:30 AM Amendment favorable
10:47:48 AM Amendment barcode 685680 by Senator Flores
10:48:19 AM Mike Fewloss, Chief, Police Chiefs Assoc. against amendment
10:49:33 AM Jorge Chamizo, ADT & Florida Cable Telecomm Asso.
10:50:45 AM Senator Flores
10:51:12 AM Amendment adopted
10:51:36 AM SB 768 as amended favorable
10:52:40 AM Return to workshop
10:53:03 AM William White, FHBPA
10:54:55 AM Christian Malesic, President/CEO, Melbourne Chamber of Commerce
10:56:22 AM Laurine Fulles-Vargas, Florida Horseman & small business owners
10:58:45 AM Secretary Delacenserie, Sec. of Lottery Confirmation
10:59:46 AM Confirmation confirmed
Meeting adjourned



The Florida Senate

Committee Agenda Request

To: Senator Rob Bradley, Chair
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: October 19, 2015

I respectfully request that **Senate Bill #336**, relating to Property Insurance Appraisals, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink, appearing to read "Garrett Richter".

Senator Garrett Richter
Florida Senate, District 23