APPROPRIATIONS COMMITTEE

Tuesday, February 16, 2016
3:00 PM – 6:00 PM
212 Knott Building

Meeting Packet

Volume 2

REVISED

Steve Crisafulli
Speaker

Richard Corcoran
Chair

The Florida House of Representatives

Appropriations Committee

Steve Crisafulli
Speaker

Richard Corcoran
Chair

AGENDA

Tuesday, February 16, 2016
212 Knott Building
3:00 PM – 6:00 PM

I. Call to Order/Roll Call/Opening Remarks

II. **Consideration of the following bills:**

CS/CS/CS/HB 11 Missing Persons with Special Needs by Judiciary Committee, Education Appropriations Subcommittee, Criminal Justice Subcommittee, Porter
HB 117 Education Funding by Beshears
HB 331 Compensation of Victims of Wrongful Incarceration by DuBose
CS/HB 371 Florida Council on Poverty by Government Operations Subcommittee, Williams, A., Albritton
CS/HB 429 Military and Veterans Affairs by Veteran & Military Affairs Subcommittee, Steube
CS/HB 499 Ad Valorem Taxation by Local & Federal Affairs Committee, Avila
CS/HB 533 Arthur G. Dozier School for Boys by Government Operations Subcommittee, Narain
CS/HB 593 Government Accountability by Government Operations Subcommittee, Metz
CS/HB 701 Art in the Capitol Competition by K-12 Subcommittee, Lee
CS/HB 1235 Housing Assistance by Children, Families & Seniors Subcommittee, Miller, Brodeur
CS/HB 1299 Public Assistance by Children, Families & Seniors Subcommittee, Eagle
CS/HB 1347 Illicit Drugs by Criminal Justice Subcommittee, Ingram
HB 4027 Traffic Infraction Detectors by Artiles
HB 4049 Scrutinized Companies by Combee
HB 7107 Public Employees by State Affairs Committee, Caldwell

III. Adjournment

221 The Capitol, 402 South Monroe Street, Tallahassee, Florida 32399-1300
(850) 717-4810 Fax: (850) 488-9633

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1235 Housing Assistance
SPONSOR(S): Children, Families & Seniors Subcommittee, Miller, Brodeur and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1534

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Children, Families & Seniors Subcommittee	11 Y, 0 N, As CS	Langston	Brazzell
2) Appropriations Committee		Proctor	Leznoff
3) Economic Affairs Committee			

SUMMARY ANALYSIS

According to the 2015 Annual Homeless Assessment Report, Florida has the third highest number of persons who are homeless in the United States and a high percentage of unsheltered homelessness, meaning individuals who are homeless who stay in places not meant for human habitation.

There are a number of government programs and public-private partnerships that seek to provide affordable housing and reduce homelessness. The State Office on Homelessness (SOH) within the Department of Children and Families (DCF) serves as the central point of contact within state government for homelessness. SOH coordinates resources and programs across all levels of government and with private providers that serve individuals who are homeless. DCF is required to establish local coalitions to plan, network, coordinate, and monitor the delivery of services to the homeless.

The Florida Housing Finance Corporation (FHFC) is a public corporation that provides affordable housing through a number of programs, including the State Apartment Incentive Loan (SAIL) and State Housing Initiatives Partnership (SHIP) programs. The SAIL program provides low-interest loans on a competitive basis to affordable housing developers each year. The SHIP program provides funds to local governments to create partnerships that produce and preserve affordable homeownership and multifamily housing for very low, low and moderate-income families.

HB 1235 provides greater flexibility and increases accountably for programs receiving public funds to address homelessness by:

- Authorizing rapid re-housing as a strategy to address homelessness. Rapid re-housing is a model for providing housing for individuals and families who are homeless that places a priority on moving a family or individual experiencing homelessness into permanent housing as quickly as possible, ideally within 30 days.
- Creating a task force within SOH to make recommendations regarding the implementation of a Statewide Homeless Management Information System (HMIS).
- Changing the performance measures used by SOH to specific outcomes rather than outputs.
- Requiring SOH to establish performance measures and specific objectives by which to evaluate the performance and outcomes of lead agencies that receive grant funds.
- Requiring SOH to distribute grant funds based on lead agencies' performance and achievement of specified objectives.
- Modifying how SAIL program funds are distributed to certain tenant groups.
- Broadens the definition of "rent subsidy" under the SHIP program to include initial assistance to tenants, such as grants or loans for security and utility deposits, which had been previously disallowed.
- Clarifying the instances in which local governments participating in the SHIP program may provide ongoing rental assistance.
- Requiring the SOH and SHIP programs to engage the managing entities when addressing homelessness.
- Prohibiting a housing authority from applying to the federal government to seize a project, unit, or voucher of another established housing authority, regardless of each housing authority's areas of operation.
- Addressing the receipt of future funding from the federal National Housing Trust Fund. The federal National Housing Trust Fund was established in 2008. The goal of the trust fund is to provide ongoing, permanent, dedicated, and sufficient sources of revenue to build, rehabilitate, and preserve 1.5 million units of housing for the lowest-income families, including the homeless.

The bill does not appear to have a fiscal impact on state or local government.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

There are three main categories of persons who are homeless:

- *Sheltered homeless persons*: individuals who are staying in emergency shelters, transitional housing programs, or safe havens;
- *Unsheltered homeless persons*: individuals who stay in places not meant for human habitation, such as the streets, abandoned buildings, vehicles, or parks; and
- *Chronically homeless persons*: homeless individuals with disabilities who have been either continuously homeless for a year or more or have experienced at least four episodes of homelessness in the last three years.[1]

According to the 2015 Annual Homeless Assessment Report, Florida has the third highest number of persons who are homeless in the United States[2] and a high percentage of unsheltered homelessness, including a high number of unsheltered chronically homeless people.[3] However, while the number of homeless individuals is high, Florida had the largest decrease in homelessness from 2014 to 2015, reducing its homeless population by 5,642 individuals, or 13.6 percent.[4]

Housing First

In recent years, there has been a shift in the response to homelessness toward the Housing First philosophy.[5] Housing First provides a critical link between the emergency and transitional housing system and community-based social service, educational, and health care organizations.[6] This approach to homelessness differs from traditional approaches by providing housing assistance, case management, and support services responsive to individual or family needs after housing is obtained and emphasizes that social services provided to enhance individual and family well-being can be more effective when people are in their own home.[7] The Housing First approach addresses the societal causes of homelessness and advocates for the immediate return of individuals and families into housing and communities.[8]

Rapid Re-Housing

Rapid re-housing is a model for providing housing for individuals and families who are homeless that places a priority on moving a family or individual experiencing homelessness into permanent housing as quickly as possible, ideally within 30 days.[9] The rapid re-housing model developed from the

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[1] U.S. Department of Housing and Urban Development, *The 2015 Annual Homeless Assessment Report (AHAR) to Congress, PART 1: Point-in-Time Estimates of Homelessness,* (November 2015), *available at* https://www.hudexchange.info/resources/documents/2015-AHAR-Part-1.pdf (last visited January 22, 2016).
[2] Id. at 12. More than half of the homeless population in the United States was in five states: CA (21% or 115,738 people), NY (16% or 88,250 people), FL (6% or 35,900 people), TX (4% or 23,678 people), and MA (4% or 21,135 people).
[3] Id. at 23, 63. Over half of Florida's homeless population is estimated to be unsheltered; additionally, nearly 80 percent of Florida's chronically homeless are estimated to be unsheltered.
[4] Id. at 12-13. This is part of a larger trend for Florida, which has a decline in number of homeless individuals since 2007; Florida experienced a decline of 12,169 homeless individuals, or 25.3 percent, from 2007 to 2015.
[5] Mary Cunningham, Sarah Gillespie, and Jacqueline Anderson, *Rapid Re-housing: What the Research Says*, Urban Institute, (June 2015), pp. 8-9.
[6] S. 420.6275(2)(b), F.S.
[7] S. 420.6275(2)(a), F.S.
[8] Id.
[9] National Alliance to End Homelessness, *Rapid Re-Housing: A History and Core Components*, (2014), available at: http://www.endhomelessness.org/page/-/files/RRH%20Core%20Elements%20Brief.pdf (last visited January 22, 2016).

Housing First philosophy.[10] The model initially focused primarily on people experiencing homelessness due to short-term financial crises; however, programs across the country have begun to assist individuals and families who are traditionally perceived as more difficult to serve.[11]

There are three core components of rapid re-housing programs:

- *Housing identification services:* Households are matched to appropriate and affordable housing in the community.
- *Financial assistance for housing related expenses:* Time-limited financial assistance is provided to get individuals and families back on their feet.
- *Case management services:* Case management services are provided to help households address barriers that prevent access to or stability in stable housing.[12]

In 2008, the U.S. Department of Housing and Urban Development (HUD) expanded rapid re-housing through the Rapid Re-Housing for Homeless Families Demonstration program, which provided funds for pilot programs across the country.[13] In 2009, Congress established rapid re-housing as an eligible activity for federal Emergency Shelter Grants program funds.[14] Since federal funding for rapid re-housing first became available, a number of communities, including Palm Beach County, that prioritized rapid re-housing as a response to homelessness have seen decreases in the amount of time that households spend homeless, reduced recidivism to homelessness, and improved permanent housing outcomes relative to other available interventions.[15]

Affordable Housing for Low Income Individuals

In 1986, the Legislature created the "Florida Affordable Care Act of 1986"[16] to help alleviate crucial problems related to housing shortages for individuals with very low,[17] low,[18] and moderate incomes,[19] based on its findings that:

- Decent, safe, and sanitary housing for individuals of very low income, low income, and moderate income is a critical need in the state;
- New and rehabilitated housing must be provided at a cost affordable to such persons in order to alleviate this critical need;
- Special programs are needed to stimulate private enterprise to build and rehabilitate housing in order to help eradicate slum conditions and provide housing for very-low-income persons, low-income persons, and moderate-income persons as a matter of public purpose; and

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[10] The Florida Legislature expressed the intent to encourage homeless continuums of care to adopt the Housing First approach to ending homelessness for individuals and families in 2009. S. 420.6275(1), F.S.
[11] *Supra*, note 9. Those perceived as more difficult to serve include people with limited or no income, survivors of domestic violence, and those with substance abuse issues.
[12] *Supra*, note 5.
[13] *Supra*, note 12 at 9.
[14] Id.
[15] *Supra*, note 9.
[16] Ch. 86-192, Laws of Fla. created part VI of ch. 120, F.S.; Part VI was subsequently renamed the "Affordable Housing Planning and Community Assistance Act." Ch. 92-317, Laws of Fla.
[17] "Very-low-income persons" means one or more persons or a family, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or within the county in which the person or family resides, whichever is greater. S. 420.0004(17), F.S.
[18] "Low-income persons" means one or more persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the MSA or within the county in which the person or family resides, whichever is greater. S. 420.0004(11), F.S.
[19] "Moderate-income persons" means one or more persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the MSA or within the county in which the household is located, whichever is greater. S. 420.0004(12), F.S.

- Public-private partnerships are an essential means of bringing together resources to provide affordable housing.[20]

State Office on Homelessness

In 2001, the Florida Legislature created the State Office on Homelessness (SOH) within the Department of Children and Families (DCF) to serve as the central point of contact within state government for homelessness. SOH is responsible for coordinating resources and programs across all levels of government and with private providers that serve the homeless. It also manages targeted state grants to support the implementation of local homeless service continuum of care plans.[21]

Council on Homelessness

Also in 2001, the Legislature created the inter-agency Council on Homelessness. The 17-member council develops recommendations on how to reduce homelessness statewide and advises the SOH.[22]

Local Coalitions for the Homeless

DCF is required to establish local coalitions to plan, network, coordinate, and monitor the delivery of services to the homeless.[23] Groups and organizations provided the opportunity to participate in such coalitions include:

- Organizations and agencies providing mental health and substance abuse services;
- County health departments and community health centers;
- Organizations and agencies providing food, shelter, or other services targeted to the homeless;
- Local law enforcement agencies;
- Regional workforce boards;
- County and municipal governments;
- Local public housing authorities;
- Local school districts and local organizations and agencies serving specific subgroups of the homeless population such as veterans, victims of domestic violence, persons with HIV/AIDS, runaway youth; and
- Local community-based care alliances.[24]

Continuum of Care

The local coalition serves as the lead agency for the local homeless assistance continuum of care.[25] Section 420.621(1), F.S., defines "continuum of care" as the community components needed to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximum self-sufficiency; it includes action steps to end homelessness and prevent a return to homelessness.

A local homeless assistance continuum of care is a framework for a comprehensive and seamless array of emergency, transitional, and permanent housing, and services to address the various needs of the homeless and those at risk of homelessness.[26] The purpose of this framework is to help communities and regions envision, plan, and implement comprehensive and long-term solutions.[27]

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[20] S. 420.6015, F.S.
[21] S. 420.622(1), F.S.
[22] Id.
[23] S. 420.623, F.S.
[24] Id.
[25] S. 420.624, F.S.
[26] Id.
[27] Id.

The local homeless assistance continuum of care planning effort is an ongoing process that addresses all subpopulations of the homeless. The development of a local continuum of care plan is a prerequisite to applying for federal housing grants through HUD and makes the community eligible to compete for the state's Challenge Grant and Homeless Housing Assistance Grant.[28]

Challenge Grants

In 2001, the Florida established the Challenge Grant and authorized SOH to accept and administer moneys appropriated to it to provide Challenge Grants annually to designated lead agencies of homeless assistance continuums of care. SOH may award grants in an amount of up to $500,000 per lead agency.[29] In order to qualify for a grant, the lead agency must develop and implement a local homeless assistance continuum of care plan for its designated area.[30]

DCF must establish award levels for Challenge Grants specifying criteria to determine award levels and, after consultation with the Council on Homelessness, to specify the grant award levels in the notice of solicitation of grant applications.[31] Any lead agency that receives a Challenge Grant must submit reports to DCF detailing its use of the grant funds.[32]

The Challenge Grant was funded out of an appropriation to DCF through Fiscal Year 2012-13.[33] In 2014, the Challenge Grant was funded through the Florida Housing Finance Trust Fund,[34] and DCF awarded 15 of the 28 lead agencies Challenge Grant funding in 2014.[35]

Homeless Housing Assistance Grants

SOH is authorized to accept and administer moneys appropriated to it to provide Homeless Housing Assistance Grants annually to lead agencies of local homeless assistance continuum of care.[36] The grants may not exceed $750,000 per project and an applicant may spend a maximum of five percent of its funding on administrative costs; funds must be used to acquire, construct, or rehabilitate transitional or permanent housing units for homeless persons.[37]

Florida Housing Finance Corporation

The Legislature created the Florida Housing Finance Agency in 1980.[38] The Legislature reconstituted it as a public corporation, the Florida Housing Finance Corporation (FHFC), in 1997.[39] The duties of the FHFC are to

- Encourage the investment of private capital in residential housing through the use of public financing to deal with the problem of disintermediation;[40]
- Stimulate the construction and rehabilitation of residential housing

[28] Florida Department of Children and Families, *Lead Agencies*, http://www.myflfamilies.com/service-programs/homelessness/lead-agencies (last visited January 22, 2016).
[29] Section 420.622, F.S.
[30] Id.
[31] Department of Children and Families, Agency Analysis of 2015 Senate Bill 1500 (Mar. 9, 2015) p. 2 (on file with Children, Families, and Seniors Subcommittee staff).
[32] Id.
[33] Id.
[34] Id. For fiscal year 2015-2015, the Legislature provided a specific appropriation of $3,800,000 to DCF for the grants and DEO received $200,000 for training and technical assistance. S. 6, ch. 15-232, Laws of Fla.
[35] *Supra*, note 31
[36] Department of Economic Opportunity, Agency Analysis of 2015 House Bill 379 (Jan. 22, 2015.) p. 2 (on file with Children, Families, and Seniors Subcommittee staff).
[37] Id.
[38] Ch. 80-161, Laws of Fla.
[39] Ch. 97-167, Laws of Fla.; as a public corporation, FHFC was no longer a department of the executive branch of state government.
[40] Disintermediation is the elimination of intermediaries in a supply chain, or "cutting out the middlemen," in connection with a transaction or a series of transactions

- Facilitate the purchase and sale of existing residential housing;
- Provide construction and mortgage loans for projects; and
- Make loans to and purchase mortgage loans from private lending institutions.[41]

FHFC provides affordable housing opportunities through a number of programs, including the State Apartment Incentive Loan (SAIL) and State Housing Initiatives Partnership (SHIP) programs.

State Apartment Incentive Loan (SAIL) Program

The Legislature created the SAIL program in 1988[42] for the purpose of providing mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.[43]

The SAIL program provides low-interest loans on a competitive basis to affordable housing developers each year.[44] This funding often serves to bridge the gap between the development's primary financing and the total cost of the development and is available to individuals, public entities, not-for-profit or for-profit organizations that propose the construction or substantial rehabilitation of multifamily units affordable to very low-income individuals and families.[45]

SAIL program funds must be distributed in a manner that meets the need and demand for very low-income housing throughout the state. The need and demand must be determined by using the most recent statewide low-income rental housing market studies available. SAIL program funding is reserved for use within statutorily defined counties (large, medium, and small)[46] and for properties providing units for specified tenant groups.

During the first 6 months of loan or loan guarantee availability, program funds must be reserved for use by sponsors who provide the required housing set-aside for specified tenant groups. Currently, the reservation of funds within each notice of fund availability to the tenant groups is as follows:

- For commercial fishing workers, farmworkers, families and elderly persons the reservation of funds may not be less than 10 percent of the funds available at that time;
- For persons who are homeless the reservation of funds may not be less than 5 percent of the funds available at that time; and
- For persons with special needs the reservation of funds may not be more than 10 percent of the funds available at that time.[47]

The University of Florida's Shimberg Center for Housing Studies[48] prepares the rental housing market study for the Florida Finance Housing Corporation (FHFC).[49] Below is a comparison of the actual need based on the most recent Rental Market Study compared to the current statutory reservation requirements for the specified tenant groups:

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[41] S. 420.502(7), F.S.
[42] Ch. 88-376, Laws of Fla.
[43] S. 420.5087, F.S.
[44] For fiscal year 2015-2015, the Legislature provided a specific appropriation of $48 million to fund the construction or rehabilitation of units through the sail program. S. 6, ch. 15-232, Laws of Fla.
[45] Florida Housing Finance Corporation, *State Apartment Incentive Loan Program*, available at: http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0173 (last visited January 22, 2016).
[46] Section 420.5087(1), F.S., provides that funds must be allocated to the following categories of counties: counties that have a population of 845,000 or more ("large"); counties that have a population of more than 100,000 but less than 825,000 ("medium"); and counties that have a population of 100,000 or less ("small").
[47] Section 420.5087, F.S.
[48] Shimberg Center for Housing Studies is statutorily required to develop and maintain statewide data on housing needs and production, provide technical assistance relating to real estate development and finance, operate an information clearinghouse on housing programs, and coordinate state housing initiatives with local government and federal programs. S. 420.0003(4)(c), F.S.
[49] Shimberg Center for Housing Studies, University of Florida, *2013 Rental Market Study: Affordable Rental Housing Needs,* April 7, 2013, *available at* http://www.shimberg.ufl.edu/publications/Full_RMS_Needs.pdf (last visited January 22, 2016).

Specified Tenant Group	Actual Percentage of Total Households in Need in 2013	Current Statutory Reservation Requirements
Commercial fishing workers and farmworker households	4 percent	Not less than 10 percent
Persons who are homeless	10 percent	Not less than 5 percent
Persons with special needs	13 percent	Not more than 10 percent
Elder persons	20 percent	Not less than 10 percent
Families	53 percent	Not less than 10 percent

Under current law, the statutory requirement to reserve funds for the commercial fishing worker and farmworker household tenant group significantly exceeds the actual housing need for this group. The current statutory "cap" on the reservation for the persons with special needs (no more than 10 percent) did not allow the program to address the actual housing need for this group (13 percent) during the first 6 months of loan or loan guarantee availability.

State Housing Initiatives Partnership (SHIP) Program

The Legislature created the SHIP program in 1992[50] to provide funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing. The program was designed to serve very low, low, and moderate-income families and is administered by the Florida Housing Finance Corporation (FHFC). Funds for the SHIP program are derived from the collection of documentary stamp tax revenues, which are deposited into the Local Government Housing Trust Fund and then allocated to local governments each month on a population-based formula.[51]

As a component of the program, under section 420.606(3), F.S., the Department of Economic Opportunity (DEO) provides training and technical assistance to staff of state and local government entities, community-based organizations, and persons forming such organizations for the purpose of developing new housing and rehabilitating existing housing that is affordable for persons of very low income, low income, and moderate income. Funding is dependent upon a specific appropriation of the Legislature.[52] For Fiscal Year 2015-2016, the Legislature provided a specific appropriation of $105 million to the SHIP program, and required that $4 million of which be used to provide services to homeless persons.[53]

Public Housing Authorities

The state role in housing and urban development is outlined in part I of ch. 421, F.S., (Housing Authorities Law), ch. 422, F.S., (Housing Cooperation Law), and ch. 423, F.S., (Tax Exemption of Housing Authorities). Section 421.02, F.S., finds that there is a shortage of safe or sanitary dwelling accommodations available at rents that persons of low income can afford. To provide such accommodations, housing authorities may acquire property to be used for, or in connection with, housing projects. Public money may only be spent to acquire private property for exclusively public uses and purposes, and the purposes must be determined to be governmental functions of public concern.

[50] Ch. 92-317, Laws of Fla.
[51] S. 420.9073, F.S.
[52] Department of Economic Opportunity, Agency Analysis of 2015 Senate Bill 1500 (Mar. 9, 2015) p. 2 (on file with Children, Families, and Seniors Subcommittee staff).
[53] Ch. 15-232, Laws of Fla.

City, County, and Regional Housing Authorities

Florida Statutes provide for the creation of special district, city, county and regional housing authorities. Of the 110 public housing authorities in Florida,[54] 90 are special districts.[55]
The determination of the need for a city housing authority may be made by the governing body of a city or upon the filing of a petition signed by 25 city residents. The mayor, with the approval of the governing body, appoints no fewer than five and no more than seven persons as commissioners of the authority.[56] The powers of each authority are vested in the commissioners and action may be taken upon a majority vote of the commissioners.[57] Housing authorities have the power to:

- Acquire, lease, and operate housing projects;
- Provide for the construction, reconstruction, improvement, alteration, or repair of any housing project;
- Lease or rent dwellings, houses, accommodations, lands, buildings, structures, or facilities embraced in any housing project; and
- Invest funds held in reserves or sinking funds.[58]

Section 421.27, F.S., governs the creation and powers of county housing authorities, which is similar to the creation of city housing authorities. A regional housing authority may be created by two or more contiguous counties if a regional entity would be a more economically or administratively efficient unit.[59]

Housing Authorities' Use of Federal Aid

Section 421.21, F.S., empowers a housing authority to borrow money or accept grants or other financial assistance from the federal government for housing projects. This section also allows a housing authority to take over or lease or manage any housing project or undertaking constructed or owned by the federal government. In addition, an authority is authorized to do any and all things necessary or desirable to secure the aid or cooperation of the federal government for any housing project by the housing authority.

Federal National Housing Trust Fund

In July 2008, the Housing and Economic Recovery Act was signed into law,[60] establishing a federal National Housing Trust Fund (NHTF), among other housing-related provisions. Although the NHTF has been established, a permanent funding stream has not been secured.[61] The goal of the NHTF is to provide ongoing, permanent, dedicated, and sufficient sources of revenue to build, rehabilitate, and preserve 1.5 million units of housing for the lowest-income families, including people experiencing homelessness, over the next 10 years. The NHTF particularly aims to increase and preserve the supply of rental housing that is affordable for extremely[62] and very low-income households, and increase homeownership opportunities for those households. To prevent funding for the NHTF from

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[54] Florida Housing Data Clearing House, *Public Housing Agency Results*, http://flhousingdata.shimberg.ufl.edu/a/public_housing_agency?next=results&submit_submit.x=15&submit_submit.y=13&nid=1 (last visited January 22, 2016).
[55] Florida Department of Economic Opportunity, *Official List of Special Districts Online*, https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/websitelist.cfm (last visited January 22, 2016).
[56] At least one commissioner must be a resident of a housing project or a person of low income who resides within the housing authority's jurisdiction and is receiving a rent subsidy. S. 4231.05(1), F.S.
[57] S. 421.06, F.S.
[58] S. 421.08, F.S.,
[59] S. 421.28, F.S.
[60] Public Law 110-289.
[61] The National Alliance to End Homelessness. *National Housing Trust Fund*, http://www.endhomelessness.org/pages/national_housing_trust_fund (last visited January 22, 2016).
[62] "Extremely-low-income persons" means one or more persons or a family, the total annual adjusted gross household income of which does not exceed 30 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or within the county in which the person or family resides, whichever is greater. S. 420.000(13), F.S.

competing with existing U.S. Department of Housing and Urban Development programs, this revenue is expected to be separate from the current appropriations process.[63]

Managing Entities

In 2001, the Legislature authorized DCF to implement behavioral health managing entities as the management structure for the delivery of local mental health and substance abuse services.[64] The Legislature determined that a management structure, which places the responsibility for publicly financed behavioral health treatment and prevention services within a single private, nonprofit entity at the local level would promote improved access to care, promote service continuity, and provide efficient and effective delivery of substance abuse and mental health services.[65]

DCF currently contracts with 7 managing entities that in turn contract with local service providers for the delivery of mental health and substance abuse services.[66] Managing entities create and manage provider networks by contracting with service providers for the delivery of substance abuse and mental health services.

Effect of the Bill:

Rapid Re-Housing

HB 1235 creates s. 420.6265, F.S., which authorizes the use of rapid re-housing as a strategy to address homelessness. The bill provides a statement of legislative intent, finding that:

- While emergency shelter and transitional housing programs may provide critical access to services for individuals and families in crisis, such programs often fail to address the long-term needs of individuals and families in crisis.
- Most individuals and families become homeless as a result of a financial crisis that prevents individuals and families from paying rent or a domestic conflict that results in one family member being ejected or leaving without resources or a plan for housing.
- Rapid re-housing is an alternative approach to the current system of emergency shelter or transitional housing that tends to reduce the length of time of homelessness and has proven to be cost effective.
- Rapid re-housing is a strategy of using temporary financial assistance and case management to quickly move an individual or family out of homelessness and into permanent housing.
- The Legislature encourages homeless continuums of care to adopt the rapid re-housing approach to preventing homelessness for individuals and families who do not require the intense level of supports provided in the permanent supportive housing model.

The bill provides that by using the rapid re-housing approach, communities can significantly reduce the amount of time that individuals and families are homeless and prevent further episodes of homelessness. The objective of rapid re-housing is to provide assistance for as short a time as possible so that the individual or family receiving assistance does not develop a dependency on the assistance. The bill also adds rapid re-housing as a component for local homeless assistance continuum of care plans.

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[63] *Supra*, note 61.
[64] Ch. 2001-191, Laws.
[65] S. 394.9082, F.S.
[66] Department of Children and Families *Managing Entities*, http://www.myflfamilies.com/service-programs/substance-abuse/managing-entities (last visited January 26, 2016).

State Office on Homelessness

Statewide Homeless Management Information System (HMIS) Task Force

The bill creates a task force within SOH to make recommendations regarding the implementation of a Statewide Homeless Management Information System (HMIS). The task force must:

- Define the conceptual framework of such a system;
- Study existing statewide HMIS models;
- Establish an inventory of local HMIS systems, including providers and license capacity;
- Examine the aggregated reporting being provided by local continuums of care;
- Complete an analysis of current continuum of care resources;
- Provide recommendations on the costs and benefits of implementing a statewide HMIS; and
- Make recommendations regarding the development of a statewide, centralized coordinated assessment system in conjunction with the implementation of a statewide HMIS.

The task force must report its findings regarding the implementation of a statewide HMIS to the Council on Homelessness no later than December 31, 2016.

The bill also requires SOH to engage the managing entities when addressing homelessness. SOH must provide support to the managing entities' efforts to address the needs of the homeless populations within their geographic service areas, subject to available funding. Additionally, SOH must give the managing entities the opportunity to participate in local homeless coalitions.

Performance Measures

The bill changes the performance measures set by SOH from outputs to outcomes. The bill requires SOH, in conjunction with the Council on Homelessness, to establish performance measures and specific objectives by which it may evaluate the performance and outcomes of lead agencies that receive grant funds. Additionally, the bill requires SOH must distribute funding to lead agencies based on their overall performance and their achievement of specified objectives.

The bill changes the performance measures used to evaluate lead agencies from the number of homeless individuals provided shelter, food, counseling, and job training, to the:

- Number of persons or households that are no longer homeless;
- Rate of recidivism to homelessness; and
- Number of persons who obtain gainful employment.

These performance measures will better inform SOH about the progress lead agencies are making in reducing homelessness.

Additionally, for communities or regions that implement local homeless assistance continuum of care plans, the bill requires SOH, in conjunction with the Council on Homelessness, to include in the plan a methodology for assessing performance and outcomes. SOH is required to provide a standardized format for the reporting of performance and outcome data.

Grant Awards

The bill requires SOH to administer Challenge Grants. It removes the requirements that award levels be based upon the total population within the continuum of care catchment area and reflect the differing degrees of homelessness in the catchment planning areas. This will give SOH greater discretion in how it awards Challenge Grants.

The bill limits how the lead agencies may spend leveraged funds and resources that comprise the matching funds for grants received. Expenditures of these leveraged funds or resources must be certified through a written commitment. Additionally, the bill limits the use of funds to eligible activities on projects that have not been used as leverage or match for any other project or program.

State Apartment Incentive Loan (SAIL) Program

The bill amends s. 420.5087, F.S., to modify the reservation requirements under the SAIL program for three of the five specified tenant groups. The bill lowers the SAIL funding floor for commercial fishing workers and farmworkers from not less than 10 percent to not less than five percent. The bill increases the SAIL funding floor for persons who are homeless from five percent to 10 percent. The bill removes the cap on spending on persons with special needs, and replaces it with a SAIL funding floor of not less than 10 percent.

Specified Tenant Group	Current Statutory Reservation Requirements	Statutory Reservation Requirements in HB 1235
Commercial fishing workers and farmworkers	Not less than 10 percent	Not less than 5 percent
Persons who are homeless	Not less than 5 percent	Not less than 10 percent
Persons with special needs	Not more than 10 percent	Not less than 10 percent
Elder persons	Not less than 10 percent	Not less than 10 percent
Families	Not less than 10 percent	Not less than 10 percent

State Housing Initiatives Partnership (SHIP) Program

Rent Subsidies

The bill broadens the definition of "rent subsidy" under the SHIP program to include initial assistance to tenants, such as grants or loans for security and utility deposits, which had been previously disallowed. Additionally, the bill clarifies the instances in which local governments participating in the SHIP program may provide ongoing rental assistance; they may only expend local housing distribution to provide ongoing rent subsidies for:

- Security and utility deposit assistance;
- Eviction prevention not to exceed 6 months' rent; or
- A rent subsidy program for very-low-income families with at least one person with special needs or one individual experiencing homelessness, for a period not exceed 12 months.

Solely for Fiscal Year 2015-2016, pursuant to the legislation implementing the 2015-2016 General Appropriations Act, local governments participating in the SHIP program could use up to 25 percent of their funds to provide rent subsidies.[67] HB 1235 broadens the authority for local governments participating in the SHIP program to provide eviction prevention (which was previously limited to a one-time payment) and creates a new category of individuals to whom assistance may be provided for up to 12 months.

Reporting

The bill specifies that the annual reports submitted by local governments participating in the SHIP program must also include a description of the local governments' efforts to reduce homelessness.

[67] S. 420.9072(10) expires on July 1, 2016. S. 67, ch. 2015-222, added subsection (10) "[i]n order to implement Specific Appropriation 2241 of the 2015-2016 General Appropriations Act."

Local Housing Assistance Plan

The bill adds lead agencies of local homeless assistance continuums of care and managing entities to the list of entities with which local governments are encouraged to partner when developing local housing assistance plans under the SHIP program. The bill encourages local governments to develop a strategy within their local housing assistance plans that provides program funds for reducing homelessness.

The bill permits up to 25 percent of SHIP funds from the local housing distribution to be reserved for rental housing for eligible persons or for the purposes of:

- Security and utility deposit assistance;
- Evection prevention not to exceed 6 months' rent; or
- A rent subsidy program for very-low-income families with at least one person with special needs or one individual experiencing homelessness, for a period not exceed 12 months.

Public Housing Authorities

The bill prohibits a housing authority from applying to the federal government to seize a project, unit, or voucher of another established housing authority, regardless of each housing authority's areas of operation.

The bill provides that housing authorities are exempt from the provisions of s. 215.425, F.S., which addresses extra compensation, bonuses, and severance pay. It also exempts housing authorities from reporting requirements of s. 218.32, F.S.; however, it requires them to submit a full financial accounting and audit in accordance with federal audit standards to the federal government biennially. This removes duplicative reporting requirements currently placed on public housing authorities.

National Housing Trust Fund

The bill creates s. 420.9089, F.S., relating to the NHTF. It provides a Legislative finding that more funding for housing to assist individuals and families who are experiencing homelessness is needed and encourages the state entity designated to administer funds made available to the state from the NHTF to propose an allocation plan that includes strategies to reduce homelessness in this state.

The FHFC is the state entity designated by the Legislature to administer funds made available to the state from the NHTF.[68] HUD will officially release the grant amount from the NHTF for each state in April 2016.[69] Each state must adopt an Allocation Plan that has been developed through a public process involving citizen participation, and may include strategies to address homelessness.[70] The funding must be used primarily to assist households with specified incomes and 90 percent of the funds must be used to produce rental housing.[71]

B. SECTION DIRECTORY:

Section 1: Amends s. 420.5087, F.S., relating to State Apartment Incentive Loan Program.
Section 2: Amends s. 420.622, F.S., relating to State Office on Homelessness; Council on Homelessness.
Section 3: Amends s. 420.623, F.S., relating to local coalitions for the homeless.
Section 4: Amends s. 420.624, F.S., relating to local homeless assistance continuum of care.
Section 5: Creates s. 420.6265, F.S., relating to Rapid Re-Housing.

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[68] Email from Jacqueline Peters, Legislative Director, Florida Housing Finance Corporation, RE: HB 1235 (Jan. 19, 2015) (on file with Children, Families, and Seniors Subcommittee staff).
[69] Id.
[70] Id.
[71] See 24 C.F.R. § 93, for the interim rule guiding the implementation of the National Housing Trust Fund.

Section 6: Amends s. 420.9071, F.S., relating to definitions.
Section 7: Amends s. 420.9072, F.S., relating to State Housing Initiatives Partnership Program.
Section 8: Amends s. 420.9075, F.S., relating to local housing assistance plans; partnerships.
Section 9: Creates s. 420.9089, F.S., relating to National Housing Trust Fund.
Section 10: Amends s. 421.04, F.S., relating to creation of housing authorities.
Section 11: Amends s. 421.05, F.S., relating to appointment, qualifications, and tenure of commissioners; hiring of employees.
Section 12: Amends s. 421.091, F.S., relating to financial accounting and investments; fiscal year.
Section 13: Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

While the bill does not provide an appropriation it does modify the SAIL program to decrease the unit reservation requirements for commercial fishing workers and farmworkers from a minimum of ten percent to a minimum of five percent, and increase the unit reservation requirement for persons who are homeless from five percent to ten percent. To the extent the legislature appropriates future funds for the SAIL program, these modifications will not impact the development of affordable housing, only the number of required affordable housing units that must be set aside for a specific population to utilize.

In addition, the bill removes the SAIL program cap on spending for persons with special needs and the elderly, and replaces it with a SAIL funding floor of not less than ten percent for each. To the extent the legislature appropriates future funds for the SAIL program, any increase in affordable housing funding provided for these two populations above ten percent would see a corresponding decrease in funding provided for the other populations.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

While the bill does not contain an appropriation, it alters the criteria by which programs addressing affordable housing and homelessness are funded and how those programs may spend grants and other state funds. For example, the bill adds rapid re-housing as a component for local homeless assistance continuum of care plans to provide assistance for as short a time as possible so that an individual or family receiving assistance does not develop a dependency on the assistance. To the extent a local government provides funding for rapid re-housing programs other program areas may see a corresponding decrease in funding.

The bill broadens the definition of "rent subsidy" under the SHIP program to include initial assistance to tenants, such as grants or loans for security and utility deposits, which had been previously disallowed. Additionally, the bill clarifies the instances in which local governments participating in the SHIP program may provide ongoing rental assistance; they may only expend

local housing distribution to provide ongoing rent subsidies for security and utility deposit assistance; eviction prevention not to exceed 6 months of rent; or a rent subsidy program for very-low-income families with at least one person with special needs or one individual experiencing homelessness, for a period not exceed 12 months. To the extent a local government increases their funding for rent subsidy programs other program areas may see a corresponding decrease in funding.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

While the bill does not contain an appropriation, it alters the criteria by which programs addressing homelessness are funded and how those programs may spend grants and other state funds. For example, the change in the performance measures set by SOH for lead agencies that receive grant funds could affect the funding that lead agencies receive depending on the lead agency's performance and whether or not it achieve specified objectives.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 26, 2016, the Children, Families and Seniors Subcommittee adopted three amendments to involve the managing entities in plans and programs to address homelessness. The amendments:

- Direct SOH, subject to available funding, to provide support to the managing entities' efforts to address the needs of the homeless populations within their geographic service areas.
- Add managing entities as one of the organizations that should be given the opportunity to participate in local homeless coalitions that are established by SOH.
- Encourage local SHIP programs to involve the managing entities in their partnership process for local housing assistance plans.

The bill was reported favorably as a committee substitute. The analysis is drafted to the committee substitute.

1 A bill to be entitled
2 An act relating to housing assistance; amending s.
3 420.5087, F.S., relating to the State Apartment
4 Incentive Loan Program; revising the reservation of
5 program funds within each notice of fund availability
6 to specified tenant groups; amending s. 420.622, F.S.;
7 requiring that the State Office on Homelessness
8 coordinate among certain agencies and providers to
9 produce a statewide consolidated inventory for the
10 state's entire system of homeless programs which
11 incorporates regionally developed plans; directing the
12 State Office on Homelessness to create a task force to
13 make recommendations regarding the implementation of a
14 statewide Homeless Management Information System
15 subject to certain requirements; requiring the task
16 force to include in its recommendations the
17 development of a statewide, centralized coordinated
18 assessment system; requiring the task force to submit
19 a report to the Council on Homelessness by a specified
20 date; deleting the requirement that the Council on
21 Homelessness explore the potential of creating a
22 statewide Management Information System and encourage
23 future participation of certain award or grant
24 recipients; requiring the State Office on Homelessness
25 to provide support for managing entities for certain
26 purposes; requiring the State Office on Homelessness

27 to accept and administer moneys appropriated to it to
28 provide annual challenge grants to certain lead
29 agencies of homeless assistance continuums of care;
30 removing the requirement that levels of grant awards
31 be based upon the total population within the
32 continuum of care catchment area and reflect the
33 differing degrees of homelessness in the respective
34 areas; allowing expenditures of leveraged funds or
35 resources only for eligible activities subject to
36 certain requirements; providing that preference for a
37 grant award must be given to those lead agencies that
38 have demonstrated the ability to leverage specified
39 federal homeless-assistance funding with local
40 government funding and private funding, for the
41 provision of services to individuals experiencing
42 homelessness; revising preference conditions relating
43 to grant applicants; requiring the State Office on
44 Homelessness, in conjunction with the Council on
45 Homelessness, to establish specific objectives by
46 which it may evaluate the outcomes of certain lead
47 agencies; requiring that any funding through the State
48 Office on Homelessness be distributed to lead agencies
49 based on their performance and achievement of
50 specified objectives; revising the factors that may be
51 included as criteria for evaluating the performance of
52 lead agencies; amending s. 420.623, F.S.; requiring

53 that managing entities be given an opportunity to
54 participate in local coalitions for the homeless;
55 amending s. 420.624, F.S.; revising requirements for
56 the local homeless assistance continuum of care plan;
57 providing that the components of a continuum of care
58 plan should include Rapid ReHousing; requiring that
59 specified components of a continuum of care plan be
60 coordinated and integrated with other specified
61 services and programs; creating s. 420.6265, F.S.;
62 providing legislative findings and intent relating to
63 Rapid ReHousing; providing a Rapid ReHousing
64 methodology; amending s. 420.9071, F.S.; revising the
65 definition of the term "rent subsidies"; conforming a
66 cross-reference; amending s. 420.9072, F.S.;
67 prohibiting a county or an eligible municipality from
68 expending its portion of the local housing
69 distribution to provide ongoing rent subsidies;
70 providing exceptions; amending s. 420.9075, F.S.;
71 providing that a certain partnership process of the
72 State Housing Initiatives Partnership Program should
73 involve lead agencies of local homeless assistance
74 continuums of care and managing entities; encouraging
75 counties and eligible municipalities to develop a
76 strategy within their local housing assistance plans
77 which provides program funds for reducing
78 homelessness; revising the criteria that apply to

79 awards made to sponsors or persons for the purpose of
80 providing housing; requiring that a specified report
81 submitted by counties and municipalities include a
82 description of efforts to reduce homelessness;
83 creating s. 420.9089, F.S.; providing legislative
84 findings and intent; amending s. 421.04, F.S.;
85 prohibiting a housing authority from applying to the
86 Federal Government to seize projects, units, or
87 vouchers of another established housing authority;
88 amending s. 421.05, F.S.; exempting housing
89 authorities from specified provisions with respect to
90 the payment of extra compensation claims, bonuses, and
91 severance pay; amending s. 421.091, F.S.; requiring a
92 full financial accounting and audit of public housing
93 agencies to be submitted to the Federal Government
94 pursuant to certain requirements; exempting housing
95 authorities from specified reporting requirements;
96 providing an effective date.
97
98 Be It Enacted by the Legislature of the State of Florida:
99
100 Section 1. Subsection (3) of section 420.5087, Florida
101 Statutes, is amended to read:
102 420.5087 State Apartment Incentive Loan Program.—There is
103 hereby created the State Apartment Incentive Loan Program for
104 the purpose of providing first, second, or other subordinated

105 mortgage loans or loan guarantees to sponsors, including for-
106 profit, nonprofit, and public entities, to provide housing
107 affordable to very-low-income persons.
108 (3) During the first 6 months of loan or loan guarantee
109 availability, program funds shall be reserved for use by
110 sponsors who provide the housing set-aside required in
111 subsection (2) for the tenant groups designated in this
112 subsection. The reservation of funds to each of these groups
113 shall be determined using the most recent statewide very-low-
114 income rental housing market study available at the time of
115 publication of each notice of fund availability required by
116 paragraph (6)(b). The reservation of funds within each notice of
117 fund availability to the tenant groups in paragraphs (b)-(e)
118 ~~(a), (b), and (c)~~ may not be less than 10 percent of the funds
119 available at that time. Any increase in funding required to
120 reach the 10-percent minimum must be taken from the tenant group
121 that has the largest reservation. The reservation of funds
122 within each notice of fund availability to the tenant group in
123 paragraph (a) ~~(c)~~ may not be less than 5 percent of the funds
124 available at that time. ~~The reservation of funds within each~~
125 ~~notice of fund availability to the tenant group in paragraph (d)~~
126 ~~may not be more than 10 percent of the funds available at that~~
127 ~~time.~~ The tenant groups are:
128 (a) Commercial fishing workers and farmworkers;
129 (b) Families;
130 (c) Persons who are homeless;

131 (d) Persons with special needs; and
132 (e) Elderly persons. Ten percent of the amount reserved
133 for the elderly shall be reserved to provide loans to sponsors
134 of housing for the elderly for the purpose of making building
135 preservation, health, or sanitation repairs or improvements
136 which are required by federal, state, or local regulation or
137 code, or lifesafety or security-related repairs or improvements
138 to such housing. Such a loan may not exceed $750,000 per housing
139 community for the elderly. In order to receive the loan, the
140 sponsor of the housing community must make a commitment to match
141 at least 5 percent of the loan amount to pay the cost of such
142 repair or improvement. The corporation shall establish the rate
143 of interest on the loan, which may not exceed 3 percent, and the
144 term of the loan, which may not exceed 15 years; however, if the
145 lien of the corporation's encumbrance is subordinate to the lien
146 of another mortgagee, then the term may be made coterminous with
147 the longest term of the superior lien. The term of the loan
148 shall be based on a credit analysis of the applicant. The
149 corporation may forgive indebtedness for a share of the loan
150 attributable to the units in a project reserved for extremely-
151 low-income elderly by nonprofit organizations, as defined in s.
152 420.0004(5), where the project has provided affordable housing
153 to the elderly for 15 years or more. The corporation shall
154 establish, by rule, the procedure and criteria for receiving,
155 evaluating, and competitively ranking all applications for loans
156 under this paragraph. A loan application must include evidence

157 of the first mortgagee's having reviewed and approved the
158 sponsor's intent to apply for a loan. A nonprofit organization
159 or sponsor may not use the proceeds of the loan to pay for
160 administrative costs, routine maintenance, or new construction.
161 Section 2. Paragraphs (a) and (b) of subsection (3) and
162 subsections (4), (5), and (6) of section 420.622, Florida
163 Statutes, are amended, and paragraph (p) is added to subsection
164 (3) of that section, to read:
165 420.622 State Office on Homelessness; Council on
166 Homelessness.—
167 (3) The State Office on Homelessness, pursuant to the
168 policies set by the council and subject to the availability of
169 funding, shall:
170 (a) Coordinate among state, local, and private agencies
171 and providers to produce a statewide consolidated inventory
172 ~~program and financial plan~~ for the state's entire system of
173 homeless programs which incorporates regionally developed plans.
174 Such programs include, but are not limited to:
175 1. Programs authorized under the Stewart B. McKinney
176 Homeless Assistance Act of 1987, 42 U.S.C. ss. 11371 et seq.,
177 and carried out under funds awarded to this state; and
178 2. Programs, components thereof, or activities that assist
179 persons who are homeless or at risk for homelessness.
180 (b) Collect, maintain, and make available information
181 concerning persons who are homeless or at risk for homelessness,
182 including demographics information, current services and

183 resources available, the cost and availability of services and
184 programs, and the met and unmet needs of this population. All
185 entities that receive state funding must provide access to all
186 data they maintain in summary form, with no individual
187 identifying information, to assist the council in providing this
188 information. The State Office on Homelessness shall establish a
189 task force to make recommendations regarding the implementation
190 of a statewide Homeless Management Information System (HMIS).
191 The task force shall define the conceptual framework of such a
192 system; study existing statewide HMIS models; establish an
193 inventory of local HMIS systems, including providers and license
194 capacity; examine the aggregated reporting being provided by
195 local continuums of care; complete an analysis of current
196 continuum of care resources; and provide recommendations on the
197 costs and benefits of implementing a statewide HMIS. The task
198 force shall also make recommendations regarding the development
199 of a statewide, centralized coordinated assessment system in
200 conjunction with the implementation of a statewide HMIS. The
201 task force findings must be reported to the Council on
202 Homelessness no later than December 31, 2016. ~~The council shall~~
203 ~~explore the potential of creating a statewide Management~~
204 ~~Information System (MIS), encouraging the future participation~~
205 ~~of any bodies that are receiving awards or grants from the~~
206 ~~state, if such a system were adopted, enacted, and accepted by~~
207 ~~the state.~~
208 (p) Provide support to managing entities, as defined in s.

209 394.9082(2), to address the needs of individuals experiencing
210 homelessness within the managing entities' geographic service
211 area.
212 (4) The State Office on Homelessness, with the concurrence
213 of the Council on Homelessness, shall ~~may~~ accept and administer
214 moneys appropriated to it to provide annual "challenge grants"
215 to lead agencies of homeless assistance continuums of care
216 designated by the State Office on Homelessness pursuant to s.
217 420.624. The department shall establish varying levels of grant
218 awards up to $500,000 per lead agency. ~~Award levels shall be~~
219 ~~based upon the total population within the continuum of care~~
220 ~~catchment area and reflect the differing degrees of homelessness~~
221 ~~in the catchment planning areas.~~ The department, in consultation
222 with the Council on Homelessness, shall specify a grant award
223 level in the notice of the solicitation of grant applications.
224 (a) To qualify for the grant, a lead agency must develop
225 and implement a local homeless assistance continuum of care plan
226 for its designated catchment area. The continuum of care plan
227 must implement a coordinated assessment or central intake system
228 to screen, assess, and refer persons seeking assistance to the
229 appropriate service provider. The lead agency shall also
230 document the commitment of local government and private
231 organizations to provide matching funds or in-kind support in an
232 amount equal to the grant requested. Expenditures of leveraged
233 funds or resources, including third-party cash or in-kind
234 contributions, are permitted only for eligible activities

235 committed on one project which have not been used as leverage or
236 match for any other project or program and must be certified
237 through a written commitment.
238 (b) Preference must be given to those lead agencies that
239 have demonstrated the ability of their continuum of care to
240 provide quality services to persons who are homeless ~~persons~~ and
241 the ability to leverage federal homeless-assistance funding
242 under the Stewart B. McKinney Act with local government funding
243 and private funding for the provision of services to persons who
244 are homeless ~~persons~~.
245 (c) Preference must be given to lead agencies in catchment
246 areas with the greatest need for the provision of housing and
247 services to persons who are ~~the~~ homeless, relative to the
248 population of the catchment area.
249 (d) The grant may be used to fund any of the housing,
250 program, or service needs included in the local homeless
251 assistance continuum of care plan. The lead agency may allocate
252 the grant to programs, services, or housing providers that
253 implement the local homeless assistance continuum care plan. The
254 lead agency may provide subgrants to a local agency to implement
255 programs or services or provide housing identified for funding
256 in the lead agency's application to the department. A lead
257 agency may spend a maximum of 8 percent of its funding on
258 administrative costs.
259 (e) The lead agency shall submit a final report to the
260 department documenting the outcomes achieved by the grant in

261 enabling persons who are homeless to return to permanent housing
262 thereby ending such person's episode of homelessness.
263 (5) The State Office on Homelessness, with the concurrence
264 of the Council on Homelessness, may administer moneys
265 appropriated to it to provide homeless housing assistance grants
266 annually to lead agencies for local homeless assistance
267 continuum of care, as recognized by the State Office on
268 Homelessness, to acquire, construct, or rehabilitate
269 transitional or permanent housing units for persons who are
270 homeless ~~persons~~. These moneys shall consist of any sums that
271 the state may appropriate, as well as money received from
272 donations, gifts, bequests, or otherwise from any public or
273 private source, which are intended to acquire, construct, or
274 rehabilitate transitional or permanent housing units for persons
275 who are homeless ~~persons~~.
276 (a) Grant applicants shall be ranked competitively.
277 Preference must be given to applicants who leverage additional
278 private funds and public funds, particularly federal funds
279 designated for the acquisition, construction, or rehabilitation
280 of transitional or permanent housing for persons who are
281 homeless ~~persons~~; who acquire, build, or rehabilitate the
282 greatest number of units; or ~~and~~ who acquire, build, or
283 rehabilitate in catchment areas having the greatest need for
284 housing for persons who are ~~the~~ homeless relative to the
285 population of the catchment area.
286 (b) Funding for any particular project may not exceed

287 $750,000.
288 (c) Projects must reserve, for a minimum of 10 years, the
289 number of units acquired, constructed, or rehabilitated through
290 homeless housing assistance grant funding to serve persons who
291 are homeless at the time they assume tenancy.
292 (d) No more than two grants may be awarded annually in any
293 given local homeless assistance continuum of care catchment
294 area.
295 (e) A project may not be funded which is not included in
296 the local homeless assistance continuum of care plan, as
297 recognized by the State Office on Homelessness, for the
298 catchment area in which the project is located.
299 (f) The maximum percentage of funds that the State Office
300 on Homelessness and each applicant may spend on administrative
301 costs is 5 percent.
302 (6) The State Office on Homelessness, in conjunction with
303 the Council on Homelessness, shall establish performance
304 measures and specific objectives by which it may ~~to~~ evaluate the
305 ~~effective~~ performance and outcomes of lead agencies that receive
306 grant funds. Any funding through the State Office on
307 Homelessness shall be distributed to lead agencies based on
308 their overall performance and their achievement of specified
309 objectives. Each lead agency for which grants are made under
310 this section shall provide the State Office on Homelessness a
311 thorough evaluation of the effectiveness of the program in
312 achieving its stated purpose. In evaluating the performance of

313 the lead agencies, the State Office on Homelessness shall base
314 its criteria upon the program objectives, goals, and priorities
315 that were set forth by the lead agencies in their proposals for
316 funding. Such criteria may include, but not be limited to, the
317 number of persons or households that are no longer homeless, the
318 rate of recidivism to homelessness, and the number of persons
319 who obtain gainful employment ~~homeless individuals provided~~
320 ~~shelter, food, counseling, and job training~~.
321 Section 3. Paragraph (k) is added to subsection (1) of
322 section 420.623, Florida Statutes, to read:
323 420.623 Local coalitions for the homeless.—
324 (1) ESTABLISHMENT.—The department shall establish local
325 coalitions to plan, network, coordinate, and monitor the
326 delivery of services to the homeless. Appropriate local groups
327 and organizations involved in providing services for the
328 homeless and interested business groups and associations shall
329 be given an opportunity to participate in such coalitions,
330 including, but not limited to:
331 (k) Managing entities, as defined in s. 394.9082(2).
332 Section 4. Subsections (3), (7), and (8) of section
333 420.624, Florida Statutes, are amended to read:
334 420.624 Local homeless assistance continuum of care.—
335 (3) Communities or regions seeking to implement a local
336 homeless assistance continuum of care are encouraged to develop
337 and annually update a written plan that includes a vision for
338 the continuum of care, an assessment of the supply of and demand

339 for housing and services for the homeless population, and
340 specific strategies and processes for providing the components
341 of the continuum of care. The State Office on Homelessness, in
342 conjunction with the Council on Homelessness, shall include in
343 the plan a methodology for assessing performance and outcomes.
344 The State Office on Homelessness shall supply a standardized
345 format for written plans, including the reporting of data.
346 (7) The components of a continuum of care plan should
347 include:
348 (a) Outreach, intake, and assessment procedures in order
349 to identify the service and housing needs of an individual or
350 family and to link them with appropriate housing, services,
351 resources, and opportunities;
352 (b) Emergency shelter, in order to provide a safe, decent
353 alternative to living in the streets;
354 (c) Transitional housing;
355 (d) Supportive services, designed to assist with the
356 development of the skills necessary to secure and retain
357 permanent housing;
358 (e) Permanent supportive housing;
359 (f) Rapid ReHousing, as specified in s. 420.6265;
360 (g) ~~(f)~~ Permanent housing;
361 (h) ~~(g)~~ Linkages and referral mechanisms among all
362 components to facilitate the movement of individuals and
363 families toward permanent housing and self-sufficiency;
364 (i) ~~(h)~~ Services and resources to prevent housed persons

365 from becoming or returning to homelessness; and
366 (j) ~~(i)~~ An ongoing planning mechanism to address the needs
367 of all subgroups of the homeless population, including, but not
368 limited to:
369 1. Single adult males;
370 2. Single adult females;
371 3. Families with children;
372 4. Families with no children;
373 5. Unaccompanied children and youth;
374 6. Elderly persons;
375 7. Persons with drug or alcohol addictions;
376 8. Persons with mental illness;
377 9. Persons with dual or multiple physical or mental
378 disorders;
379 10. Victims of domestic violence; and
380 11. Persons living with HIV/AIDS.
381 (8) Continuum of care plans must promote participation by
382 all interested individuals and organizations and may not exclude
383 individuals and organizations on the basis of race, color,
384 national origin, sex, handicap, familial status, or religion.
385 Faith-based organizations must be encouraged to participate. To
386 the extent possible, these components shall ~~should~~ be
387 coordinated and integrated with other mainstream health, social
388 services, and employment programs for which homeless populations
389 may be eligible, including Medicaid, State Children's Health
390 Insurance Program, Temporary Assistance for Needy Families, Food

391 Assistance Program, and services funded through the Mental
392 Health and Substance Abuse Block Grant, the Workforce Investment
393 Act, and the welfare-to-work grant program.
394 Section 5. Section 420.6265, Florida Statutes, is created
395 to read:
396 420.6265 Rapid ReHousing.—
397 (1) LEGISLATIVE FINDINGS AND INTENT.—
398 (a) The Legislature finds that Rapid ReHousing is a
399 strategy of using temporary financial assistance and case
400 management to quickly move an individual or family out of
401 homelessness and into permanent housing.
402 (b) The Legislature also finds that, for most of the past
403 two decades, public and private solutions to homelessness have
404 focused on providing individuals and families who are
405 experiencing homelessness with emergency shelter and
406 transitional housing. While emergency shelter and transitional
407 housing programs may provide critical access to services for
408 individuals and families in crisis, such programs often fail to
409 address the long-term needs of individuals and families in
410 crisis.
411 (c) The Legislature further finds that most individuals
412 and families become homeless as a result of a financial crisis
413 that prevents individuals and families from paying rent or a
414 domestic conflict that results in one family member being
415 ejected or leaving without resources or a plan for housing.
416 (d) The Legislature further finds that Rapid ReHousing is

417 an alternative approach to the current system of emergency
418 shelter or transitional housing which tends to reduce the length
419 of time of homelessness and has proven to be cost effective.
420 (e) It is therefore the intent of the Legislature to
421 encourage homeless continuums of care to adopt the Rapid
422 ReHousing approach to preventing homelessness for individuals
423 and families who do not require the intense level of supports
424 provided in the permanent supportive housing model.
425 (2) RAPID REHOUSING METHODOLOGY.—
426 (a) The Rapid ReHousing approach to homelessness differs
427 from traditional approaches to addressing homelessness by
428 focusing on each individual's or family's barriers to returning
429 to housing. By using this approach, communities can
430 significantly reduce the amount of time that individuals and
431 families are homeless and prevent further episodes of
432 homelessness.
433 (b) In Rapid ReHousing, an individual or family is
434 identified as being homeless, temporary assistance is provided
435 to allow the individual or family to obtain permanent housing as
436 quickly as possible, and, if needed, assistance is provided to
437 allow the individual or family to retain housing.
438 (c) The objective of Rapid ReHousing is to provide
439 assistance for as short a time as possible so that the
440 individual or family receiving assistance does not develop a
441 dependency on the assistance.
442 Section 6. Subsections (25) and (26) of section 420.9071,

443 Florida Statutes, are amended to read:
444 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
445 term:
446 (25) "Recaptured funds" means funds that are recouped by a
447 county or eligible municipality in accordance with the recapture
448 provisions of its local housing assistance plan pursuant to s.
449 420.9075(5)(i) ~~s. 420.9075(5)(h)~~ from eligible persons or
450 eligible sponsors, which funds were not used for assistance to
451 an eligible household for an eligible activity, when there is a
452 default on the terms of a grant award or loan award.
453 (26) "Rent subsidies" means ongoing monthly rental
454 assistance. ~~The term does not include initial assistance to~~
455 ~~tenants, such as grants or loans for security and utility~~
456 ~~deposits.~~
457 Section 7. Subsection (7) of section 420.9072, Florida
458 Statutes, is amended, subsections (8) and (9) are renumbered as
459 subsections (9) and (10), respectively, and a new subsection (8)
460 is added to that section, to read:
461 420.9072 State Housing Initiatives Partnership Program.—
462 The State Housing Initiatives Partnership Program is created for
463 the purpose of providing funds to counties and eligible
464 municipalities as an incentive for the creation of local housing
465 partnerships, to expand production of and preserve affordable
466 housing, to further the housing element of the local government
467 comprehensive plan specific to affordable housing, and to
468 increase housing-related employment.

469 (7) A county or an eligible municipality must expend its
470 portion of the local housing distribution only to implement a
471 local housing assistance plan or as provided in this subsection.
472 ~~A county or an eligible municipality may not expend its portion~~
473 ~~of the local housing distribution to provide rent subsidies;~~
474 ~~however, this does not prohibit the use of funds for security~~
475 ~~and utility deposit assistance.~~
476 (8) A county or an eligible municipality may not expend
477 its portion of the local housing distribution to provide ongoing
478 rent subsidies, except for:
479 (a) Security and utility deposit assistance.
480 (b) Eviction prevention not to exceed 6 months' rent.
481 (c) A rent subsidy program for very-low-income families
482 with at least one person with special needs as defined in s.
483 420.0004 or one individual experiencing homelessness as defined
484 in s. 420.621. The period of rental assistance may not exceed 12
485 months for an eligible household.
486 Section 8. Paragraph (a) of subsection (2) and subsection
487 (5) of section 420.9075, Florida Statutes, are amended,
488 paragraph (f) is added to subsection (3), and paragraph (i) is
489 added to subsection (10) of that section, to read:
490 420.9075 Local housing assistance plans; partnerships.—
491 (2)(a) Each county and each eligible municipality
492 participating in the State Housing Initiatives Partnership
493 Program shall encourage the involvement of appropriate public
494 sector and private sector entities as partners in order to

495 combine resources to reduce housing costs for the targeted
496 population. This partnership process should involve:
497 1. Lending institutions.
498 2. Housing builders and developers.
499 3. Nonprofit and other community-based housing and service
500 organizations.
501 4. Providers of professional services relating to
502 affordable housing.
503 5. Advocates for low-income persons, including, but not
504 limited to, persons who are homeless ~~people~~, the elderly, and
505 migrant farmworkers.
506 6. Real estate professionals.
507 7. Other persons or entities who can assist in providing
508 housing or related support services.
509 8. Lead agencies of local homeless assistance continuums
510 of care.
511 9. Managing entities, as defined in s. 394.9082(2).
512 (3)
513 (f) Each county and each eligible municipality is
514 encouraged to develop a strategy within its local housing
515 assistance plan which provides program funds for reducing
516 homelessness.
517 (5) The following criteria apply to awards made to
518 eligible sponsors or eligible persons for the purpose of
519 providing eligible housing:
520 (a) At least 65 percent of the funds made available in

521 each county and eligible municipality from the local housing
522 distribution must be reserved for home ownership for eligible
523 persons.
524 (b) Up to 25 percent of the funds made available in each
525 county and eligible municipality from the local housing
526 distribution may be reserved for rental housing for eligible
527 persons or for the purposes listed in s. 420.9072(8).
528 (c) ~~(b)~~ At least 75 percent of the funds made available in
529 each county and eligible municipality from the local housing
530 distribution must be reserved for construction, rehabilitation,
531 or emergency repair of affordable, eligible housing.
532 (d) ~~(c)~~ Not more than 20 percent of the funds made
533 available in each county and eligible municipality from the
534 local housing distribution may be used for manufactured housing.
535 (e) ~~(d)~~ The sales price or value of new or existing
536 eligible housing may not exceed 90 percent of the average area
537 purchase price in the statistical area in which the eligible
538 housing is located. Such average area purchase price may be that
539 calculated for any 12-month period beginning not earlier than
540 the fourth calendar year prior to the year in which the award
541 occurs or as otherwise established by the United States
542 Department of the Treasury.
543 (f) ~~(e)~~1. All units constructed, rehabilitated, or
544 otherwise assisted with the funds provided from the local
545 housing assistance trust fund must be occupied by very-low-
546 income persons, low-income persons, and moderate-income persons

547 except as otherwise provided in this section.
548 2. At least 30 percent of the funds deposited into the
549 local housing assistance trust fund must be reserved for awards
550 to very-low-income persons or eligible sponsors who will serve
551 very-low-income persons and at least an additional 30 percent of
552 the funds deposited into the local housing assistance trust fund
553 must be reserved for awards to low-income persons or eligible
554 sponsors who will serve low-income persons. This subparagraph
555 does not apply to a county or an eligible municipality that
556 includes, or has included within the previous 5 years, an area
557 of critical state concern designated or ratified by the
558 Legislature for which the Legislature has declared its intent to
559 provide affordable housing. The exemption created by this act
560 expires on July 1, 2013, and shall apply retroactively.
561 (g) ~~(f)~~ Loans shall be provided for periods not exceeding
562 30 years, except for deferred payment loans or loans that extend
563 beyond 30 years which continue to serve eligible persons.
564 (h) ~~(g)~~ Loans or grants for eligible rental housing
565 constructed, rehabilitated, or otherwise assisted from the local
566 housing assistance trust fund must be subject to recapture
567 requirements as provided by the county or eligible municipality
568 in its local housing assistance plan unless reserved for
569 eligible persons for 15 years or the term of the assistance,
570 whichever period is longer. Eligible sponsors that offer rental
571 housing for sale before 15 years or that have remaining
572 mortgages funded under this program must give a first right of

573 refusal to eligible nonprofit organizations for purchase at the
574 current market value for continued occupancy by eligible
575 persons.
576 (i) ~~(h)~~ Loans or grants for eligible owner-occupied housing
577 constructed, rehabilitated, or otherwise assisted from proceeds
578 provided from the local housing assistance trust fund shall be
579 subject to recapture requirements as provided by the county or
580 eligible municipality in its local housing assistance plan.
581 (j) ~~(i)~~ The total amount of monthly mortgage payments or
582 the amount of monthly rent charged by the eligible sponsor or
583 her or his designee must be made affordable.
584 (k) ~~(j)~~ The maximum sales price or value per unit and the
585 maximum award per unit for eligible housing benefiting from
586 awards made pursuant to this section must be established in the
587 local housing assistance plan.
588 (l) ~~(k)~~ The benefit of assistance provided through the
589 State Housing Initiatives Partnership Program must accrue to
590 eligible persons occupying eligible housing. This provision
591 shall not be construed to prohibit use of the local housing
592 distribution funds for a mixed income rental development.
593 (m) ~~(l)~~ Funds from the local housing distribution not used
594 to meet the criteria established in paragraph (a) or paragraph
595 (c) ~~(b)~~ or not used for the administration of a local housing
596 assistance plan must be used for housing production and finance
597 activities, including, but not limited to, financing
598 preconstruction activities or the purchase of existing units,

599 providing rental housing, and providing home ownership training
600 to prospective home buyers and owners of homes assisted through
601 the local housing assistance plan.
602 1. Notwithstanding the provisions of paragraphs (a) and
603 (c) ~~(b)~~, program income as defined in s. 420.9071(24) may also
604 be used to fund activities described in this paragraph.
605 2. When preconstruction due-diligence activities conducted
606 as part of a preservation strategy show that preservation of the
607 units is not feasible and will not result in the production of
608 an eligible unit, such costs shall be deemed a program expense
609 rather than an administrative expense if such program expenses
610 do not exceed 3 percent of the annual local housing
611 distribution.
612 3. If both an award under the local housing assistance
613 plan and federal low-income housing tax credits are used to
614 assist a project and there is a conflict between the criteria
615 prescribed in this subsection and the requirements of s. 42 of
616 the Internal Revenue Code of 1986, as amended, the county or
617 eligible municipality may resolve the conflict by giving
618 precedence to the requirements of s. 42 of the Internal Revenue
619 Code of 1986, as amended, in lieu of following the criteria
620 prescribed in this subsection with the exception of paragraphs
621 (a) and (f) ~~(e)~~ of this subsection.
622 4. Each county and each eligible municipality may award
623 funds as a grant for construction, rehabilitation, or repair as
624 part of disaster recovery or emergency repairs or to remedy

625 accessibility or health and safety deficiencies. Any other
626 grants must be approved as part of the local housing assistance
627 plan.
628 (10) Each county or eligible municipality shall submit to
629 the corporation by September 15 of each year a report of its
630 affordable housing programs and accomplishments through June 30
631 immediately preceding submittal of the report. The report shall
632 be certified as accurate and complete by the local government's
633 chief elected official or his or her designee. Transmittal of
634 the annual report by a county's or eligible municipality's chief
635 elected official, or his or her designee, certifies that the
636 local housing incentive strategies, or, if applicable, the local
637 housing incentive plan, have been implemented or are in the
638 process of being implemented pursuant to the adopted schedule
639 for implementation. The report must include, but is not limited
640 to:
641 (i) A description of efforts to reduce homelessness.
642 Section 9. Section 420.9089, Florida Statutes, is created
643 to read:
644 420.9089 National Housing Trust Fund.—The Legislature
645 finds that more funding for housing to assist individuals and
646 families who are experiencing homelessness is needed and
647 encourages the state entity designated to administer funds made
648 available to the state from the National Housing Trust Fund to
649 propose an allocation plan that includes strategies to reduce
650 homelessness in this state. These strategies to address

651 homelessness shall be in addition to strategies under s.
652 420.5087.
653 Section 10. Subsection (4) is added to section 421.04,
654 Florida Statutes, to read:
655 421.04 Creation of housing authorities.—
656 (4) Regardless of the date of its creation, a housing
657 authority may not apply to the Federal Government to seize a
658 project, unit, or voucher of another established housing
659 authority, regardless of each housing authority's areas of
660 operation.
661 Section 11. Subsection (2) of section 421.05, Florida
662 Statutes, is amended to read:
663 421.05 Appointment, qualifications, and tenure of
664 commissioners; hiring of employees.—
665 (2) The powers of each authority shall be vested in the
666 commissioners thereof in office from time to time. A majority of
667 the commissioners constitutes ~~shall constitute~~ a quorum of the
668 authority for the purpose of conducting its business and
669 exercising its powers and for all other purposes. Action may be
670 taken by the authority upon a vote of a majority of the
671 commissioners present, unless in any case the bylaws of the
672 authority require a larger number. The mayor with the
673 concurrence of the governing body shall designate ~~which of the~~
674 ~~commissioners appointed shall be~~ the first chair from among the
675 appointed commissioners, but when the office of the chair of the
676 authority thereafter becomes vacant, the authority shall select

677 a chair from among the ~~its~~ commissioners. An authority shall
678 also select from among the ~~its~~ commissioners a vice chair, ~~,~~ and
679 it may employ a secretary, who shall be the executive director,
680 technical experts, and such other officers, agents, and
681 employees, permanent and temporary, as it may require and shall
682 determine their qualifications, duties, and compensation.
683 Accordingly, an authority is exempt from s. 215.425. ~~For such~~
684 ~~legal services as it may require,~~ An authority may call upon the
685 chief law officer of the city or may employ its own counsel and
686 legal staff for legal services. An authority may delegate to one
687 or more of its agents or employees such powers or duties as it
688 may deem proper.
689 Section 12. Subsection (1) of section 421.091, Florida
690 Statutes, is amended to read:
691 421.091 Financial accounting and investments; fiscal
692 year.—
693 (1) A complete and full financial accounting and audit in
694 accordance with federal audit standards of public housing
695 agencies shall be made biennially by a certified public
696 accountant and submitted to the Federal Government in accordance
697 with its policies. Housing authorities are otherwise exempt from
698 the reporting requirements of s. 218.32. ~~A copy of such audit~~
699 ~~shall be filed with the governing body and with the Auditor~~
700 ~~General.~~
701 Section 13. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1299 Public Assistance
SPONSOR(S): Children, Families & Seniors Subcommittee, Eagle
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Children, Families & Seniors Subcommittee	12 Y, 1 N, As CS	Langston	Brazzell
2) Appropriations Committee		Fontaine	Leznoff
3) Health & Human Services Committee			

SUMMARY ANALYSIS

Florida's Temporary Cash Assistance (TCA) Program provides cash assistance to needy families with children that meet eligibility requirements. To be eligible for full-family TCA, applicants must participate in work activity requirements unless they are exempt. The Department of Children and Families (DCF) may sanction TCA recipients that fail to meet work requirements by withholding cash assistance payments.

CS/HB 1299 increases penalties for the first three instances of noncompliance with TCA work requirements to align the sanctions with those of the food assistance program and creates a fourth sanction. The bill:

- Increases the first sanction from 10 days to one month; this sanction remains full family.
- Increases the second sanction from one month or until compliance, whichever is later, to three months or until compliance, whichever is later; and provides that child-only TCA, for children in the family under 16 years old, is only available for the first three months of the sanction period even if the participant takes longer to comply.
- Increases the third sanction from three months or until compliance, whichever is later, to six months or until compliance, whichever is later; and provides that child-only TCA, for children in the family under 16 years old, is only available for the first six months of the sanction period even if the participant takes longer to comply.
- Creates a fourth sanction of twelve months or until compliance, whichever is later, and that the individual must reapply to the program; and provides that child-only TCA, for children in the family under 16 years old, is only available for the first twelve months of the sanction period even if the participant takes longer to comply.

The bill requires DCF to refer sanctioned participants to appropriate free and low-cost community services, including food banks. The Department of Economic Opportunity, DCF, and CareerSource must work with participants to develop strategies to overcome barriers to compliance with the TCA work requirements. They must inform participants, and have the participant agree, in writing, to the expectations they must follow in order to continue receiving benefits.

The bill amends the Relative Caregiver program to prohibit payment of TCA to a noncustodial parent living with the relative that is caring for the noncustodial parent's child and receiving Relative Caregiver funding.

Florida provides TCA and other social welfare benefits by using Electronic Benefits Transfer (EBT) cards and there is no fee charged for replacement EBT cards. The bill requires EBT cardholders to pay a fee for the fifth and additional EBT cards requested within a 12-month period. The bill allows DCF to deduct the fee from the cardholder's benefits unless there is a hardship.

The bill requires hospitals to implement procedures to biometrically confirm Medicaid patient identities and compare them with driver's license photos and Medicaid eligibility.

The bill has a nonrecurring, negative fiscal impact to DCF of $879,680 to implement changes to the TCA program and EBT card system. The bill has a recurring, positive fiscal impact of $2,516,452 in savings from the reduction in TCA benefits while participants experience penalties for noncompliance.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Temporary Assistance for Needy Families (TANF)

Under the federal welfare reform legislation of 1996, the Temporary Assistance for Needy Families (TANF) program replaced the welfare programs known as Aid to Families with Dependent Children, the Job Opportunities and Basic Skills Training program, and the Emergency Assistance program. The law ended federal entitlement to assistance and instead created TANF as a block grant that provides states, territories, and tribes federal funds each year. These funds cover benefits, administrative expenses, and services targeted to needy families. TANF became effective July 1, 1997, and was reauthorized in 2006 by the Deficit Reduction Act of 2005. States receive block grants to operate their individual programs and to accomplish the goals of the TANF program.

Florida's Temporary Cash Assistance Program

The Temporary Cash Assistance (TCA) Program provides cash assistance to families with children under the age of 18 or under age 19[1] if full time secondary school students, that meet the technical, income, and asset requirements. The purpose of the TCA Program is to help families become self-supporting while allowing children to remain in their own homes. In November 2015, 14,102 adults and 70,476 children received TCA.[2]

Full-Family vs. Child-Only TCA

Florida law specifies two categories of families who are eligible for TCA; those families that are work-eligible and entitled to receive TCA for the full-family, and those families who are entitled to receive child-only TCA. Within the full-family cases, the parent or parents are required to comply with work requirements to receive TCA for the parent(s) and child(ren). Additionally, there are two types of child-only TCA; the first category is where the child is living with a relative or situations the custodial parent is not eligible,[3] the second type is the Relative Caregiver Program, where the child has been adjudicated dependent has been placed with relatives by the court; these relatives are eligible for a payment that is higher than the typical child-only TCA.

The majority of cash assistance benefits are provided to child-only cases, through the Relative Caregiver Program or to work-eligible cases where the adult is ineligible due to sanction for failure to meet TCA work requirements. In November 2015, 36,443 of the 49,652 families receiving TCA were child-only cases.[4] In November 2015, there were 13,209 families receiving TCA through full-family cases containing an adult, 607 of which were two-parent families; these are the families who are subject to work requirements.[5]

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[1] Parents, children and minor siblings who live together must apply together. Additionally, pregnant women may also receive TCA, either in the third trimester of pregnancy if unable to work, or in the 9th month of pregnancy.
[2] Department of Children and Families, Monthly Flash Report Caseload Data: November 2015, http://eww.dcf.state.fl.us/ess/reports/docs/flash2005.xlsx (last visited January 17, 2016).
[3] Child-only families also include situations where a parent is receiving federal Supplemental Security Income (SSI) payments and situations where the parent is not a U.S. citizen and is ineligible due to their immigration status. Grandparents or other relatives receiving child-only payments are not subject to the TANF work requirement or the TANF time limit.
[4] *Supra*, note 2.
[5] Id.

Administration

Various state agencies and entities work together through a series of contracts or memorandums of understanding to administer the TCA Program.

- The Department of Children and Families (DCF) is the recipient of the federal TANF block grant. DCF monitors eligibility and disperses benefits.
- CareerSource Florida, formerly Workforce Florida, Inc.,[6] is the state's workforce policy and investment board. CareerSource Florida has planning and oversight responsibilities for all workforce-related programs.
- The Department of Economic Opportunity (DEO) is the designated agency for workforce programs, funding and personnel, and implements the policy created by CareerSource.[7] DEO is responsible for financial and performance reports ensuring compliance with federal and state measures and provides training and technical assistance to Regional Workforce Boards.
- Regional Workforce Boards (RWBs) provide a coordinated and comprehensive delivery of local workforce services. The RWBs focus on strategic planning, policy development and oversight of the local workforce investment system within their respective areas and contract with one-stop career centers. The contracts with the RWBs are performance- and incentive- based.

Eligibility Determination

An applicant must meet all eligibility requirements to receive TCA benefits. The initial application for TANF is processed by DCF. The application may be submitted in person, online or through the mail.

DCF determines an applicant's eligibility. Additionally, to be eligible for full-family TCA, applicants must participate in work activities unless they qualify for an exemption. Exemptions from the work requirement are available for:

- An individual who receives benefits under the Supplemental Security Income program or the Social Security Disability Insurance program.
- An adult who is not defined as a work-eligible individual under federal law.
- A single parent of a child under 3 months of age, except that the parent may be required to attend parenting classes or other activities to better prepare for raising a child.
- An individual who is exempt from the time period pursuant to s. 414.105, F.S.

If no exemptions from work requirements apply, DCF refers the applicant to DEO.[8] Upon referral, the participant must complete an in-take application and undergo assessment by RWB staff which includes:

- Identifying barriers to employment.
- Identifying the participant's skills that will translate into employment and training opportunities.
- Reviewing the participant's work history
- Identifying whether a participant needs alternative requirements due to domestic violence, substance abuse, medical problems, mental health issues, hidden disabilities, learning disabilities or other problems which prevent the participant from engaging in full-time employment or activities.

Once the assessment is complete, the staff member and participant create the Individual Responsibility Plan (IRP). The IRP includes:

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[6] On May 22, 2013, the WFI Board of Directors unanimously approved the brand charter, name, and logo establishing "CareerSource Florida" as the single, statewide unified brand for Florida's workforce system. This universal brand will apply directly to WFI, RWBs and One-Stop Career Centers, creating aligned brand names and logos system-wide (i.e. Workforce Florida Inc. is now CareerSource Florida and Gulf Coast Workforce Development Board is now CareerSource Gulf Coast).

[7] S. 445.007(13), F.S.

[8] This is an electronic referral through a system interface between DCF's computer system and DEO's computer system. Once the referral has been entered into the DEO system the information may be accessed by any of the RWBs or One-Stop Career Centers.

- The participant's employment goal;
- The participant's assigned activities;
- Services provided through program partners, community agencies and the workforce system;
- The weekly number of hours the participant is expected to complete; and
- Completion dates and deadlines for particular activities.

DCF does not disperse any benefits to the participant until DEO or the RWB confirms that the participant has registered and attended orientation.

Work Requirement

Individuals receiving TCA who are not otherwise exempt from work activity requirements must participate in work activities for the maximum number of hours allowable under federal law.[9] The number of required work or activities hours is determined by calculating the value of the cash benefits and then dividing that number by the hourly minimum wage amount.

Federal law requires individuals to participate in work activities for at least:

- 20 hours per week, or attend at a secondary school or the equivalent or participate in education directly related to employment if under the age of 20 and married or single head-of-household.
- 20 hours per week for single parents with a child under the age of six.
- 30 hours per week for all other single parents.
- 35 hours per week, combined, for two-parent families not receiving subsidized child care.
- 55 hours per week, combined, for two-parent families receiving subsidized child care..

Pursuant to federal rule[10] and state law,[11] the following activities may be used individually or in combination to satisfy the work requirements for a participant in the TCA program:

- Unsubsidized employment.
- Subsidized private sector employment.
- Subsidized public sector employment.
- On-the-job training.
- Community service programs.
- Work experience.
- Job search and job readiness assistance.
- Vocational educational training.
- Job skills training directly related to employment.
- Education directly related to employment.
- Attendance at school or course of study for graduate equivalency diploma.
- Providing child care services.[12]

RWB's currently have discretion to assign an applicant to a work activity, including job search, before receiving TCA. Some RWBs already require applicants to complete an initial job search as part of the application process.[13] Currently, Florida's TANF Work Verification Plan[14] requires participants to record

[9] S. 445.024(2), F.S.
[10] 45 C.F.R. § 261.30
[11] S. 445.024, F.S.
[12] S. 445.024(1)(a)-(l), F.S.
[13] Department of Children and Families, Agency Analysis of 2016 House Bill 563 (Nov. 20, 2015)(on file with Children, Families, and Seniors Subcommittee staff)
[14] DEPARTMENT OF CHILDREN AND FAMILIES ECONOMIC SELF-SUFFICIENCY PROGRAM OFFICE, *Temporary Assistance for Needy Families State Plan Renewal October 1, 2014 – September 30, 2017,* Nov. 14, 2014, available at www.dcf.state.fl.us/programs/access/docs/TANF-Plan.pdf (last visited December 17, 2015).

each on-site job contact and a representative of the employer or RWB provider staff to certify the validity of the log by signing each entry. If the applicant conducts a job search by phone or internet, the activity must be recorded on a job search report form and include detailed, specific information to allow follow-up and verification by the RWB provider staff.[15]

Sanctions for Noncompliance

RWBs can sanction TANF recipients who fail to comply with the work requirements by withholding cash assistance for a specified time, which lengthens with repeated lack of compliance. The participant's noncompliance can result in sanctions, as follows:

- First noncompliance - cash assistance is terminated for the full-family for a minimum of 10 days or until the individual complies.
- Second noncompliance - cash assistance is terminated for the full-family for one month or until the individual complies, whichever is later.
- Third noncompliance - cash assistance is terminated for the full-family for three months or until the individual complies, whichever is later.

In Fiscal Year (FY) 2014-2015, the number of TCA families sanctioned for noncompliance with the work requirements breaks down as follows:

- 993 families were sanctioned for a first instance of noncompliance; of those families, only 193 families, or 19.4 percent, complied with work requirements to be reinstated in the program.[16]
- 466 families were sanctioned for a second instance of noncompliance; of those families, only 49 families, or 10.5 percent, complied with the work requirements to be reinstated in the program.[17]
- 489 families were sanctioned for a third instance of noncompliance; of those families, only 47 families, or 9.6 percent, complied with the work requirements to be reinstated in the program.[18]

For the second and subsequent instances of noncompliance, the TCA for the child or children in a family who are under age 16 may be continued (i.e. the case becomes a child-only case). Any such payments must be made through a protective payee and under no circumstances may temporary cash assistance or food assistance be paid to an individual who has not complied with program requirements. Data from 2014 indicates only six percent of those who regain eligibility after sanction do so via a child-only case.[19]

However, if a participant who was previously sanctioned fully complies with work activity requirements for at least six months, the participant must be reinstated as being in full compliance with program requirements for purpose of sanctions imposed under this section.[20] Once the participant has been reinstated, a subsequent instance of noncompliance would be treated as the first violation.

The Food Assistance Program, Supplemental Nutrition Assistance Program (SNAP), formerly called food stamps, also contains similar sanctions for failure to comply with its Employment and Training Program when receiving benefits. However, the SNAP sanctions are a longer duration. For the first instance of noncompliance, food assistance benefits are terminated for one month or until compliance, whichever is later; for the second instance, food assistance benefits are terminated for three months or until compliance, whichever is later; and for the third instance, food assistance benefits are terminated for six months or until compliance, whichever is longer.[21]

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[15] *Supra*, note 13 at 2.
[16] Email from Nicole Stookey, Deputy Director, Office of Legislative Affairs, Department of Children and Families, RE: TANF Follow-Up Questions (Nov. 30, 2015) (On file with Children, Families, and Seniors Subcommittee staff).
[17] Id.
[18] Id.
[19] Id.
[20] S. 414.065(1), F.S.
[21] Rule 65A-1.605(3), F.A.C.

Relative Caregiver Program

The Relative Caregiver Program provides TCA to individuals who meet eligibility rules and have custody of a relative child under age 18 who has been court ordered dependent by a Florida court and placed in their home by a DCF Child Welfare/Community Based Care contracted provider.[22] The intent of the Relative Caregiver Program is to provide relative caregivers who could not otherwise afford to take the child into their homes, a means to avoid exposing the child to the trauma of shelter or foster care.

The Relative Caregiver Program provides one type of child-only TCA. Payments are based on the child's age and any countable income.[23] DCF ceases to provide child-only Relative Caregiver Program benefits when the parent or step-parent resides in the home with the relative caregiver and the child. DCF ceases the benefits in this situation based on the requirement in s. 414.095(2)(a)5., F.S., that parents who live with their minor children to be included in the eligibility determination and households containing a parent are considered work-eligible households. Through rule 65C-28.008(2)(d), F.A.C., DCF terminates payments through the Relative Caregiver Program if the parent is in the home for 30 consecutive days.[24] However, at least one court has ruled that caregivers may continue to receive the Relative Caregiver Program benefits while the parent resides in the home, because the prohibition against the parent residing in the home is not in statute and DCF rules cannot be used to establish an eligibility guideline not included in the statute. Court orders in such cases result in DCF being required to make disallowed TANF expenditures.

Electronic Benefits Transfer (EBT) Card Program

Electronic Benefits Transfer (EBT) is an electronic system that allows a recipient to authorize transfer of their government benefits, including from the SNAP and TCA programs, to a retailer account to pay for products received.[25] The EBT card program is administered on the federal level by the Food and Nutrition Service (FNS) within the U.S. Department of Agriculture and at the state level by DCF. In Florida, benefits are deposited into a TCA or SNAP account each month; the benefits in the TCA or SNAP account are accessed using the Florida EBT Automated Community Connection to Economic Self Sufficiency (ACCESS) card.[26] Even though the EBT card is issued in the name of an applicant, any eligible member of the household is allowed to use the EBT card.[27] Additionally, recipients may designate an authorized representative as a secondary cardholder who can receive an EBT card and access the food assistance account. Authorized representatives are often someone responsible for caring for the recipient. The ACCESS Florida system allows recipients to designate one authorized representative per household.

Replacement of EBT Cards

When a recipient loses his or her EBT card, he or she must call the EBT vendor's customer service telephone number to request a replacement EBT card.[28] The vendor then deactivates the card, and

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[22] S. 39.5085(2), F.S.
[23] Rule 65C-28.008(2)(g), F.A.C.
[24] However, a relative may receive the RCP payment for a minor parent who is in his or her care, as well as for that minor parent's child, if both children have been adjudicated dependent and meet all other eligibility requirements.
[25] U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICES, *EBT: General Electronic Benefit Transfer (EBT) Information*, http://www.fns.usda.gov/ebt/general-electronic-benefit-transfer-ebt-information (last visited December 21, 2015)
[26] DEPARTMENT OF CHILDREN AND FAMILIES, *Welcome to EBT,* http://www.myflfamilies.com/service-programs/access-florida-food-medical-assistance-cash/welcome-ebt (last visited December 22, 2015)
[27] 7 C.F.R. § 273.2(n)(3).
[28] The Florida Legislature's Office of Program Policy Analysis & Government Accountability, *Supplemental Nutrition Assistance Program: DCF Has Mechanisms in Place to Facilitate Eligibility, Verify Participant Identity, and Monitor Benefit Use*, Dec. 3, 2015, p. 8 (research memorandum on file with Children, Families, and Seniors Subcommittee staff)

sends the household a new card.[29] Federal regulations allow recipients to request an unlimited number of replacement EBT cards.[30] While states cannot limit the number of replacement cards, frequent requests for replacement cards can be an indicator of EBT card fraud, such as trafficking, which occurs when an EBT card containing benefits is exchanged for cash. FNS and DCF consider multiple replacement cards a preliminary indicator of trafficking.

FNS aims to preserve food assistance access for vulnerable populations (e.g., mentally ill and homeless people) who are at risk of losing their cards but who are not committing fraud,[31] while preventing others from trafficking and replacing their EBT cards. In the interest of preventing fraud, FNS regulations require states to monitor all client requests for EBT card replacements and send a notice, upon the fourth request in a 12-month period, alerting the household that their account is being monitored for potential suspicious activity.[32] In Fiscal Year 2014-15, DCF sent 13,967 letters to households that had requested four or more cards.[33] The letter informs the recipient that the card does not need to be replaced each month and that it is important to keep track of the card.[34] The letter also informs the recipient that this number of replacement requests is not normal and that the household's EBT behavior is being monitored.[35] Additionally, in Fiscal Year 2014-15, less than one-third of the households who requested four cards (4,653 households) requested yet another replacement card after receiving the letter, and the DCF Office of Public Benefits Integrity referred these cases to the Department of Financial Services Division of Public Assistance Fraud (DPAF) for potential fraud investigation.[36]

Federal regulations allow states to charge recipients for the cost to replace an excessive[37] number of cards. FNS allows states to charge for the cost of the EBT card after four replaced cards. Under DCF's EBT contract, the vendor reports that replacements costs $3.50 per card.[38] A number of other states that charge for replacement cards. Those states charge between $2.00 to $5.00[39] per replacement card with some exceptions for good cause or financial hardship.

Medicaid Fraud

Medicaid fraud means an intentional deception or misrepresentation made by a health care provider or a Medicaid recipient with the knowledge that the deception could result in some unauthorized benefit to him or herself or some other person.[40] It includes any act that constitutes fraud under federal or state law related to Medicaid.[41]

The Attorney General's Medicaid Fraud Control Unit investigates and prosecutes fraud involving providers that intentionally defraud the state's Medicaid program through fraudulent billing practices.[42] DPAF investigates Medicaid recipient fraud.[43]

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[29] Id.
[30] 7 C.F.R. § 276.4
[31] 7 C.F.R. § 274.6(b)(5)(iii).
[32] 7 C.F.R. § 274.6(b)(6); In Florida, after the EBT vendor provides a fourth replacement card to a household within a 12-month span, DCF sends a letter to the household.
[33] *Supra*, note 28.
[34] Id.
[35] Id.
[36] Id.
[37] Defined by federal regulation as in excess of four cards within a 12-month span.
[38] *Supra*, note 28.
[39] By way of example, Louisiana and Maryland charge $2.00, New Mexico charges $2.50, and Massachusetts charges $5.00.
[40] AGENCY FOR HEALTH CARE ADMINISTRATION, *Medicaid Fraud: Protect Your Tax Dollars*, http://ahca.myflorida.com/Executive/Inspector_General/complaints.shtml (last visited January 6, 2016).
[41] Id.
[42] FLORIDA OFFICE OF THE ATTORNEY GENERAL, *Medicaid Fraud Control Unit*, http://www.myfloridalegal.com/pages.nsf/Main/EBC480598BBF32D885256CC6005B54D1 (last visited January 6, 2016).
[43] DEPARTMENT OF FINANCIAL SERVICES, *Division of Public Assistance Fraud:* http://www.myfloridacfo.com/Division/PAF/ (last visited January 6, 2016).

Effect of the Bill

Temporary Cash Assistance

Sanctions for Noncompliance

CS/HB 1299 increases the sanctions for TCA recipients who are subjected to the work requirements for the first three instances of noncompliance and creates a sanction for the fourth instance of noncompliance. The bill amends s. 414.065(1) and (2), F.S., to:

- Increase the first sanction from 10 days to one month; this sanction remains full-family.
- Increase the second sanction from one month or until compliance, whichever is later, to three months or until compliance, whichever is later; and provides that child-only TCA, for children in the family under 16 years old, is only available for the first three months of the sanction period even if participant takes longer to comply.
- Increase the third sanction from three months or until compliance, whichever is later, to six months or until compliance, whichever is later; and provides that child-only TCA, for children in the family under 16 years old, is only available for the first six months of the sanction period even if participant takes longer to comply.
- Create a fourth sanction of twelve months or until compliance, whichever is later, and that the individual must reapply to the program to resume receiving benefits; and provides that child-only TCA, for children in the family under 16 years old, is only available for the first twelve months of the sanction period even if participant takes longer to comply.

The bill aligns the sanctions for the first through third occurrences of noncompliance with TCA work requirements with the sanctions for noncompliance with the SNAP program's Employment and Training Program. When a participant is sanctioned, DCF must refer him or her to appropriate free and low-cost community services, including food banks. Additionally, the bill clarifies that participants may comply with the work activity requirements before the end of the minimum penalty period.

Work Plan

The bill requires that, prior to receipt of TCA, DEO, DCF, or CareerSource must inform the participant, in plain language, and have the participant indicate agree to, in writing:

- What is expected of the applicant to continue to receive benefits;
- Under what circumstances the applicant would be sanctioned; and
- Potential penalties for noncompliance with work requirements, including how long benefits would not be available to the applicant.

The bill also requires that, prior to receipt of TCA, DEO, DCF, or CareerSource must work with the participant to develop strategies on how to overcome barriers to compliance with the TCA work requirements that the recipient faces.

Relative Caregiver Program

The bill amends s. 39.5085, F.S., to clarify that a caregiver may not receive payment through the Relative Caregiver Program if the parent or step-parent resides in the home with his or her child. Section 414.095(2)(a)5., F.S., requires parents and step-parents who live with their minor children to be included for eligibility determination and TCA regulations that define households containing a parent as a "work eligible" household.

EBT Cards

The bill requires EBT cardholders to pay a fee for the fifth and all subsequent EBT replacement cards requested within a 12-month span. DCF currently sends a letter with the fourth replacement card informing the cardholder that his or her case is being monitored for potential trafficking activity. By charging the fee beginning with the fifth card, DCF may inform the cardholder in the letter that it sends with the fourth replacement card about replacement fees for subsequent new cards.

The bill allows DCF to deduct the fee from the cardholder's benefits and provides for a waiver of the fee upon a showing of good cause, such as that the card malfunctioned or the fee would cause extreme financial hardship.

Medicaid Fraud

In an effort to combat Medicaid fraud, the bill requires hospitals to implement procedures to biometrically confirm a Medicaid patient's identity and compare against his or her driver's license photo and Medicaid eligibility. The bill provides that that the Department of Legal Affairs, the Agency for Health Care Administration, and the Department of Highway Safety and Motor Vehicles may contract with hospitals or their software providers to provide access to the driver's license database for the purpose of verifying patients' identities and Medicaid eligibility

B. SECTION DIRECTORY:

Section 1: Amends s. 414.069, F.S., relating to noncompliance with work requirements.
Section 2: Amends s. 445.024, F.S., relating to work requirements.
Section 3: Amends s. 402.82, F.S., relating to electronic benefits transfer program.
Section 4: Amends s. 39.5085, F.S., relating to the Relative Caregiver Program.
Section 5: Amends s. 16.59, F.S., relating to Medicaid fraud control.
Section 6: Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   The bill increases the length of time during which TCA recipients are ineligible for benefits when not meeting the program's work requirements. The bill expands three existing penalty periods and creates a new fourth period. It is expected this legislation will decrease recurring state expenditures for temporary cash assistance in the amount of $2,516,452.[44]

   The bill imposes a fee for the fifth, and subsequent, replacement EBT card within a 12-month period and provides such fee may be deducted from the participant's TCA benefits. Programming modifications to DCF's public benefits disbursement system are expected to cost $879,680 to implement the card replacement provisions and to create a new fourth penalty for work requirement noncompliance.[45]

[44] Department of Children and Families, Agency Bill Analysis for 2016 House Bill 1299 (February 8, 2016), On file with the Health Care Appropriations Subcommittee.
[45] Id.

The bill requires hospitals that accept Medicaid payments to implement new biometric measures to verify patients' identity using photographs contained within the Department of Highway Safety and Motor Vehicles' (DHSMV) driver license database. It is unknown to what extent the DHSMV's driver license database will require programmatic updates to interface with hospitals' biometric identification systems, but is likely significant.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill imposes a fee for the fifth, and subsequent, replacement EBT card within a 12-month period and provides such fee may be deducted from the participant's TCA benefits. The fee must be equal to the cost to replace the card. DCF may charge the costs of replacement cards against the program participant's benefits.

The bill requires hospitals that accept Medicaid payments to implement new biometric measures to verity patients' identity using photographs contained within the Department of Highway Safety and Motor Vehicles' driver license database. It is unknown to what extent hospitals have such ability, but the cost to implement this provision is likely significant.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 26, 2016, the Children, Families and Seniors Subcommittee adopted two amendments addressing sanctions for noncompliance with TCA work requirements. The amendments:

- Limit sanctioned families to child-only assistance for children under 16 years old during the minimum penalty periods for noncompliance with the TCA work requirements.
- Clarify that participants may comply with the work activity requirements before the end of the minimum penalty periods for noncompliance with the TCA work requirements.
- Require DCF to refer participants who are sanctioned for noncompliance to appropriate free and low-cost community services, including food banks.

The bill was reported favorably as a committee substitute. The analysis is drafted to the committee substitute.

1 A bill to be entitled
2 An act relating to public assistance; amending s.
3 414.065, F.S.; revising penalties for noncompliance
4 with the work requirements for temporary cash
5 assistance; limiting the receipt of child-only
6 benefits during periods of noncompliance with work
7 requirements; providing applicability of work
8 requirements before expiration of the minimum penalty
9 period; requiring the Department of Children and
10 Families to refer sanctioned participants to
11 appropriate free and low-cost community services,
12 including food banks; amending s. 445.024, F.S.;
13 requiring the Department of Economic Opportunity, in
14 cooperation with CareerSource Florida, Inc., and the
15 Department of the Department of Children and Families,
16 to develop and implement a work plan agreement for
17 participants in the temporary cash assistance program;
18 requiring the plan to identify expectations,
19 sanctions, and penalties for noncompliance with work
20 requirements; amending s. 402.82, F.S.; requiring the
21 Department of Children and Families to impose a
22 replacement fee for electronic benefits transfer cards
23 under certain circumstances; amending s. 39.5085,
24 F.S.; revising eligibility guidelines for the Relative
25 Caregiver Program with respect to relative and
26 nonrelative caregivers; amending s. 16.59, F.S.;

27 requiring biometric confirmation of Medicaid patients
28 by hospitals by a specified date to reduce Medicaid
29 fraud; authorizing the Department of Legal Affairs,
30 the Agency for Health Care Administration, and the
31 Department of Highway Safety and Motor Vehicles to
32 enter into certain contracts to provide access to
33 their respective databases for verification of patient
34 identities; providing an effective date.
35
36 Be It Enacted by the Legislature of the State of Florida:
37
38 Section 1. Subsection (1) and paragraph (a) of subsection
39 (2) of section 414.065, Florida Statutes, are amended to read:
40 414.065 Noncompliance with work requirements.—
41 (1) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS
42 AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.—The
43 department shall establish procedures for administering
44 penalties for nonparticipation in work requirements and failure
45 to comply with the alternative requirement plan. If an
46 individual in a family receiving temporary cash assistance fails
47 to engage in work activities required in accordance with s.
48 445.024, the following penalties shall apply. Prior to the
49 imposition of a sanction, the participant shall be notified
50 orally or in writing that the participant is subject to sanction
51 and that action will be taken to impose the sanction unless the
52 participant complies with the work activity requirements. The

53 participant shall be counseled as to the consequences of
54 noncompliance and, if appropriate, shall be referred for
55 services that could assist the participant to fully comply with
56 program requirements. If the participant has good cause for
57 noncompliance or demonstrates satisfactory compliance, the
58 sanction shall not be imposed. If the participant has
59 subsequently obtained employment, the participant shall be
60 counseled regarding the transitional benefits that may be
61 available and provided information about how to access such
62 benefits. The department shall administer sanctions related to
63 food assistance consistent with federal regulations.
64 (a)1. First noncompliance: temporary cash assistance shall
65 be terminated for the family for a minimum of 1 month ~~10 days~~ or
66 until the individual who failed to comply does so, whichever is
67 later. Upon meeting this requirement, temporary cash assistance
68 shall be reinstated to the date of compliance or the first day
69 of the month following the penalty period, whichever is later.
70 2. Second noncompliance:
71 a. Temporary cash assistance shall be terminated for the
72 family for 3 months ~~1 month~~ or until the individual who failed
73 to comply does so, whichever is later. The individual shall be
74 required to comply with the required work activity upon
75 completion of the 3-month penalty period before reinstatement of
76 temporary cash assistance. Upon meeting this requirement,
77 temporary cash assistance shall be reinstated to the date of
78 compliance or the first day of the month following the penalty

79 period, whichever is later.
80 b. Upon the second occurrence of noncompliance, temporary
81 cash assistance for the child or children in a family who are
82 under age 16 may be continued for the first 3 months of the
83 penalty period through a protective payee as specified in
84 subsection (2).
85 3. Third noncompliance:
86 a. Temporary cash assistance shall be terminated for the
87 family for 6 ~~3~~ months or until the individual who failed to
88 comply does so, whichever is later. The individual shall be
89 required to comply with the required work activity upon
90 completion of the 6-month ~~3-month~~ penalty period, before
91 reinstatement of temporary cash assistance. Upon meeting this
92 requirement, temporary cash assistance shall be reinstated to
93 the date of compliance or the first day of the month following
94 the penalty period, whichever is later.
95 b. Upon the third occurrence of noncompliance, temporary
96 cash assistance for the child or children in a family who are
97 under age 16 may be continued for the first 6 months of the
98 penalty period through a protective payee as specified in
99 subsection (2).
100 4. Fourth noncompliance:
101 a. Temporary cash assistance shall be terminated for the
102 family for 12 months, or until the individual who failed to
103 comply does so, whichever is later. The individual shall be
104 required to comply with the required work activity upon

105 completion of the 12-month penalty period and reapply before
106 reinstatement of temporary cash assistance. Upon meeting this
107 requirement, temporary cash assistance shall be reinstated to
108 the first day of the month following the penalty period.
109 b. Upon the fourth occurrence of noncompliance, temporary
110 cash assistance for the child or children in a family who are
111 under age 16 may be continued for the first 12 months of the
112 penalty period through a protective payee as specified in
113 subsection (2).
114 5. This paragraph does not prohibit a participant from
115 complying with the work activity requirements during the penalty
116 periods imposed in paragraph (a).
117 (b) If a participant receiving temporary cash assistance
118 who is otherwise exempted from noncompliance penalties fails to
119 comply with the alternative requirement plan required in
120 accordance with this section, the penalties provided in
121 paragraph (a) shall apply.
122 (c) When a participant is sanctioned for noncompliance
123 with this section, the department shall refer the participant to
124 appropriate free and low-cost community services, including food
125 banks.
126
127 If a participant fully complies with work activity requirements
128 for at least 6 months, the participant shall be reinstated as
129 being in full compliance with program requirements for purpose
130 of sanctions imposed under this section.

131 (2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR
132 CHILDREN; PROTECTIVE PAYEES.—
133 (a) Upon the second or subsequent ~~third~~ occurrence of
134 noncompliance, subject to the limitations in paragraph (1)(a),
135 temporary cash assistance and food assistance for the child or
136 children in a family who are under age 16 may be continued. Any
137 such payments must be made through a protective payee or, in the
138 case of food assistance, through an authorized representative.
139 Under no circumstances shall temporary cash assistance or food
140 assistance be paid to an individual who has failed to comply
141 with program requirements.
142 Section 2. Subsections (3) through (7) of section 445.024,
143 Florida Statutes, are renumbered as subsections (4) through (8),
144 respectively, and a new subsection (3) is added to that section,
145 to read:
146 445.024 Work requirements.—
147 (3) WORK PLAN AGREEMENT.—For each individual who is not
148 otherwise exempt from work activity requirements, but before a
149 participant may receive temporary cash assistance, the
150 Department of Economic Opportunity, in cooperation with
151 CareerSource Florida, Inc., and the Department of the Department
152 of Children and Families, must:
153 (a) Inform the participant, in plain language, and require
154 the participant to assent to, in writing:
155 1. What is expected of the participant to continue to
156 receive temporary cash assistance benefits.

157 2. Under what circumstances the participant would be
158 sanctioned for noncompliance.
159 3. Potential penalties for noncompliance with work
160 requirements in s. 414.065, including how long benefits would
161 not be available to the participant.
162 (b) Work with the participant to develop strategies to
163 assist the participant in overcoming obstacles to compliance
164 with the work activity requirements.
165 Section 3. Subsection (4) of section 402.82, Florida
166 Statutes, is renumbered as subsection (5), and a new subsection
167 (4) is added to that section, to read:
168 402.82 Electronic benefits transfer program.—
169 (4) The department shall impose a fee for the fifth and
170 each subsequent request for a replacement electronic benefits
171 transfer card that a participant requests within a 12-month
172 period. The fee must be equal to the cost to replace the
173 electronic benefits transfer card. The fee may be deducted from
174 the participant's benefits. The department may waive the
175 replacement fee upon a showing of good cause, such as the
176 malfunction of the card or extreme financial hardship.
177 Section 4. Paragraph (a) of subsection (2) of section
178 39.5085, Florida Statutes, is amended to read:
179 39.5085 Relative Caregiver Program.—
180 (2)(a) The Department of Children and Families shall
181 establish, ~~and~~ operate, and implement the Relative Caregiver
182 Program ~~pursuant to eligibility guidelines established in this~~

183 ~~section as further implemented~~ by rule of the department. The
184 Relative Caregiver Program shall, within the limits of available
185 funding, provide financial assistance to:
186 1. Relatives who are within the fifth degree by blood or
187 marriage to the parent or stepparent of a child and who are
188 caring full-time for that dependent child in the role of
189 substitute parent as a result of a court's determination of
190 child abuse, neglect, or abandonment and subsequent placement
191 with the relative under this chapter.
192 2. Relatives who are within the fifth degree by blood or
193 marriage to the parent or stepparent of a child and who are
194 caring full-time for that dependent child, and a dependent half-
195 brother or half-sister of that dependent child, in the role of
196 substitute parent as a result of a court's determination of
197 child abuse, neglect, or abandonment and subsequent placement
198 with the relative under this chapter.
199 3. Nonrelatives who are willing to assume custody and care
200 of a dependent child in the role of substitute parent as a
201 result of a court's determination of child abuse, neglect, or
202 abandonment and subsequent placement with the nonrelative
203 caregiver under this chapter. The court must find that a
204 proposed placement under this subparagraph is in the best
205 interest of the child.
206 4. The relative or nonrelative caregiver may not receive a
207 Relative Caregiver Program payment if the parent or stepparent
208 of the child resides in the home. However, a relative or

209 nonrelative may receive the payment for a minor parent who is in
210 his or her care and for the minor parent's child, if both the
211 minor parent and the child have been adjudicated dependent and
212 meet all other eligibility requirements. If the caregiver is
213 currently receiving the payment, the payment must be terminated
214 no later than the first day of the following month after the
215 parent or stepparent moves into the home. Before the payment is
216 terminated, the caregiver must be given 10 days' notice of
217 adverse action.
218
219 The placement may be court-ordered temporary legal custody to
220 the relative or nonrelative under protective supervision of the
221 department pursuant to s. 39.521(1)(b)3., or court-ordered
222 placement in the home of a relative or nonrelative as a
223 permanency option under s. 39.6221 or s. 39.6231 or under former
224 s. 39.622 if the placement was made before July 1, 2006. The
225 Relative Caregiver Program shall offer financial assistance to
226 caregivers who would be unable to serve in that capacity without
227 the caregiver payment because of financial burden, thus exposing
228 the child to the trauma of placement in a shelter or in foster
229 care.
230 Section 5. Section 16.59, Florida Statutes, is amended to
231 read:
232 16.59 Medicaid fraud control.—
233 (1) The Medicaid Fraud Control Unit is created in the
234 Department of Legal Affairs to investigate all violations of s.

235 409.920 and any criminal violations discovered during the course
236 of those investigations. The Medicaid Fraud Control Unit may
237 refer any criminal violation so uncovered to the appropriate
238 prosecuting authority. The offices of the Medicaid Fraud Control
239 Unit, the Agency for Health Care Administration Medicaid program
240 integrity program, and the Divisions of Insurance Fraud and
241 Public Assistance Fraud within the Department of Financial
242 Services shall, to the extent possible, be collocated; however,
243 positions dedicated to Medicaid managed care fraud within the
244 Medicaid Fraud Control Unit shall be collocated with the
245 Division of Insurance Fraud. The Agency for Health Care
246 Administration, the Department of Legal Affairs, and the
247 Divisions of Insurance Fraud and Public Assistance Fraud within
248 the Department of Financial Services shall conduct joint
249 training and other joint activities designed to increase
250 communication and coordination in recovering overpayments.
251 (2) In order to combat Medicaid fraud, by January 1, 2017,
252 all hospitals that accept Medicaid payments must implement
253 measures to biometrically confirm a patient's identity.
254 (a) These measures must verify the patient's identity
255 against the patient's image contained within the Department of
256 Highway Safety and Motor Vehicles' driver license database, if
257 available, and verify the patient's eligibility to receive
258 Medicaid payments.
259 (b) The Department of Legal Affairs, the Agency for Health
260 Care Administration, and the Department of Highway Safety and

261 Motor Vehicles may contract with hospitals or their software
262 providers to provide access to the driver license database for
263 the purpose of verifying a patient's identity and eligibility to
264 receive Medicaid payments.
265 Section 6. This act shall take effect July 1, 2016.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Eagle offered the following:
3
4 **Amendment (with title amendment)**
5 Between lines 264 and 265, insert:
6 Section 6. For Fiscal Year 2016-2017, the nonrecurring sum
7 of $879,680 from the Federal Grants Trust Fund is provided to
8 the Department of Children and Families for the purpose of
9 performing the technology modifications necessary to implement
10 changes to the disbursement of temporary cash assistance
11 benefits and the replacement of electronic benefits transfer
12 cards pursuant to this act.
13
14 ----------
15 **T I T L E A M E N D M E N T**
16 Remove line 34 and insert:

17 identities; providing an appropriation; providing an effective
18 date.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Eagle offered the following:
3
4 **Amendment**
5 Remove lines 230-264
6

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1347 Illicit Drugs
SPONSOR(S): Criminal Justice Subcommittee; Ingram
TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 1528

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	12 Y, 0 N, As CS	Keegan	White
2) Appropriations Committee		McAuliffe	Leznoff
3) Judiciary Committee			

SUMMARY ANALYSIS

Chapter 893, F.S., sets forth the Florida Comprehensive Drug Abuse Prevention and Control Act and classifies controlled substances into five categories, known as schedules. These schedules regulate the manufacture, distribution, preparation and dispensing of the substances listed therein. The distinguishing factors between the different drug schedules are the "potential for abuse" of the substances listed therein and whether there is a currently accepted medical use for the substance.

The bill amends s. 893.03, F.S., to add 12 new substances and six general substance classes to the list of substances that are classified under Schedule I. The general classes are as follows:

- Synthetic Cannabinoids;
- Substituted Cathinones;
- Substituted Phenethylamines;
- N-benzyl Phenethylamines;
- Substituted Tryptamines; and
- Substituted Phencyclidines.

The bill makes technical corrections to the names of 113 substances, adds definitions, and makes conforming changes. The bill also revises various criminal penalties that apply to violations of ch. 893, F.S.

The Criminal Justice Impact Conference met on January 29, 2016, and determined that this bill would have a positive indeterminate impact on the Department of Corrections (i.e., an unquantifiable increase in prison beds). The number of future synthetic drug variations, and the resulting offenses connected to them, is unknown. The bill also creates new misdemeanor penalties, which may increase the need for jail beds.

The bill is effective July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Regulating Controlled Substances

The Florida Comprehensive Drug Abuse Prevention and Control Act

Chapter 893, F.S., sets forth the Florida Comprehensive Drug Abuse Prevention and Control Act and classifies controlled substances into five categories, known as schedules. These schedules regulate the manufacture, distribution, preparation and dispensing of the substances listed therein. The distinguishing factors between the different drug schedules are the "potential for abuse"[1] of the substances listed therein and whether there is a currently accepted medical use for the substance.[2] The Controlled Substance Schedules are as follows:

- Schedule I substances have a high potential for abuse and have no currently accepted medical use in the United States. This schedule includes substances such as cannabis and heroin.[3]
- Schedule II substances have a high potential for abuse and have a currently accepted but severely restricted medical use in the United States. This schedule includes substances such as raw opium and codeine.[4]
- Schedule III substances have a potential for abuse less than the substances contained in Schedules I and II and have a currently accepted medical use in the United States. This schedule includes substances such as stimulants and anabolic steroids.[5]
- Schedule IV substances have a low potential for abuse relative to the substances in Schedule III and have a currently accepted medical use in the United States. This schedule includes substances such as benzodiazepines and barbiturates.[6]
- Schedule V substances have a low potential for abuse relative to the substances in Schedule IV and have a currently accepted medical use in the United States. This schedule includes substances such as mixtures that contain small quantities of opiates, narcotics, or stimulants.[7]

Chapter 893, F.S., contains a variety of provisions criminalizing behavior related to controlled substances. Most of these provisions are found in s. 893.13, F.S., which criminalizes the possession, sale, purchase, manufacture, and delivery of controlled substances. The penalty for violating these provisions depends largely on the schedule in which the substance is listed.[8] Other factors, such as the quantity of controlled substances involved in a crime or the location where the violation occurs can also affect the penalties for violating the criminal provisions of ch. 893, F.S.

Each year since 2011, the Florida Legislature has added numerous synthetic cannabinoids, cathinones, and phenethylamines to Schedule I of Florida's controlled substances schedules.[9] As a result, the criminal penalties relating to the possession, sale, manufacture, and delivery of controlled substances now apply to these synthetic substances. For example:

- It is a first degree misdemeanor[10] to possess three grams or less of listed synthetic cannabinoids;[11] and

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[1] Section 893.035(3)(a), F.S., defines "potential for abuse" to mean that a substance has properties as a central nervous system stimulant or depressant or a hallucinogen that create a substantial likelihood of its being: 1) used in amounts that create a hazard to the user's health or the safety of the community; 2) diverted from legal channels and distributed through illegal channels; or 3) taken on the user's own initiative rather than on the basis of professional medical advice.

[2] *See* s. 893.03, F.S.

[3] s. 893.03(1), F.S.

[4] s. 893.03(2), F.S.

[5] s. 893.03(3), F.S.

[6] s. 893.03(4), F.S.

[7] s. 893.03(5), F.S.

[8] *See, e.g.*, s. 893.13(1)(a) and (c), F.S.

[9] chs. 15-34, 14-159, 13-29, 12-23, 11-73, 11-90, Laws of Fla.

[10] A first degree misdemeanor is punishable by up to one year in jail and a $1,000 fine. ss. 775.082 and 775.083, F.S.

- It is a third degree felony[12] to knowingly sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, listed synthetic cannabinoids.[13]

Since the 2015 Legislative Session, new formulas of synthetic substances have been developed that are made of chemicals not covered by current law.

The Florida Drug and Cosmetic Act

Chapter 499, F.S., the Florida Drug and Cosmetic Act (Act), protects consumers from fraud, misbranding, false advertising, and other violations in relation to drugs, devices and cosmetics.[14] There are a wide variety of civil, administrative, and criminal penalties applied to violations of the Act. Criminal penalties are applied to violations such as forgery of prescription drug labels, trafficking in contraband prescription drugs, refusing to allow a lawful inspection, and false advertisement, among others.[15] The criminal violations in the Act are primarily punishable as first,[16] second,[17] or third degree felonies.

The Florida Analogue Statute

In an effort to regulate new substances not included in the schedules, the Legislature created s. 893.0356, F.S., commonly referred to as the Analogue Statute, to prohibit drugs that are similar to drugs specifically prohibited in statute.[18] The Analogue Statute requires a controlled substance analogue to be treated as a controlled substance in Schedule I for purposes of the drug schedules.[19] This means that the criminal penalties for possessing, selling, manufacturing, etc., a controlled substance analogue are the same as those for possessing, selling, manufacturing, etc., a controlled substance listed in Schedule I. The Analogue Statute defines "controlled substance analog" to mean a substance which, due to its chemical structure and potential for abuse, meets the following criteria:

- Is substantially similar to that of a controlled substance listed in Schedule I or Schedule II of s. 893.03; and
- Has a stimulant, depressant, or hallucinogenic effect on the central nervous system or is represented or intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than that of a controlled substance listed in Schedule I or Schedule II of s. 893.03.[20]

The Analogue Statute clarifies that a "controlled substance analog" does not include:

- A controlled substance;
- Any substance for which there is an approved new drug application;
- Any compound, mixture, or preparation which contains any controlled substance which is not for administration to a human being or animal, and which is packaged in such form or concentration, or with adulterants or denaturants, so that as packaged it does not present any significant potential for abuse; or
- Any substance to which an investigational exemption applies under s. 505 of the Food, Drug, and Cosmetic Act, 21 U.S.C. 355, but only to the extent that conduct with respect to the substance is pursuant to such exemption.[21]

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[11] s. 893.13(6)(b), F.S.
[12] A third degree felony is punishable by up to five years imprisonment and a $5,000 fine. ss 775.082 and 775.083, F.S.
[13] s. 893.13(1)(a), F.S.
[14] s. 499.002, F.S.
[15] s. 499.0051, F.S.
[16] A first degree felony is punishable by up to 30 years imprisonment and a $10,000 fine. ss. 775.082, 775.083, and 775.084, F.S.
[17] A second degree felony is punishable by up to 15 years imprisonment and a $10,000 fine. ss. 775.082, 775.083, and 775.084, F.S.
[18] The Analogue Statute, created in 1987, is largely mirrored after the federal Controlled Substance Analogue Enforcement Act (AEA) under 21 USC § 802(32)(A).
[19] s. 893.0356(5), F.S.
[20] s. 893.0356(2)(a), F.S.
[21] s. 893.0356(2)(b), F.S.

The General Class Approach to Substance Regulation

Adding a specific chemical compound to a drug schedule is a common way to prohibit a substance. However, this approach usually requires the addition of new substances to the drug schedule every year to include substances containing new or slightly modified compounds. The general class approach bans synthetic substances based on the chemical grouping or class of the substances.[22] This allows a law to prohibit a number of substances within the same class without listing the individual substances in statute.[23]

Practical and constitutional concerns are raised by the general class approach. The complexity of the chemical compounds of designer drugs can make it difficult to impose a broad ban on such substances without unintentionally including compounds that have legitimate uses. Additionally, criminal laws may violate the constitutional requirement of due process if the laws do not clearly define the behavior that is prohibited or if they are so broad as to encompass lawful behavior.[24]

Designer Substances

Synthetic Cannabinoids

Synthetic cannabinoids (also known as "K2" or "Spice") are chemically engineered substances that have a similar structure to tetrahydrocannabinol (THC) and produce a high similar to marijuana when ingested.[25] The chemicals are often applied to a plant material to mimic marijuana.[26] Synthetic cannabinoids have been developed over the last 30 years for research purposes to investigate the cannabinoid system.[27] No legitimate non-research uses have been identified for synthetic cannabinoids and they have not been approved by the FDA for human consumption.[28]

Despite being labeled "not for human consumption," synthetic cannabinoids are used as recreational drugs and have been marketed as a legal alternative to illegal methods of getting "high."[29] They can be purchased on the Internet, in smoke shops, and convenience stores.[30] The effects of ingesting synthetic cannabinoids can be very serious, and may include seizures, hallucinations, paranoia, anxiety, and tachycardia (racing heartbeat), among others.[31]

Substituted Phenethylamines

Phenethylamines are compounds with a chemical structure of a benzene ring substituted with a 2-aminoethyl chain.[32] Phenethylamine itself is not a controlled substance, but many substituted variations[33] of phenethylamine are.[34] Substituted phenethylamines may have an effect on the user

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[22] NAT'L CONFERENCE OF STATE LEGISLATURES, *Synthetic Drug Threats*, http://www.ncsl.org/research/civil-and-criminal-justice/synthetic-drug-threats.aspx (last visited Jan. 29, 2016).

[23] *Synthetic Drug Threats*, *supra* note 22.

[24] See Constitutional Issues section, herein.

[25] OFFICE OF NAT'L DRUG CONTROL POLICY, *Synthetic Drugs (a.k.a. K2, Spice, Bath Salts, etc.)*, https://www.whitehouse.gov/ondcp/ondcp-fact-sheets/synthetic-drugs-k2-spice-bath-salts (last visited Jan. 31, 2016).

[26] *Synthetic Drugs (a.k.a. K2, Spice, Bath Salts, etc.)*, *supra* note 25.

[27] Schedules of Controlled Substances: Temporary Placement of Five Synthetic Cannabinoids Into Schedule I, 75 Fed. Reg. 71,635-38 (Nov. 24, 2010) (supplementary information) (*also available at* https://www.federalregister.gov/articles/2010/11/24/2010-29600/schedules-of-controlled-substances-temporary-placement-of-five-synthetic-cannabinoids-into-schedule#h-6).

[28] Schedules of Controlled Substances, *supra* note 27.

[29] U.S. DRUG ENFORCEMENT ADMINISTRATION, *Chemicals Used in "Spice" and K2" Type Products Now under Federal Control and Regulation*, http://www.dea.gov/pubs/pressrel/pr030111.html (last visited Jan. 29, 2016).

[30] Fla. Fusion Ctr., *Synthetic Substances Ban, Brief # 12-150*, FLA. DEPT. OF LAW ENFORCEMENT (March 23, 2012), www.tspd.us/Substances_Ban.pdf (last visited Jan. 27, 2016).

[31] Schedules of Controlled Substances: Temporary Placement of Five Synthetic Cannabinoids Into Schedule I, 76 Fed. Reg. 11,075-78 (March 1, 2011) (supplementary information) (*also available at* http://www.deadiversion.usdoj.gov/fed_regs/rules/2011/fr0301.htm).

[32] Solicitation of Information on the Use of Phenethylamine-Related Compounds, 71 Fed. Reg. 62,017-18 (Oct. 20, 2006) (supplementary information) (*also available at* http://www.deadiversion.usdoj.gov/fed_regs/notices/2006/fr10206.htm).

[33] Phenethylamine may be substituted on the benzene ring and/or the 2-aminoethyl chain to create various substitutes, some of which are currently controlled substances. Solicitation of Information (Oct. 20, 2006), *supra* note 32.

[34] Solicitation of Information (Oct. 20, 2006), *supra* note 32.

similar to hallucinogens, stimulants, or both.[35] A common type of substituted phenethylamine, often referred to as 2C,[36] is created by a substitution that increases hallucinogenic effects of the compound.[37] 2C has a similar structure to 3,4-methylenedioxy-*N*-methylamphetamine (MDMA, "ecstasy"), and it is very popular as a designer drug.[38]

Substituted Cathinones

Synthetic cathinones are related to the parent compound cathinone, one of the psychoactive properties in khat (*Catha edulis* Forsk).[39] Khat is a shrub grown in East Africa and southern Arabia, and people sometimes chew its leaves for their mild stimulant effects.[40] Substituted cathinones are synthetic analogs of cathinone within the phenethylamine compound class.[41] Substituted cathinones are different from other phenethylamines described above by the addition of a beta-keto substitute to the core ring along with a substitution of either the alpha carbon atom or the nitrogen atom.[42] Substituted cathinones are often called "bath salts," Flakka, Cloud Nine, and White Lightning[43] and are claimed to have effects similar to those of cocaine, amphetamine, or MDMA (ecstasy).[44]

N-benzyl Phenethylamines

N-benzyl phenethylamines are derivatives of the 2C phenethylamine compounds[45] that activate serotonin neuroreceptors in a similar way to other phenethylamines.[46] These compounds are referred to as "NBOMe compounds," and while sufficient studies have not been conducted on the potency of these compounds, studies have indicated that they have a strong effect on serotonin neuroreceptors that are associated with hallucinogenic brain activity.[47]

Substituted Tryptamines

Tryptamines occur naturally in plants and can be created synthetically.[48] Some tryptamine compounds have documented hallucinogenic effects and can be taken orally, or by injection, smoking, or snorting.[49]

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[35] Drug Enforcement Admin., *National Forensic Laboratory Information System: 2014 Annual Report*, U.S. DEPARTMENT OF JUSTICE (2015), at 17 (*also available at* http://www.deadiversion.usdoj.gov/nflis/).

[36] "2C" is a term coined by Alexander Shulgin to identify the structure of the 2-aminoethyl chain in the phenethylamine compound. Be Vang Dean, et al., *2C or Not 2c: Phenethylamine Designer Drug Review* 9(2) J. MED. TOXICOLOGY 172, 172 (Jun. 2013).

[37] Be Vang Dean, et al., *supra* note 36 at 172.

[38] Be Vang Dean, et al., *supra* note 36 at 172.

[39] EUROPEAN MONITORING CTR. FOR DRUGS & DRUG ADDICTION, *Synthetic Cathinones Drug Profile*, http://www.emcdda.europa.eu/publications/drug-profiles/synthetic-cathinones (last visited Jan. 30, 2016).

[40] NAT'L INST. ON DRUG ABUSE, *Drug Facts: Synthetic Cathinones ("Bath Salts")*, http://www.drugabuse.gov/publications/drugfacts/synthetic-cathinones-bath-salts (last visited on Jan. 30, 2016).

[41] U.S. NATIONAL LIBRARY OF MEDICINE, *Emerging Drugs of Abuse: Current Perspectives on Substituted Cathinones*, http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4043811/ (last viewed Jan. 30, 2016).

[42] *Hearing on Dangerous Synthetic Drugs Before the Senate Caucus on International Narcotics Control*, 118th Cong. (Sept. 25, 2013) (statement of Joseph T. Rannazzisi, Drug Enforcement Administration) (also available at http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwi2pbuP2NLKAhXHqx4KHYZfAaUQFggcMAA&url=http%3A%2F%2Fwww.dea.gov%2Fpr%2Fspeeches-testimony%2F2013t%2F092513t.pdf&usg=AFQjCNFWzTblfSNcqt0b7GcCzG5Oje3eGQ).

[43] *Synthetic Cathinones ("Bath Salts")*, *supra* note 40.

[44] *Synthetic Cathinones Drug Profile*, *supra* note 39.

[45] John F. Casale & Patrick A. Hays, *Characterization of Eleven 2,5-Dimethoxy-N-(2-methoxybenzyl) phenethylamine (NBOMe) Derivatives and Differentiation from their 3- and 4-Methoxybenzyl Analogues – Part I*, 9(2) MICROGRAM J. 84 (2012) (*also available at* http://www.dea.gov/pr/microgram_journals.shtml).

[46] Phenethylamines are generally 5-HT_{2A} antagonists. Like other phenethylamines, *N*-substituted phenethylamines act on the 5-HT_{2A} neuroreceptors, but in a potentially more effective way. Martin Hansen, et al., *Synthesis and Structure—Activity Relationships of N-Benzyl Phenethylamines as 5-$HT_{2A/2C}$ Antagonists*, 5 ACS CHEM. NEUROSCIENCE 243, 243-44 (2014).

[47] John F. Casale & Patrick A. Hays, *supra* note 45.

[48] Drug Enforcement Admin., *Nat'l Forensic Laboratory Info. System: Special Report: Emerging 2C-Phenethylamines, Piperazines, and Tryptamines in NFLIS, 2006-2011*, U.S. DEPARTMENT OF JUSTICE (2015), at 2 (*also available at* http://search.deadiversion.usdoj.gov/texis/search/?dropXSL=&pr=Prod-static-walk&prox=page&rorder=500&rprox=500&rdfreq=500&rwfreq=500&rlead=500&sufs=2&order=r&rdepth=0&query=tryptamines&submit=Search/).

[49] *Nat'l Forensic Laboratory Info. System: Special Report*, *supra* note 48.

Substituted tryptamines are created by substituting the indole ring or the 2-aminoethyl chain or both with various substituents.[50] N,N-dimethyltryptamine (DMT) and 5-methoxyN,N-diisopropyltryptamine (5-MeO-DIPT) are substituted tryptamines that are commonly abused when 3,4-methylenedioxymethamphetamine (MDMA) is unavailable.[51]

Substituted Phencyclidines

Phencyclidine (PCP) was developed in the 1950s for medical use as an anesthetic, but such use was discontinued due to serious side effects that caused delirium and confusion, among others.[52] At some point after its discontinued medical use, PCP-type substances surfaced in the recreational drug market.[53] Recreational PCP derivatives include 4-methoxyphencyclidine, commonly referred to as methoxydine,[54] eticyclidine (PCE), rolicyclidine (PHP, PCPY), and tenocyclidine (TCP), among others.[55] The side effects of these substances can range from stupor to a deep coma.[56]

Effect of the Bill

The bill amends s. 893.03, F.S., to add 12 new substances and six general substance classes to the list of substances that are classified under Schedule I. The additions are as follows:

- Acetylfentanyl (opioid analgesic).
- Butyrylfentanyl (synthetic fentanyl opioid).
- Beta-Hydroxythiofentanyl (opioid analgesic).
- AM-855 ((4aR,12bR)-8-Hexyl-2,5,5-trimethyl-1,4,4a,8,9,10,11,12b-octahydronaphtho[3,2-c]isochromen-12-ol) (synthetic cannabinoid).
- AM-905 ((6aR,9R,10aR)-3-[(E)-Hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol) (synthetic cannabinoid).
- AM-906 ((6aR,9R,10aR)-3-[(Z)-Hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol) (synthetic cannabinoid).
- AM-2389 ((6aR,9R,10aR)-3-(1-Hexyl-cyclobut-1-yl)-6a,7,8,9,10,10a-hexahydro-6,6-dimethyl-6H-dibenzo[b,d]pyran-1,9 diol) (synthetic cannabinoid).
- HU-243 ((6aR,8S,9S,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-8,9-ditritio-7,8,10,10a-tetrahydro-6aH-benzo[c]chromen-1-ol) (synthetic cannabinoid).
- HU-336 ((6aR,10aR)-6,6,9-Trimethyl-3-pentyl-6a,7,10,10a-tetrahydro-1H-benzo[c]chromene-1,4(6H)-dione) (synthetic cannabinoid).
- MAPB ((2-Methylaminopropyl)benzofuran) (synthetic stimulant).
- 5-IT (2-(1H-Indol-5-yl)-1-methyl-ethylamine) (synthetic stimulant).
- 6-IT (2-(1H-Indol-6-yl)-1-methyl-ethylamine) (synthetic stimulant).
- The *Synthetic Cannabinoids* class includes any[57] material, compound, mixture, or preparation that contains any quantity of a synthetic cannabinoid found to be in any of the 15 enumerated chemical class descriptions, or specified variants, whenever the existence of such specified variants is possible within the specific chemical class or designation. These structures or the compounds of these structures shall be included, regardless of their specific numerical designation of atomic positions covered, if it can be determined through a recognized method of scientific testing or analysis that the substance contains properties that fit within one or more of the following categories:

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[50] Solicitation of Information on the Use of Tryptamine-Related Compounds, 71 Fed. Reg. 44,314-15 (Aug. 4, 2006) (supplementary information) (*also available at* http://www.deadiversion.usdoj.gov/fed_regs/notices/2006/fr0804.htm).

[51] *Nat'l Forensic Laboratory Info. System: Special Report*, *supra* note 48.

[52] DRUGS.COM, *What is Phencyclidine?*, http://www.drugs.com/phencyclidine.html (last visited Jan. 31, 2016).

[53] EMEDICINEHEALTH, *Phencyclidine* (PCP), http://www.emedicinehealth.com/club_drugs/page5_em.htm (last visited Jan. 31, 2016).

[54] John F. Casale, *4-Methoxyphencyclidine: An Analytical Profile*, 8(2) MICROGRAM J. 39 (2011) (*also available at* http://www.dea.gov/pr/microgram_journals.shtml).

[55] Lab. & Sci. Section of the U.N. Office on Drugs & Crime, *The Challenge of New Psychoactive Substances*, UNITED NATIONS (2013), at 16-17.

[56] Lab. & Sci. Section of the U.N. Office on Drugs & Crime, *supra* note 55.

[57] Each of the six general classes specifies that the classes do not include compounds that are specifically excepted, are listed in another schedule, or are contained within a pharmaceutical product approved by the U.S. Food and Drug Administration.

- Tetrahydrocannabinols;
- Naphthoylindoles, Naphthoylindazoles, Naphthoylcarbazoles, Naphthylmethylindoles, Naphthylmethylindazoles, and Naphthylmethylcarbazoles. Any compound containing a naphthoylindole, naphthoylindazole, naphthoylcarbazole, naphthylmethylindole, naphthylmethylindazole, or naphthylmethylcarbazole structure, with or without substitution on the indole, indazole, or carbazole ring to any extent, whether or not substituted on the naphthyl ring to any extent;
- Naphthoylpyrroles;
- Naphthylmethylenindenes;
- Phenylacetylindoles and Phenylacetylindazoles;
- Cyclohexylphenols;
- Benzoylindoles and Benzoylindazoles;
- Tetramethylcyclopropanoylindoles and Tetramethylcyclopropanoylindazoles;
- Adamantoylindoles, Adamantoylindazoles, Adamantylindole carboxamides, and Adamantylindazole carboxamides;
- Quinolinylindolecarboxylates, Quinolinylindazolecarboxylates, Quinolinylindolecarboxamides, and Quinolinylindazolecarboxamides;
- Naphthylindolecarboxylates and Naphthylindazolecarboxylates;
- Naphthylindole carboxamides and Naphthylindazole carboxamides;
- Alkylcarbonyl indole carboxamides, Alkylcarbonyl indazole carboxamides, Alkylcarbonyl indole carboxylates, and Alkylcarbonyl indazole carboxylates.—Any compound containing an alkylcarbonyl group, including 1-amino-3-methyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-amino-1-oxo-3-phenylpropan-2-yl, 1-methoxy-1-oxo-3-phenylpropan-2-yl, with an indole carboxamide, indazole carboxamide, indole carboxylate, or indazole carboxylate, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the alkylcarbonyl group to any extent;
- Cumylindolecarboxamides and Cumylindazolecarboxamides.—Any compound containing a N-(2-phenylpropan-2-yl) indole carboxamide or N-(2-phenylpropan-2-yl) indazole carboxamide structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the phenyl ring of the cumyl group to any extent;
- Other Synthetic Cannabinoids.

- The *Substituted Cathinones* class includes any material, compound, mixture, or preparation, including specified variants, whenever the existence of such variants is possible within any of the following three enumerated chemical designations:
  - Any compound containing a 2-amino-1-phenyl-1 propanone structure;
  - Any compound containing a 2-amino-1-naphthyl-1-propanone structure; or
  - Any compound containing a 2-amino-1-thiophene-1-propanone structure,

  whether or not the compound is further modified.
- The *Substituted Phenethylamines* class includes any material, compound, mixture, or preparation, including specified variants, whenever the existence of such variants is possible within any of the 45 enumerated chemical designations, any compound containing a phenethylamine structure, without a beta-keto group, and without a benzyl group attached to the amine group, whether or not the compound is further modified with or without substitution on the phenyl ring to any extent with alkyl, alkylthio, nitro, alkoxy, thio, halide, fused alkylenedioxy, fused furan, fused benzofuran, fused dihydrofuran, or fused tetrahydropyran substituents, whether or not further substituted on a ring to any extent, with or without substitution at the alpha or beta position by any alkyl substituent, with or without substitution at the nitrogen atom, and with or without inclusion of the 2-amino nitrogen atom in a cyclic structure.
- The *N-benzyl Phenethylamine Compounds* class includes any material, compound, mixture, or preparation, including specified variants, whenever the existence of such variants is possible within any of the 19 specified chemical designations, any compound containing a phenethylamine structure without a beta-keto group, with substitution on the nitrogen atom of the amino group with a benzyl substituent, with or without substitution on the phenyl or benzyl

ring to any extent with alkyl, alkoxy, thio, alkylthio, halide, fused alkylenedioxy, fused furan, fused benzofuran, or fused tetrahydropyran substituents, whether or not further substituted on a ring to any extent, with or without substitution at the alpha position by any alkyl substituent, including but not limited to:

- 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine);
- 25B-NBOH (4-Bromo-2,5-dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine);
- 25B-NBF (4-Bromo-2,5-dimethoxy-[N-(2-fluorobenzyl)]phenethylamine);
- 25B-NBMD (4-Bromo-2,5-dimethoxy-[N-(2,3-methylenedioxybenzyl)]phenethylamine);
- 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine);
- 25I-NBOH (4-Iodo-2,5-dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine);
- 25I-NBF (4-Iodo-2,5-dimethoxy-[N-(2-fluorobenzyl)]phenethylamine);
- 25I-NBMD (4-Iodo-2,5-dimethoxy-[N-(2,3-methylenedioxybenzyl)]phenethylamine);
- 25T2-NBOMe (4-Methylthio-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylanamine);
- 25T4-NBOMe (4-Isopropylthio-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylanamine);
- 25T7-NBOMe (4-(n)-Propylthio-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylanamine);
- 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine);
- 25C-NBOH (4-Chloro-2,5-dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine);
- 25C-NBF (4-Chloro-2,5-dimethoxy-[N-(2-fluorobenzyl)]phenethylamine);
- 25C-NBMD (4-Chloro-2,5-dimethoxy-[N-(2,3-methylenedioxybenzyl)]phenethylamine);
- 25H-NBOMe (2,5-Dimethoxy-[N-(2-methoxybenzyl)]phenethylamine);
- 25H-NBOH (2,5-Dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine);
- 25H-NBF (2,5-Dimethoxy-[N-(2-fluorobenzyl)]phenethylamine); or
- 25D-NBOMe (4-Methyl-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine),

which does not include substituted cathinones as described in subparagraph (1)(c)191.

- The *Substituted Tryptamines* class includes any material, compound, mixture, or preparation containing a 2-(1H-indol-3-yl)ethanamine, for example tryptamine, structure with or without mono- or di-substitution of the amine nitrogen with alkyl or alkenyl groups, or by inclusion of the amino nitrogen atom in a cyclic structure, whether or not substituted at the alpha position with an alkyl group, whether or not substituted on the indole ring to any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy groups, including, but not limited to the 27 following chemical designations:
  - Alpha-Ethyltryptamine;
  - Bufotenine;
  - DET (Diethyltryptamine);
  - DMT (Dimethyltryptamine);
  - MET (N-Methyl-N-ethyltryptamine);
  - DALT (N,N-Diallyltryptamine);
  - EiPT (N-Ethyl-N-isopropyltryptamine);
  - MiPT (N-Methyl-N-isopropyltryptamine);
  - 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine);
  - 5-Hydroxy-N-methyltryptamine;
  - 5-MeO-MiPT (5-Methoxy-N-methyl-N-isopropyltryptamine);
  - 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine);
  - Methyltryptamine;
  - 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine);
  - 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine);
  - 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine);
  - DiPT (N,N-Diisopropyltryptamine);
  - DPT (N,N-Dipropyltryptamine);
  - 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine);
  - 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine);
  - 4-AcO-DMT (4-Acetoxy-N,N-dimethyltryptamine);
  - 4-AcO-DiPT (4-Acetoxy-N,N-diisopropyltryptamine);
  - 4-Hydroxy-DET (4-Hydroxy-N,N-diethyltryptamine);

- 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-ethyltryptamine);
- 4-Hydroxy-MiPT (4-Hydroxy-N-methyl-N-isopropyltryptamine);
- Methyl-alpha-ethyltryptamine; or
- Bromo-DALT (Bromo-N,N-diallyltryptamine),

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

- The *Substituted Phenylcyclohexylamines* includes any material, compound, mixture, or preparation containing a phenylcyclohexylamine structure, with or without any substitution on the phenyl ring, any substitution on the cyclohexyl ring, any replacement of the phenyl ring with a thiophenyl or benzothiophenyl ring, with or without substitution on the amine with alkyl, dialkyl, or alkoxy substitutients, inclusion of the nitrogen in a cyclic structure, or any combination of the above, including, but not limited to the 18 following chemical designations:
  - BTCP (Benzothiophenylcyclohexylpiperidine) or BCP (Benocyclidine);
  - PCE (N-Ethyl-1-phenylcyclohexylamine)(Ethylamine analog of phencyclidine);
  - PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine)(Pyrrolidine analog of phencyclidine);
  - PCPr (Phenylcyclohexylpropylamine);
  - TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine)(Thiophene analog of phencyclidine);
  - PCEEA (Phenylcyclohexyl(ethoxyethylamine));
  - PCMPA (Phenylcyclohexyl(methoxypropylamine));
  - Methoxetamine;
  - 3-Methoxy-PCE ((3-Methoxyphenyl)cyclohexylethylamine);
  - Bromo-PCP ((Bromophenyl)cyclohexylpiperidine);
  - Chloro-PCP ((Chlorophenyl)cyclohexylpiperidine);
  - Fluoro-PCP ((Fluorophenyl)cyclohexylpiperidine);
  - Hydroxy-PCP ((Hydroxyphenyl)cyclohexylpiperidine);
  - Methoxy-PCP ((Methoxyphenyl)cyclohexylpiperidine);
  - Methyl-PCP ((Methylphenyl)cyclohexylpiperidine);
  - Nitro-PCP ((Nitrophenyl)cyclohexylpiperidine);
  - Oxo-PCP ((Oxophenyl)cyclohexylpiperidine); or
  - Amino-PCP ((Aminophenyl)cyclohexylpiperidine).

The criminal penalties applied to violations of ch. 893, F.S., involving substances listed in Schedule I will apply to the specific substances listed above, as well as substances that fall within the six general classifications.

The bill makes technical corrections and additions to the names of 113 substances currently included in Schedule I, five substances currently included in Schedule III, and 17 "precursor" chemicals that may be used in the manufacture of a controlled substance, to conform to modern scientific conventions.

The bill adds the following definitions to ch. 893, F.S.:

- "Cannabinoid receptor agonist" means a chemical compound or substance that, according to scientific or medical research, study, testing, or analysis demonstrates the presence of binding activity at one or more of the CB1 or CB2 cell membrane receptors located within the human body.
- "Homologue" means a chemical compound in a series in which each compound differs by one or more repeating hydrocarbon functional group units at any single point within the compound.
- "Mixture" means any physical combination of two or more substances, including, but not limited to, a blend, an aggregation, a suspension, an emulsion, a solution, or a dosage unit, whether or not such combination can be separated into its components by physical means, whether mechanical or thermal.
- "Nitrogen-heterocyclic analog" means an analog of a controlled substance which has a single carbon atom in a cyclic structure of a compound replaced by a nitrogen atom.
- "Positional isomer" means any substance that possesses the same molecular formula and core structure and that has the same functional group or substituent as those found in the respective controlled substance, attached at any positions on the core structure, but in such manner that

no new chemical functionalities are created and no existing chemical functionalities are destroyed relative to the respective controlled substance. Rearrangements of alkyl moieties within or between functional groups or substituents, or divisions or combinations of alkyl moieties, which do not create new chemical functionalities or destroy existing chemical functionalities, are allowed and include resulting compounds that are positional isomers. As used in this definition, the term "core structure" means the parent molecule that is the common basis for the class that includes, but is not limited to, tryptamine, phenethylamine, or ergoline. Examples of rearrangements resulting in creation or destruction of chemical functionalities, and therefore resulting in compounds that are not positional isomers, include, but are not limited to, ethoxy to alpha-hydroxyethyl, hydroxy and methyl to methoxy, or the repositioning of a phenolic or alcoholic hydroxy group to create a hydroxyamine. Examples of rearrangements resulting in compounds that would be positional isomers, include, but are not limited to, tert-butyl to sec-butyl, methoxy and ethyl to isopropoxy, N,N-diethyl to N-methyl-N-propyl, or alpha-methylamino to N-methylamino.

- "Substantially similar," as the term applies to the chemical structure of a substance, means that the chemical structure of the substance compared to the structure of a controlled substance 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 definition of "drug paraphernalia" is revised to include:
    - Diluents and adulterants, such as quinine hydrochloride, caffeine, dimethyl sulfone, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in diluting controlled substances; or substances such as damiana leaf, marshmallow leaf, and mullein leaf, used, intended for use, or designed for use as carrier mediums of controlled substances.
    - Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing controlled substances, as described in s. 893.03, or substances described in s. 877.111(1).

The bill specifies that a controlled substance analog shall be treated as the highest scheduled controlled substance to which it is a controlled substance analog in s. 893.03, F.S., and adds the following factors to the list of relevant factors in determining that a substance is a controlled substance analog:

- Comparisons to the accepted methods of marketing, distribution, and sales of the substance and that which the substance is purported to be, including, but not limited to:
    - The difference in price at which the substance is sold and the price at which the substance it is purported to be or advertised as is normally sold;
    - The difference in how the substance is imported, manufactured, or distributed compared to how the substance it is purported to be or advertised as is normally imported, manufactured, or distributed;
    - The difference in the appearance of the substance in overall finished dosage form compared to the substance it is purported to be or advertised as normally appears in overall finished dosage form; and
    - The difference in how the substance is labeled for sale, packaged for sale, or the method of sale, including, but not limited to, the placement of the substance in an area commonly viewable to the public for purchase consideration compared to how the substance it is purported to be or advertised as is normally labeled for sale, packaged for sale, or sold to the public.

The bill creates the following criminal offenses:

- Possession of a substance in Schedule V[58] is a second degree misdemeanor.[59]

[58] s. 893.03(5), F.S.

[59] A second degree misdemeanor is punishable by up to 60 days in jail and a $500 fine. ss. 775.082, 775.083, and 775.084, F.S.

- Delivering any controlled substance to a person younger than 18 years of age, using or hiring a person younger than 18 years of age as an agent or employee in the sale or delivery of such a substance, or using such person to assist in avoiding detection or apprehension for a violation of ch. 893, F.S., when the controlled substance is not otherwise specified, is a third degree felony.[60]

The bill revises criminal and civil penalties related to controlled substances, as follows:

- Removes the provision in s. 893.13(6)(b), F.S., criminalizing the possession of three grams or less of a variety of cannabinoids as a first degree misdemeanor.[61] This change increases the penalty for possession of any cannabinoid other than cannabis, as defined in s. 893.02(3), F.S., regardless of the amount, from a first degree misdemeanor to a third degree felony.
- Makes possession of a substance in Schedule V[62] a second degree misdemeanor.
- Permits property that is the site of two or more violations of ch. 499, F.S., within a six-month period, to be designated a public nuisance under s. 893.138, F.S.
- Requires that a violation involving a controlled substance not otherwise specified, be punished by sentencing the offender to pay a $500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law, if:
  - A person to sells, manufactures, or delivers, a controlled substance in, on, or within 1,000 feet of the real property comprising an assisted living facility, as that term is used in ch. 429, F.S.; or
  - A person 18 years of age or older delivers any controlled substance to a person younger than 18 years of age, uses or hires a person younger than 18 years of age as an agent or employee in the sale or delivery of such a substance, or uses such person to assist in avoiding detection or apprehension for a violation of this chapter.
- Amends the Offense Severity Ranking Chart to include the offense of use or hire of a minor or delivering to a minor other controlled substances, under s. 893.13(4)(c), F.S., as a Level 2 offense.

The bill adds crimes involving misbranded drugs under s. 499.0051, F.S., to the crimes included in the definition of "racketeering activity" in the Florida RICO (Racketeer Influenced and Corrupt Organization) Act.[63]

B. SECTION DIRECTORY:

Section 1. Amends s. 893.02, F.S., relating to definitions.

Section 2. Amends s. 893.03, F.S., relating to standards and schedules.

Section 3. Amends s. 893.033, F.S., relating to listed chemicals.

Section 4. Amends s. 893.0356, F.S., relating to control of new substances; findings of fact; "controlled substance analog" defined.

Section 5. Amends s. 893.13, F.S., relating to prohibited acts; penalties.

Section 6. Amends s. 893.135, F.S., relating to trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.

Section 7. Amends s. 893.138, F.S., relating to local administrative action to abate drug-related, prostitution-related, or stolen-property-related public nuisances and criminal gang activity.

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[60] A third degree felony is punishable by up to five years imprisonment and a $5,000 fine. ss. 775.082, 775.083, and 775.084, F.S.
[61] A first degree misdemeanor is punishable by up to one year in jail and a $1,000 fine. ss. 775.082 and 775.083, F.S.
[62] s. 893.03(5), F.S.
[63] Sections 895.01-895.06, F.S., establish the Florida RICO Act.

Section 8. Amends s. 893.145, F.S., relating to "drug paraphernalia" defined.

Sections 9. Amends s. 895.02, F.S., relating to definitions.

Section 10. Amends s. 921.0022, F.S., relating to criminal punishment code; offense severity ranking chart.

Sections 11-53. Reenacts multiple sections of law to incorporate amendments by the bill to statutes that are cross-referenced in the reenacted sections.

Section 54. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   The bill does not appear to have an impact on state revenues.

2. Expenditures:

   The Criminal Justice Impact Conference met on January 29, 2016, and determined that this bill would have a positive indeterminate impact on the Department of Corrections (i.e., an unquantifiable increase in prison beds). The number of future synthetic drug variations, and the resulting offenses connected to them, is unknown. It is also unknown how many will be incarcerated for the use or hire of a minor or delivering to a minor controlled substances.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   The bill does not appear to have an impact on local government revenues.

2. Expenditures:

   The bill creates new misdemeanor penalties for violations of ch. 893, F.S.; thus, the bill may have an impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   This bill appears to be exempt from the requirements of article VII, section 18 of the Florida Constitution because it is a criminal law.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 3, 2016, the Criminal Justice Subcommittee adopted three amendments and reported the bill favorable as a committee substitute. Together, the amendments:

- Make technical corrections to chemical substance descriptions; and
- Remove economic sanctions through the Department of Business and Professional Regulation against tobacco or beverage license holders for certain knowing violations of ch. 893, F.S.

This analysis is drafted to the committee substitute as passed by the Criminal Justice Subcommittee.

1 A bill to be entitled
2 An act relating to illicit drugs; amending s. 893.02,
3 F.S.; defining terms; deleting a definition; revising
4 definitions; amending s. 893.03, F.S.; providing that
5 class designation is a way to reference scheduled
6 controlled substances; adding, deleting, and revising
7 the list of Schedule I controlled substances; revising
8 the list of Schedule III anabolic steroids; amending
9 s. 893.033, F.S.; adding, deleting, and revising the
10 list of precursor and essential chemicals; amending s.
11 893.0356, F.S.; defining the term "substantially
12 similar"; deleting the term "potential for abuse";
13 requiring that a controlled substance analog be
14 treated as the highest scheduled controlled substance
15 of which it is an analog; amending s. 893.13, F.S.;
16 creating a noncriminal penalty for selling,
17 manufacturing, or delivering, or possessing with
18 intent to sell, manufacture, or deliver any unlawful
19 controlled substance in, on, or near an assisted
20 living facility; creating a criminal penalty for a
21 person 18 years of age or older who delivers to a
22 person younger than 18 years of age any illegal
23 controlled substance, who uses or hires a person
24 younger than 18 years of age in the sale or delivery
25 of such substance, or who uses a person younger than
26 18 years of age to assist in avoiding detection for

27 specified violations; deleting a criminal penalty for
28 possession of a certain amount of specified controlled
29 substances; deleting certain exclusions to the
30 definition of the term "cannabis"; creating a criminal
31 penalty for possession of specified controlled
32 substances; correcting a cross-reference; amending s.
33 893.135, F.S.; revising a dosage unit to include a
34 gelatin capsule for the purpose of clarifying
35 legislative intent regarding the weighing of a mixture
36 containing a controlled substance; amending s.
37 893.138, F.S.; authorizing a place or premises that
38 has been used on two or more occasions for specified
39 violations within a certain time period to be declared
40 a public nuisance; amending s. 893.145, F.S.; revising
41 the definition of the term "drug paraphernalia";
42 amending s. 895.02, F.S.; revising the definition of
43 the term "racketeering activity"; amending s.
44 921.0022, F.S.; adding an adult delivering controlled
45 substances to a minor, using or hiring a minor to sell
46 controlled substances, or using a minor to avoid
47 detection or apprehension to level 3 of the offense
48 severity ranking chart of the Criminal Punishment
49 Code; making technical changes; reenacting ss.
50 39.01(30)(a) and (g), 316.193(5), 322.2616(2)(c),
51 327.35(5), 440.102(11)(b), 456.44(2), 458.326(3),
52 458.3265(1)(e), 459.0137(1)(e), 463.0055(4)(a),

53 465.0276(1)(b), 499.0121(14) and (15)(a),
54 499.029(3)(a), 782.04(1) and (4), 787.06(2)(a),
55 817.563(1), 831.31, 893.0301, 893.035(7)(a),
56 893.05(1), 893.055(1)(b), 893.07(5)(b), 893.12(2)(b),
57 (c), and (d), and 944.474(2), F.S., to incorporate the
58 amendment made to s. 893.03, F.S., in references
59 thereto; reenacting s. 893.149(4), F.S., to
60 incorporate the amendment made to s. 893.033, F.S., in
61 a reference thereto; reenacting ss. 397.451(4)(b),
62 435.07(2), 772.12(2), 775.084(1)(a), 810.02(3),
63 812.014(2), 831.311(1), 893.1351(1), 893.138(3),
64 893.15, 903.133, and 921.187(1)(l), F.S., to
65 incorporate the amendment made to s. 893.13, F.S., in
66 references thereto; reenacting ss. 893.12(2)(a) and
67 893.147(6)(a), F.S., to incorporate the amendment made
68 to s. 893.145, F.S., in references thereto; reenacting
69 ss. 16.56(1)(a), 655.50(3)(g), 896.101(2)(g), and
70 905.34, F.S., to incorporate the amendment made to s.
71 895.02, F.S., in references thereto; providing an
72 effective date.
73
74 Be It Enacted by the Legislature of the State of Florida:
75
76 Section 1. Subsections (2), (11), and (16) of section
77 893.02, Florida Statutes, are amended, new subsections (17) and
78 (20) are added to that section, present subsections (17), (18),

79 (19), (20), (21), (22), and (23) of that section are
80 redesignated as subsections (18), (19), (21), (22), (23), (24),
81 and (25), respectively, and subsections (4) and (14) are
82 republished, to read:
83 893.02 Definitions.—The following words and phrases as
84 used in this chapter shall have the following meanings, unless
85 the context otherwise requires:
86 (2) "Cannabinoid receptor agonist" means a chemical
87 compound or substance that, according to scientific or medical
88 research, study, testing, or analysis demonstrates the presence
89 of binding activity at one or more of the CB1 or CB2 cell
90 membrane receptors located within the human body ~~"Analog" or~~
91 ~~"chemical analog" means a structural derivative of a parent~~
92 ~~compound that is a controlled substance~~.
93 (4) "Controlled substance" means any substance named or
94 described in Schedules I-V of s. 893.03. Laws controlling the
95 manufacture, distribution, preparation, dispensing, or
96 administration of such substances are drug abuse laws.
97 (11) "Homologue" means a chemical compound in a series in
98 which each compound differs by one or more repeating hydrocarbon
99 functional group units at any single point within the compound
100 ~~alkyl functional groups on an alkyl side chain~~.
101 (14) "Listed chemical" means any precursor chemical or
102 essential chemical named or described in s. 893.033.
103 (16) "Mixture" means any physical combination of two or
104 more substances, including, but not limited to, a blend, an

105 aggregation, a suspension, an emulsion, a solution, or a dosage
106 unit, whether or not such combination can be separated into its
107 components by physical means, whether mechanical or thermal.
108 (17) "Nitrogen-heterocyclic analog" means an analog of a
109 controlled substance which has a single carbon atom in a cyclic
110 structure of a compound replaced by a nitrogen atom.
111 (20) "Positional isomer" means any substance that
112 possesses the same molecular formula and core structure and that
113 has the same functional group or substituent as those found in
114 the respective controlled substance, attached at any positions
115 on the core structure, but in such manner that no new chemical
116 functionalities are created and no existing chemical
117 functionalities are destroyed relative to the respective
118 controlled substance. Rearrangements of alkyl moieties within or
119 between functional groups or substituents, or divisions or
120 combinations of alkyl moieties, which do not create new chemical
121 functionalities or destroy existing chemical functionalities,
122 are allowed and include resulting compounds that are positional
123 isomers. As used in this definition, the term "core structure"
124 means the parent molecule that is the common basis for the class
125 that includes, but is not limited to, tryptamine,
126 phenethylamine, or ergoline. Examples of rearrangements
127 resulting in creation or destruction of chemical
128 functionalities, and therefore resulting in compounds that are
129 not positional isomers, include, but are not limited to, ethoxy
130 to alpha-hydroxyethyl, hydroxy and methyl to methoxy, or the

131 repositioning of a phenolic or alcoholic hydroxy group to create
132 a hydroxyamine. Examples of rearrangements resulting in
133 compounds that would be positional isomers, include, but are not
134 limited to, tert-butyl to sec-butyl, methoxy and ethyl to
135 isopropoxy, N,N-diethyl to N-methyl-N-propyl, or alpha-
136 methylamino to N-methylamino.
137 Section 2. Section 893.03, Florida Statutes, is amended to
138 read:
139 893.03 Standards and schedules.—The substances enumerated
140 in this section are controlled by this chapter. The controlled
141 substances listed or to be listed in Schedules I, II, III, IV,
142 and V are included by whatever official, common, usual,
143 chemical, ~~or~~ trade name, or class designated. The provisions of
144 this section shall not be construed to include within any of the
145 schedules contained in this section any excluded drugs listed
146 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
147 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
148 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
149 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
150 Anabolic Steroid Products."
151 (1) SCHEDULE I.—A substance in Schedule I has a high
152 potential for abuse and has no currently accepted medical use in
153 treatment in the United States and in its use under medical
154 supervision does not meet accepted safety standards. The
155 following substances are controlled in Schedule I:
156 (a) Unless specifically excepted or unless listed in

157 another schedule, any of the following substances, including
158 their isomers, esters, ethers, salts, and salts of isomers,
159 esters, and ethers, whenever the existence of such isomers,
160 esters, ethers, and salts is possible within the specific
161 chemical designation:
162 1. Acetyl-alpha-methylfentanyl.
163 2. Acetylmethadol.
164 3. Allylprodine.
165 4. Alphacetylmethadol (except levo-alphacetylmethadol,
166 also known as levo-alpha-acetylmethadol, levomethadyl acetate,
167 or LAAM).
168 5. Alphamethadol.
169 6. Alpha-methylfentanyl (N-[1-(alpha-methyl-betaphenyl)
170 ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-
171 (N-propanilido) piperidine).
172 7. Alpha-methylthiofentanyl.
173 8. Alphameprodine.
174 9. Benzethidine.
175 10. Benzylfentanyl.
176 11. Betacetylmethadol.
177 12. Beta-hydroxyfentanyl.
178 13. Beta-hydroxy-3-methylfentanyl.
179 14. Betameprodine.
180 15. Betamethadol.
181 16. Betaprodine.
182 17. Clonitazene.

183 18. Dextromoramide.
184 19. Diampromide.
185 20. Diethylthiambutene.
186 21. Difenoxin.
187 22. Dimenoxadol.
188 23. Dimepheptanol.
189 24. Dimethylthiambutene.
190 25. Dioxaphetyl butyrate.
191 26. Dipipanone.
192 27. Ethylmethylthiambutene.
193 28. Etonitazene.
194 29. Etoxeridine.
195 30. Flunitrazepam.
196 31. Furethidine.
197 32. Hydroxypethidine.
198 33. Ketobemidone.
199 34. Levomoramide.
200 35. Levophenacylmorphan.
201 36. Desmethylprodine (1-Methyl-4-Phenyl-4-
202 Propionoxypiperidine) ~~(MPPP)~~.
203 37. 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
204 piperidyl]-N-phenylpropanamide).
205 38. 3-Methylthiofentanyl.
206 39. Morpheridine.
207 40. Noracymethadol.
208 41. Norlevorphanol.

209 42. Normethadone.
210 43. Norpipanone.
211 44. Para-Fluorofentanyl.
212 45. Phenadoxone.
213 46. Phenampromide.
214 47. Phenomorphan.
215 48. Phenoperidine.
216 49. PEPAP (1-(2-Phenylethyl)-4-Phenyl-4-
217 Acetyloxypiperidine) ~~(PEPAP)~~.
218 50. Piritramide.
219 51. Proheptazine.
220 52. Properidine.
221 53. Propiram.
222 54. Racemoramide.
223 55. Thenylfentanyl.
224 56. Thiofentanyl.
225 57. Tilidine.
226 58. Trimeperidine.
227 59. Acetylfentanyl.
228 60. Butyrylfentanyl.
229 61. Beta-Hydroxythiofentanyl.
230 (b) Unless specifically excepted or unless listed in
231 another schedule, any of the following substances, their salts,
232 isomers, and salts of isomers, whenever the existence of such
233 salts, isomers, and salts of isomers is possible within the
234 specific chemical designation:

235 1. Acetorphine.
236 2. Acetyldihydrocodeine.
237 3. Benzylmorphine.
238 4. Codeine methylbromide.
239 5. Codeine-N-Oxide.
240 6. Cyprenorphine.
241 7. Desomorphine.
242 8. Dihydromorphine.
243 9. Drotebanol.
244 10. Etorphine (except hydrochloride salt).
245 11. Heroin.
246 12. Hydromorphinol.
247 13. Methyldesorphine.
248 14. Methyldihydromorphine.
249 15. Monoacetylmorphine.
250 16. Morphine methylbromide.
251 17. Morphine methylsulfonate.
252 18. Morphine-N-Oxide.
253 19. Myrophine.
254 20. Nicocodine.
255 21. Nicomorphine.
256 22. Normorphine.
257 23. Pholcodine.
258 24. Thebacon.
259 (c) Unless specifically excepted or unless listed in
260 another schedule, any material, compound, mixture, or

261 preparation that contains any quantity of the following
262 hallucinogenic substances or that contains any of their salts,
263 isomers, including optical, positional, or geometric isomers,
264 homologues, nitrogen-heterocyclic analogs, esters, ethers, and
265 salts of isomers, homologues, nitrogen-heterocyclic analogs,
266 esters, or ethers, if the existence of such salts, isomers, and
267 salts of isomers is possible within the specific chemical
268 designation or class description:
269 1. Alpha-Ethyltryptamine.
270 2. 4-Methylaminorex (2-Amino-4-methyl-5-phenyl-2-
271 oxazoline) ~~(4-methylaminorex)~~.
272 3. Aminorex (2-Amino-5-phenyl-2-oxazoline) ~~(Aminorex)~~.
273 4. DOB (4-Bromo-2,5-dimethoxyamphetamine).
274 5. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).
275 6. Bufotenine.
276 7. Cannabis.
277 8. Cathinone.
278 9. DET (Diethyltryptamine).
279 10. 2,5-Dimethoxyamphetamine.
280 11. DOET (4-Ethyl-2,5-Dimethoxyamphetamine) ~~2,5-Dimethoxy-~~
281 ~~4-ethylamphetamine (DOET)~~.
282 12. DMT (Dimethyltryptamine).
283 13. PCE (N-Ethyl-1-phenylcyclohexylamine) ~~(PCE)~~(Ethylamine
284 analog of phencyclidine).
285 14. JB-318 (N-Ethyl-3-piperidyl benzilate).
286 15. N-Ethylamphetamine.

287 16. Fenethylline.
288 17. 3,4-Methylenedioxy-N-hydroxyamphetamine ~~N-Hydroxy-3,4-~~
289 ~~methylenedioxyamphetamine~~.
290 18. Ibogaine.
291 19. LSD (Lysergic acid diethylamide) ~~(LSD)~~.
292 20. Mescaline.
293 21. Methcathinone.
294 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
295 23. PMA (4-Methoxyamphetamine).
296 24. PMMA (4-Methoxymethamphetamine).
297 25. DOM (4-Methyl-2,5-dimethoxyamphetamine).
298 26. MDEA (3,4-Methylenedioxy-N-ethylamphetamine).
299 27. MDA (3,4-Methylenedioxyamphetamine).
300 28. JB-336 (N-Methyl-3-piperidyl benzilate).
301 29. N,N-Dimethylamphetamine.
302 30. Parahexyl.
303 31. Peyote.
304 32. PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine) ~~(PCPY)~~
305 (Pyrrolidine analog of phencyclidine).
306 33. Psilocybin.
307 34. Psilocyn.
308 35. *Salvia divinorum*, except for any drug product approved
309 by the United States Food and Drug Administration which contains
310 *Salvia divinorum* or its isomers, esters, ethers, salts, and
311 salts of isomers, esters, and ethers, if the existence of such
312 isomers, esters, ethers, and salts is possible within the

313 specific chemical designation.
314 36. Salvinorin A, except for any drug product approved by
315 the United States Food and Drug Administration which contains
316 Salvinorin A or its isomers, esters, ethers, salts, and salts of
317 isomers, esters, and ethers, if the existence of such isomers,
318 esters, ethers, and salts is possible within the specific
319 chemical designation.
320 ~~37. Tetrahydrocannabinols.~~
321 37. Xylazine.
322 38. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine) ~~(TCP)~~
323 (Thiophene analog of phencyclidine).
324 39. 3,4,5-Trimethoxyamphetamine.
325 40. Methylone (3,4-Methylenedioxymethcathinone).
326 41. MDPV (3,4-Methylenedioxypyrovalerone) ~~(MDPV)~~.
327 42. Methylmethcathinone.
328 43. Methoxymethcathinone.
329 44. Fluoromethcathinone.
330 45. Methylethcathinone.
331 46. CP 47,497 (2-(~~[(1R,3S)-~~3-Hydroxycyclohexyl)~~]~~-5-(2-
332 methyloctan-2-yl)phenol)~~, also known as CP 47,497~~ and its
333 dimethyloctyl (C8) homologue.
334 47. HU-210 [(6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-
335 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
336 ol]~~, also known as HU-210~~.
337 48. JWH-018 (1-Pentyl-3-(1-naphthoyl)indole)~~, also known~~
338 ~~as JWH-018~~.

339 49. JWH-073 (1-Butyl-3-(1-naphthoyl)indole)~~, also known as~~
340 ~~JWH-073~~.
341 50. JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-
342 naphthoyl)indole)~~, also known as JWH-200~~.
343 51. BZP (Benzylpiperazine).
344 52. Fluorophenylpiperazine.
345 53. Methylphenylpiperazine.
346 54. Chlorophenylpiperazine.
347 55. Methoxyphenylpiperazine.
348 56. DBZP (1,4-Dibenzylpiperazine).
349 57. TFMPP (~~3-~~Trifluoromethylphenylpiperazine).
350 58. MBDB (Methylbenzodioxolylbutanamine) or (3,4-
351 Methylenedioxy-N-methylbutanamine).
352 59. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).
353 60. 5-Hydroxy-N-methyltryptamine.
354 61. 5-MeO-MiPT (5-Methoxy-N-methyl-N-isopropyltryptamine).
355 62. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).
356 63. Methyltryptamine.
357 64. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).
358 65. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).
359 66. Tyramine (4-Hydroxyphenethylamine).
360 67. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).
361 68. DiPT (N,N-Diisopropyltryptamine).
362 69. DPT (N,N-Dipropyltryptamine).
363 70. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).
364 71. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine) ~~N,N-~~

365 ~~Diallyl-5-Methoxytryptamine~~.
366 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
367 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
368 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
369 75. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine)
370 ~~2,5-Dimethoxy-4-isopropylthiophenethylamine)~~.
371 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
372 77. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine) ~~2,5-~~
373 ~~Dimethoxy-4-methylthiophenethylamine)~~.
374 78. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine) ~~2,5-~~
375 ~~Dimethoxy-4-ethylthiophenethylamine)~~.
376 79. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine)
377 ~~2,5-Dimethoxy-4-(n)-propylthiophenethylamine)~~.
378 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
379 81. Butylone (3,4-Methylenedioxy-alpha-
380 methylaminobutyrophenone) ~~beta-keto-N-~~
381 ~~methylbenzodioxolylpropylamine)~~.
382 82. Ethcathinone.
383 83. Ethylone (3,4-Methylenedioxy-N-ethylcathinone).
384 84. Naphyrone (Naphthylpyrovalerone).
385 85. Dimethylone (3,4-Methylenedioxy-N,N-dimethylcathinone)
386 ~~N-N-Dimethyl-3,4-methylenedioxycathinone~~.
387 86. 3,4-Methylenedioxy-N,N-diethylcathinone ~~N-N-Diethyl-~~
388 ~~3,4-methylenedioxycathinone~~.
389 87. 3,4-Methylenedioxy-propiophenone.
390 88. 3,4-Methylenedioxy-alpha-bromopropiophenone ~~2-Bromo-~~

391 ~~3,4-Methylenedioxypropiophenone~~.
392 89. 3,4-Methylenedioxy-propiophenone-2-oxime.
393 90. 3,4-Methylenedioxy-N-acetylcathinone ~~N-Acetyl-3,4-~~
394 ~~methylenedioxycathinone~~.
395 91. 3,4-Methylenedioxy-N-acetylmethcathinone ~~N-Acetyl-N-~~
396 ~~Methyl-3,4-Methylenedioxycathinone~~.
397 92. 3,4-Methylenedioxy-N-acetylethcathinone ~~N-Acetyl-N-~~
398 ~~Ethyl-3,4-Methylenedioxycathinone~~.
399 93. Bromomethcathinone.
400 94. Buphedrone (alpha-Methylamino-butyrophenone).
401 95. Eutylone (3,4-Methylenedioxy-alpha-
402 ethylaminobutyrophenone) ~~beta-Keto-~~
403 ~~Ethylbenzodioxolylbutanamine)~~.
404 96. Dimethylcathinone.
405 97. Dimethylmethcathinone.
406 98. Pentylone (3,4-Methylenedioxy-alpha-
407 methylaminovalerophenone) ~~(beta-Keto-~~
408 ~~Methylbenzodioxolylpentanamine)~~.
409 99. MDPPP (3,4-Methylenedioxy-alpha-
410 pyrrolidinopropiophenone) ~~(MDPPP) 3,4-Methylenedioxy-alpha-~~
411 ~~pyrrolidinopropiophenone~~.
412 100. MDPBP (3,4-Methylenedioxy-alpha-
413 pyrrolidinobutyrophenone) ~~(MDPBP) 3,4-Methylenedioxy-alpha-~~
414 ~~pyrrolidinobutiophenone~~.
415 101. MOPPP (Methoxy-alpha-pyrrolidinopropiophenone)
416 ~~(MOPPP)~~.

417 102. MPHP (Methyl-alpha-pyrrolidinohexanophenone) ~~Methyl-~~
418 ~~alpha-pyrrolidinohexiophenone (MPHP)~~.
419 103. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP
420 (Benocyclidine) ~~Benocyclidine (BCP) or~~
421 ~~benzothiophenylcyclohexylpiperidine (BTCP)~~.
422 104. F-MABP (Fluoromethylaminobutyrophenone) ~~(F-MABP)~~.
423 105. MeO-PBP (Methoxypyrrolidinobutyrophenone) ~~(MeO-PBP)~~.
424 106. Et-PBP (Ethyl-pyrrolidinobutyrophenone) ~~(Et-PBP)~~.
425 107. 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone) ~~(3-~~
426 ~~Me-4-MeO-MCAT)~~.
427 108. Me-EABP (Methylethylaminobutyrophenone) ~~(Me-EABP)~~.
428 109. Etizolam ~~Methylamino-butyrophenone (MABP)~~.
429 110. PPP (Pyrrolidinopropiophenone) ~~(PPP)~~.
430 111. PBP (Pyrrolidinobutyrophenone)
431 ~~Pyrrolidinobutiophenone (PBP)~~.
432 112. PVP (Pyrrolidinovalerophenone) or
433 (Pyrrolidinopentiophenone) ~~(PVP)~~.
434 113. MPPP (Methyl-alpha-pyrrolidinopropiophenone) ~~(MPPP)~~.
435 114. JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl)indole).
436 115. JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl)indole) ~~2-~~
437 ~~Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone)~~.
438 116. JWH-019 (1-Hexyl-3-(1-naphthoyl)indole) ~~Naphthalen-1-~~
439 ~~yl-(1-hexylindol-3-yl)methanone)~~.
440 117. JWH-020 (1-Heptyl-3-(1-naphthoyl)indole).
441 118. JWH-072 (1-Propyl-3-(1-naphthoyl)indole) ~~Naphthalen-~~
442 ~~1-yl-(1-propyl-1H-indol-3-yl)methanone)~~.

443 119. JWH-081 (1-Pentyl-3-(4-methoxy-1-naphthoyl)indole) ~~4-~~
444 ~~methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone)~~.
445 120. JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
446 121. JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-
447 methylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene)
448 ~~((6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-tetrahydro-6,6,9-~~
449 ~~trimethyl-6H-dibenzo[b,d]pyran))~~.
450 122. JWH-175 (1-Pentyl-3-(1-naphthylmethyl)indole) ~~3-~~
451 ~~(naphthalen-1-ylmethyl)-1-pentyl-1H-indole)~~.
452 123. JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl)indole).
453 124. JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole) ~~2-~~
454 ~~(2-chlorophenyl)-1-(1-pentylindol-3-yl)ethanone)~~.
455 125. JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl)indole) ~~4-~~
456 ~~ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone)~~.
457 126. JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole) ~~2-~~
458 ~~(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone)~~.
459 127. JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole) ~~2-~~
460 ~~(2-methylphenyl)-1-(1-pentyl-1H-indol-3-yl)ethanone)~~.
461 128. JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl)indole).
462 129. JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole).
463 130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
464 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
465 ol).
466 131. HU-308 ([(1R,2R,5R)-2-[2,6-Dimethoxy-4-(2-
467 methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-
468 enyl] methanol).

469 132. HU-331 (3-Hydroxy-2-[(1R,6R)-3-methyl-6-(1-
470 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-
471 1,4-dione).
472 133. CB-13 (4-Pentyloxy-1-(1-naphthoyl)naphthalene)
473 ~~Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone)~~.
474 134. CB-25 (N-Cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-
475 undecanamide).
476 135. CB-52 (N-Cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-
477 undecanamide).
478 136. CP 55,940 (2-[3-Hydroxy-5-propanol-cyclohexyl]-5-(2-
479 methyloctan-2-yl)phenol) ~~2-[(1R,2R,5R)-5-hydroxy-2-(3-~~
480 ~~hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol)~~.
481 137. AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole)
482 ~~1-[(5-fluoropentyl)-1H-indol-3-yl]-(2-iodophenyl)methanone)~~.
483 138. AM-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indole) ~~1-~~
484 ~~[(5-fluoropentyl)-1H-indol-3-yl]-(naphthalen-1-yl)methanone)~~.
485 139. RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole) ~~(4-~~
486 ~~methoxyphenyl)-(1-pentyl-1H-indol-3-yl)methanone)~~.
487 140. RCS-8 (1-(2-Cyclohexylethyl)-3-(2-
488 methoxyphenylacetyl)indole) ~~1-(1-(2-cyclohexylethyl)-1H-indol-3-~~
489 ~~yl)-2-(2-methoxyphenylethanone)~~.
490 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-
491 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
492 naphthalenylmethanone).
493 142. WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-
494 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-

495 naphthalenylmethanone).
496 143. Pentedrone (alpha-Methylaminovalerophenone) ~~2-~~
497 ~~(methylamino)-1-phenyl-1-pentanone)~~.
498 144. Fluoroamphetamine.
499 145. Fluoromethamphetamine.
500 146. Methoxetamine.
501 147. Methiopropamine.
502 148. ~~4-~~Methylbuphedrone (Methyl-alpha-
503 methylaminobutyrophenone) ~~2-Methylamino-1-(4-methylphenyl)butan-~~
504 ~~1-one)~~.
505 149. APB ((2-Aminopropyl)benzofuran).
506 150. APDB ((2-Aminopropyl)-2,3-dihydrobenzofuran).
507 151. UR-144 (1-Pentyl-3-(2,2,3,3-
508 tetramethylcyclopropanoyl)indole) ~~(1-pentyl-1H-indol-3-~~
509 ~~yl)(2,2,3,3-tetramethylcyclopropyl)methanone)~~.
510 152. XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-
511 tetramethylcyclopropanoyl)indole) ~~(1-(5-fluoropentyl)-1H-indol-~~
512 ~~3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone)~~.
513 153. Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-
514 tetramethylcyclopropanoyl)indole) (~~1-(5-chloropentyl)-1H-indol-~~
515 ~~3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone~~.
516 154. AKB48 (N-Adamant-1-yl 1-pentylindazole-3-carboxamide)
517 ~~1-pentyl-N-tricyclo[3.3.1.13,7]dec-1-yl-1H-indazole-3-~~
518 ~~carboxamide)~~.
519 155. AM-2233(1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-
520 iodobenzoyl)indole) ~~(2-iodophenyl)[1-[(1-methyl-2-~~

521 ~~piperidinyl)methyl]-1H-indol-3-yl]-methanone)~~.
522 156. STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-3-
523 carboxamide) ~~1-(5-fluoropentyl)-N-tricyclo[3.3.1.13,7]dec-1-yl-~~
524 ~~1H-indole-3-carboxamide)~~.
525 157. URB-597 ((3'-(Aminocarbonyl)[1,1'-biphenyl]-3-yl)-
526 cyclohexylcarbamate).
527 158. URB-602 ([1,1'-Biphenyl]-3-yl-carbamic acid,
528 cyclohexyl ester).
529 159. URB-754 (6-Methyl-2-[(4-methylphenyl)amino]-1-
530 benzoxazin-4-one).
531 160. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine) ~~2-(2,5-~~
532 ~~Dimethoxy-4-methylphenyl)ethanamine)~~.
533 161. 2C-H (2,5-Dimethoxyphenethylamine) ~~2-(2,5-~~
534 ~~Dimethoxyphenyl)ethanamine)~~.
535 162. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine) ~~2-(2,5-~~
536 ~~Dimethoxy-4-nitrophenyl)ethanamine)~~.
537 163. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine) ~~2-~~
538 ~~(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine)~~.
539 164. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-
540 methoxybenzyl)]phenethylamine) ~~4-iodo-2,5-dimethoxy-N-[(2-~~
541 ~~methoxyphenyl)methyl]-benzeneethanamine)~~.
542 165. MDMA (3,4-Methylenedioxymethamphetamine) ~~(MDMA)~~.
543 166. PB-22 (8-Quinolinyl 1-pentylindole-3-carboxylate) ~~1-~~
544 ~~pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid)~~.
545 167. ~~5-~~Fluoro PB-22 (8-Quinolinyl 1-(fluoropentyl)indole-
546 3-carboxylate) ~~8-quinolinyl ester-1-(5-fluoropentyl)-1H-indole-~~

547 ~~3-carboxylic acid)~~.
548 168. BB-22 (8-Quinolinyl 1-(cyclohexylmethyl)indole-3-
549 carboxylate) ~~1-(cyclohexylmethyl)-8-quinolinyl ester-1H-indole-~~
550 ~~3-carboxylic acid)~~.
551 169. ~~5-~~Fluoro AKB48 (N-Adamant-1-yl 1-
552 (fluoropentyl)indazole-3-carboxamide) ~~N-((3s,5s,7s)-adamantan-1-~~
553 ~~yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide)~~.
554 170. AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
555 pentylindazole-3-carboxamide) ~~N-(1-Amino-3-methyl-1-oxobutan-2-~~
556 ~~yl)-1-pentyl-1H-indazole-3-carboxamide)~~.
557 171. AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
558 (4-fluorobenzyl)indazole-3-carboxamide) ~~N-(1-Amino-3-methyl-1-~~
559 ~~oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)~~.
560 172. ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-
561 1-pentylindazole-3-carboxamide) ~~N-(1-Amino-3,3-dimethyl-1-~~
562 ~~oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)~~.
563 173. Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
564 yl)-1-(fluoropentyl)indole-3-carboxamide) ~~N-(1-Amino-3,3-~~
565 ~~dimethyl-1-oxobutan-2-yl)-1-(fluoropentyl)-1H-indole-3-~~
566 ~~carboxamide)~~.
567 174. 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-
568 methoxybenzyl)]phenethylamine) ~~4-bromo-2,5-dimethoxy-N-[(2-~~
569 ~~methoxyphenyl)methyl]-benzeneethanamine)~~.
570 175. 25C~~-C~~-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-
571 methoxybenzyl)]phenethylamine) ~~4-chloro-2,5-dimethoxy-N-[(2-~~
572 ~~methoxyphenyl)methyl]-benzeneethanamine)~~.

573 176. AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
574 (cyclohexylmethyl)indazole-3-carboxamide)~~: N-[1-(aminocarbonyl)-~~
575 ~~2-methylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide~~.
576 177. FUB-PB-22 (8-Quinolinyl 1-(4-fluorobenzyl)indole-3-
577 carboxylate)~~: Quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-3-~~
578 ~~carboxylate~~.
579 178. Fluoro-NNEI (N-Naphthalen-1-yl 1-
580 (fluoropentyl)indole-3-carboxamide)~~: 1-(Fluoropentyl)-N-~~
581 ~~(naphthalen-1-yl)-1H-indole-3-carboxamide~~.
582 179. Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-
583 (fluoropentyl)indazole-3-carboxamide)~~: Methyl 2-(1-~~
584 ~~(fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate~~.
585 180. THJ-2201 (1-(5-Fluoropentyl)-3-(1-
586 naphthoyl)indazole)~~: [1-(5-Fluoropentyl)-1H-indazol-3-~~
587 ~~yl](naphthalen-1-yl)methanone~~.
588 181. AM-855 ((4aR,12bR)-8-Hexyl-2,5,5-trimethyl-
589 1,4,4a,8,9,10,11,12b-octahydronaphtho[3,2-c]isochromen-12-ol).
590 182. AM-905 ((6aR,9R,10aR)-3-[(E)-Hept-1-enyl]-9-
591 (hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-
592 hexahydrobenzo[c]chromen-1-ol).
593 183. AM-906 ((6aR,9R,10aR)-3-[(Z)-Hept-1-enyl]-9-
594 (hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-
595 hexahydrobenzo[c]chromen-1-ol).
596 184. AM-2389 ((6aR,9R,10aR)-3-(1-Hexyl-cyclobut-1-yl)-
597 6a,7,8,9,10,10a-hexahydro-6,6-dimethyl-6H-dibenzo[b,d]pyran-1,9
598 diol).

599 185. HU-243 ((6aR,8S,9S,10aR)-9-(Hydroxymethyl)-6,6-
600 dimethyl-3-(2-methyloctan-2-yl)-8,9-ditritio-7,8,10,10a-
601 tetrahydro-6aH-benzo[c]chromen-1-ol).
602 186. HU-336 ((6aR,10aR)-6,6,9-Trimethyl-3-pentyl-
603 6a,7,10,10a-tetrahydro-1H-benzo[c]chromene-1,4(6H)-dione).
604 187. MAPB ((2-Methylaminopropyl)benzofuran).
605 188. 5-IT (2-(1H-Indol-5-yl)-1-methyl-ethylamine).
606 189. 6-IT (2-(1H-Indol-6-yl)-1-methyl-ethylamine).
607 190. Synthetic Cannabinoids.—Unless specifically excepted
608 or unless listed in another schedule or contained within a
609 pharmaceutical product approved by the United States Food and
610 Drug Administration, any material, compound, mixture, or
611 preparation that contains any quantity of a synthetic
612 cannabinoid found to be in any of the following chemical class
613 descriptions, or homologues, nitrogen-heterocyclic analogs,
614 isomers (including optical, positional, or geometric), esters,
615 ethers, salts, and salts of homologues, nitrogen-heterocyclic
616 analogs, isomers, esters, or ethers, whenever the existence of
617 such homologues, nitrogen-heterocyclic analogs, isomers, esters,
618 ethers, salts, and salts of isomers, esters, or ethers is
619 possible within the specific chemical class or designation.
620 Since nomenclature of these synthetically produced cannabinoids
621 is not internationally standardized and may continually evolve,
622 these structures or the compounds of these structures shall be
623 included under this subparagraph, regardless of their specific
624 numerical designation of atomic positions covered, if it can be

625 determined through a recognized method of scientific testing or
626 analysis that the substance contains properties that fit within
627 one or more of the following categories:
628 a. Tetrahydrocannabinols.—Any tetrahydrocannabinols
629 naturally contained in a plant of the genus *Cannabis*, the
630 synthetic equivalents of the substances contained in the plant
631 or in the resinous extracts of the genus *Cannabis*, or synthetic
632 substances, derivatives, and their isomers with similar chemical
633 structure and pharmacological activity, including, but not
634 limited to, Delta 9 tetrahydrocannabinols and their optical
635 isomers, Delta 8 tetrahydrocannabinols and their optical
636 isomers, Delta 6a,10a tetrahydrocannabinols and their optical
637 isomers, or any compound containing a tetrahydrobenzo[c]chromene
638 structure with substitution at either or both the 3-position or
639 9-position, with or without substitution at the 1-position with
640 hydroxyl or alkoxy groups, including, but not limited to:
641 (I) Tetrahydrocannabinol.
642 (II) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-
643 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
644 ol).
645 (III) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
646 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
647 ol).
648 (IV) JWH-051 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-
649 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
650 (V) JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methylpentan-

651 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
652 (VI) JWH-057 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methyloctan-
653 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
654 (VII) JWH-359 ((6aR,10aR)-1-Methoxy-6,6,9-trimethyl-3-
655 (2,3-dimethylpentan-2-yl)-6a,7,10,10a-
656 tetrahydrobenzo[c]chromene).
657 (VIII) AM-087 ((6aR,10aR)-3-(2-Methyl-6-bromohex-2-yl)-
658 6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
659 (IX) AM-411 ((6aR,10aR)-3-(1-Adamantyl)-6,6,9-trimethyl-
660 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
661 (X) Parahexyl.
662 b. Naphthoylindoles, Naphthoylindazoles,
663 Naphthoylcarbazoles, Naphthylmethylindoles,
664 Naphthylmethylindazoles, and Naphthylmethylcarbazoles. Any
665 compound containing a naphthoylindole, naphthoylindazole,
666 naphthoylcarbazole, naphthylmethylindole,
667 naphthylmethylindazole, or naphthylmethylcarbazole structure,
668 with or without substitution on the indole, indazole, or
669 carbazole ring to any extent, whether or not substituted on the
670 naphthyl ring to any extent, including, but not limited to:
671 (I) JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl)indole).
672 (II) JWH-011 (1-(1-Methylhexyl)-2-methyl-3-(1-
673 naphthoyl)indole).
674 (III) JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl)indole).
675 (IV) JWH-016 (1-Butyl-2-methyl-3-(1-naphthoyl)indole).
676 (V) JWH-018 (1-Pentyl-3-(1-naphthoyl)indole).

677 (VI) JWH-019 (1-Hexyl-3-(1-naphthoyl)indole).
678 (VII) JWH-020 (1-Heptyl-3-(1-naphthoyl)indole).
679 (VIII) JWH-022 (1-(4-Pentenyl)-3-(1-naphthoyl)indole).
680 (IX) JWH-071 (1-Ethyl-3-(1-naphthoyl)indole).
681 (X) JWH-072 (1-Propyl-3-(1-naphthoyl)indole).
682 (XI) JWH-073 (1-Butyl-3-(1-naphthoyl)indole).
683 (XII) JWH-080 (1-Butyl-3-(4-methoxy-1-naphthoyl)indole).
684 (XIII) JWH-081 (1-Pentyl-3-(4-methoxy-1-naphthoyl)indole).
685 (XIV) JWH-098 (1-Pentyl-2-methyl-3-(4-methoxy-1-
686 naphthoyl)indole).
687 (XV) JWH-116 (1-Pentyl-2-ethyl-3-(1-naphthoyl)indole).
688 (XVI) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
689 (XVII) JWH-149 (1-Pentyl-2-methyl-3-(4-methyl-1-
690 naphthoyl)indole).
691 (XVIII) JWH-164 (1-Pentyl-3-(7-methoxy-1-
692 naphthoyl)indole).
693 (XIX) JWH-175 (1-Pentyl-3-(1-naphthylmethyl)indole).
694 (XX) JWH-180 (1-Propyl-3-(4-propyl-1-naphthoyl)indole).
695 (XXI) JWH-182 (1-Pentyl-3-(4-propyl-1-naphthoyl)indole).
696 (XXII) JWH-184 (1-Pentyl-3-[(4-methyl)-1-
697 naphthylmethyl]indole).
698 (XXIII) JWH-193 (1-[2-(4-Morpholinyl)ethyl]-3-(4-methyl-1-
699 naphthoyl)indole).
700 (XXIV) JWH-198 (1-[2-(4-Morpholinyl)ethyl]-3-(4-methoxy-1-
701 naphthoyl)indole).
702 (XXV) JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)

703 indole).
704 (XXVI) JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl)indole).
705 (XXVII) JWH-387 (1-Pentyl-3-(4-bromo-1-naphthoyl)indole).
706 (XXVIII) JWH-398 (1-Pentyl-3-(4-chloro-1-
707 naphthoyl)indole).
708 (XXVIX) JWH-412 (1-Pentyl-3-(4-fluoro-1-naphthoyl)indole).
709 (XXX) JWH-424 (1-Pentyl-3-(8-bromo-1-naphthoyl)indole).
710 (XXXI) AM-1220 (1-[(1-Methyl-2-piperidinyl)methyl]-3-(1-
711 naphthoyl)indole).
712 (XXXII) AM-1235 (1-(5-Fluoropentyl)-6-nitro-3-(1-
713 naphthoyl)indole).
714 (XXXIII) AM-2201 (1-(5-Fluoropentyl)-3-(1-
715 naphthoyl)indole).
716 (XXXIV) Chloro JWH-018 (1-(Chloropentyl)-3-(1-
717 naphthoyl)indole).
718 (XXXV) Bromo JWH-018 (1-(Bromopentyl)-3-(1-
719 naphthoyl)indole).
720 (XXXVI) AM-2232 (1-(4-Cyanobutyl)-3-(1-naphthoyl)indole).
721 (XXXVII) THJ-2201 (1-(5-Fluoropentyl)-3-(1-
722 naphthoyl)indazole).
723 (XXXVIII) MAM-2201 (1-(5-Fluoropentyl)-3-(4-methyl-1-
724 naphthoyl)indole).
725 (XXXIX) EAM-2201 (1-(5-Fluoropentyl)-3-(4-ethyl-1-
726 naphthoyl)indole).
727 (XL) EG-018 (9-Pentyl-3-(1-naphthoyl)carbazole).
728 (XLI) EG-2201 (9-(5-Fluoropentyl)-3-(1-

729 naphthoyl)carbazole).
730 c. Naphthoylpyrroles. Any compound containing a
731 naphthoylpyrrole structure, with or without substitution on the
732 pyrrole ring to any extent, whether or not substituted on the
733 naphthyl ring to any extent, including, but not limited to:
734 (I) JWH-030 (1-Pentyl-3-(1-naphthoyl)pyrrole).
735 (II) JWH-031 (1-Hexyl—3-(1-naphthoyl)pyrrole).
736 (III) JWH-145 (1-Pentyl-5-phenyl-3-(1-naphthoyl)pyrrole).
737 (IV) JWH-146 (1-Heptyl-5-phenyl-3-(1-naphthoyl)pyrrole).
738 (V) JWH-147 (1-Hexyl-5-phenyl-3-(1-naphthoyl)pyrrole).
739 (VI) JWH-307 (1-Pentyl-5-(2-fluorophenyl)-3-(1-
740 naphthoyl)pyrrole).
741 (VII) JWH-309 (1-Pentyl-5-(1-naphthalenyl)-3-(1-
742 naphthoyl)pyrrole).
743 (VIII) JWH-368 (1-Pentyl-5-(3-fluorophenyl)-3-(1-
744 naphthoyl)pyrrole).
745 (IX) JWH-369 (1-Pentyl-5-(2-chlorophenyl)-3-(1-
746 naphthoyl)pyrrole).
747 (X) JWH-370 (1-Pentyl-5-(2-methylphenyl)-3-(1-
748 naphthoyl)pyrrole).
749 d. Naphthylmethylenindenes.—Any compound containing a
750 naphthylmethylenindene structure, with or without substitution
751 at the 3-position of the indene ring to any extent, whether or
752 not substituted on the naphthyl ring to any extent, including,
753 but not limited to, JWH-176 (3-Pentyl-1-
754 (naphthylmethylene)indene).

755 e. Phenylacetylindoles and Phenylacetylindazoles.—Any
756 compound containing a phenylacetylindole or phenylacetylindazole
757 structure, with or without substitution on the indole or
758 indazole ring to any extent, whether or not substituted on the
759 phenyl ring to any extent, including, but not limited to:
760 (I) JWH-167 (1-Pentyl-3-(phenylacetyl)indole).
761 (II) JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl)indole).
762 (III) JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole).
763 (IV) JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole).
764 (V) JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole).
765 (VI) JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl)indole).
766 (VII) Cannabipiperidiethanone.
767 (VIII) RCS-8 (1-(2-Cyclohexylethyl)-3-(2-
768 methoxyphenylacetyl)indole).
769 f. Cyclohexylphenols.—Any compound containing a
770 cyclohexylphenol structure, with or without substitution at the
771 5-position of the phenolic ring to any extent, whether or not
772 substituted on the cyclohexyl ring to any extent, including, but
773 not limited to:
774 (I) CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-2-
775 yl)phenol).
776 (II) Cannabicyclohexanol (CP 47,497 dimethyloctyl (C8)
777 homologue).
778 (III) CP-55,940 (2-(3-Hydroxy-5-propanol-cyclohexyl)-5-(2-
779 methyloctan-2-yl)phenol).
780 g. Benzoylindoles and Benzoylindazoles.—Any compound

781 containing a benzoylindole or benzoylindazole structure, with or
782 without substitution on the indole or indazole ring to any
783 extent, whether or not substituted on the phenyl ring to any
784 extent, including, but not limited to:
785 (I) AM-679 (1-Pentyl-3-(2-iodobenzoyl)indole).
786 (II) AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole).
787 (III) AM-1241 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-
788 iodo-5-nitrobenzoyl)indole).
789 (IV) Pravadoline (1-[2-(4-Morpholinyl)ethyl]-2-methyl-3-
790 (4-methoxybenzoyl)indole).
791 (V) AM-2233 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-
792 iodobenzoyl)indole).
793 (VI) RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole).
794 (VII) RCS-4 C4 homologue (1-Butyl-3-(4-
795 methoxybenzoyl)indole).
796 (VIII) AM-630 (1-[2-(4-Morpholinyl)ethyl]-2-methyl-6-iodo-
797 3-(4-methoxybenzoyl)indole).
798 h. Tetramethylcyclopropanoylindoles and
799 Tetramethylcyclopropanoylindazoles.—Any compound containing a
800 tetramethylcyclopropanoylindole or
801 tetramethylcyclopropanoylindazole structure, with or without
802 substitution on the indole or indazole ring to any extent,
803 whether or not substituted on the tetramethylcyclopropyl group
804 to any extent, including, but not limited to:
805 (I) UR-144 (1-Pentyl-3-(2,2,3,3-
806 tetramethylcyclopropanoyl)indole).

807 (II) XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-
808 tetramethylcyclopropanoyl)indole).
809 (III) Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-
810 tetramethylcyclopropanoyl)indole).
811 (IV) A-796,260 (1-[2-(4-Morpholinyl)ethyl]-3-(2,2,3,3-
812 tetramethylcyclopropanoyl)indole).
813 (V) A-834,735 (1-[4-(Tetrahydropyranyl)methyl]-3-(2,2,3,3-
814 tetramethylcyclopropanoyl)indole).
815 (VI) M-144 (1-(5-Fluoropentyl)-2-methyl-3-(2,2,3,3-
816 tetramethylcyclopropanoyl)indole).
817 (VII) FUB-144 (1-(4-Fluorobenzyl)-3-(2,2,3,3-
818 tetramethylcyclopropanoyl)indole).
819 (VIII) FAB-144 (1-(5-Fluoropentyl)-3-(2,2,3,3-
820 tetramethylcyclopropanoyl)indazole).
821 (IX) XLR12 (1-(4,4,4-Trifluorobutyl)-3-(2,2,3,3-
822 tetramethylcyclopropanoyl)indole).
823 (X) AB-005 (1-[(1-Methyl-2-piperidinyl)methyl]-3-(2,2,3,3-
824 tetramethylcyclopropanoyl)indole).
825 i. Adamantoylindoles, Adamantoylindazoles, Adamantylindole
826 carboxamides, and Adamantylindazole carboxamides.—Any compound
827 containing an adamantoyl indole, adamantoyl indazole, adamantyl
828 indole carboxamide, or adamantyl indazole carboxamide structure,
829 with or without substitution on the indole or indazole ring to
830 any extent, whether or not substituted on the adamantyl ring to
831 any extent, including, but not limited to:
832 (I) AKB48 (N-Adamant-1-yl 1-pentylindazole-3-carboxamide).

833 (II) Fluoro AKB48 (N-Adamant-1-yl 1-
834 (fluoropentyl)indazole-3-carboxamide).
835 (III) STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-3-
836 carboxamide).
837 (IV) AM-1248 (1-(1-Methylpiperidine)methyl-3-(1-
838 adamantoyl)indole).
839 (V) AB-001 (1-Pentyl-3-(1-adamantoyl)indole).
840 (VI) APICA (N-Adamant-1-yl 1-pentylindole-3-carboxamide).
841 (VII) Fluoro AB-001 (1-(Fluoropentyl)-3-(1-
842 adamantoyl)indole).
843 j. Quinolinylindolecarboxylates,
844 Quinolinylindazolecarboxylates, Quinolinylindolecarboxamides,
845 and Quinolinylindazolecarboxamides.—Any compound containing a
846 quinolinylindole carboxylate, quinolinylindazole carboxylate,
847 isoquinolinylindole carboxylate, isoquinolinylindazole
848 carboxylate, quinolinylindole carboxamide, quinolinylindazole
849 carboxamide, isoquinolinylindole carboxamide, or
850 isoquinolinylindazole carboxamide structure, with or without
851 substitution on the indole or indazole ring to any extent,
852 whether or not substituted on the quinoline or isoquinoline ring
853 to any extent, including, but not limited to:
854 (I) PB-22 (8-Quinolinyl 1-pentylindole-3-carboxylate).
855 (II) Fluoro PB-22 (8-Quinolinyl 1-(fluoropentyl)indole-3-
856 carboxylate).
857 (III) BB-22 (8-Quinolinyl 1-(cyclohexylmethyl)indole-3-
858 carboxylate).

859 (IV) FUB-PB-22 (8-Quinolinyl 1-(4-fluorobenzyl)indole-3-
860 carboxylate).
861 (V) NPB-22 (8-Quinolinyl 1-pentylindazole-3-carboxylate).
862 (VI) Fluoro NPB-22 (8-Quinolinyl 1-(fluoropentyl)indazole-
863 3-carboxylate).
864 (VII) FUB-NPB-22 (8-Quinolinyl 1-(4-fluorobenzyl)indazole-
865 3-carboxylate).
866 (VIII) THJ (8-Quinolinyl 1-pentylindazole-3-carboxamide).
867 (IX) Fluoro THJ (8-Quinolinyl 1-(fluoropentyl)indazole-3-
868 carboxamide).
869 k. Naphthylindolecarboxylates and
870 Naphthylindazolecarboxylates.—Any compound containing a
871 naphthylindole carboxylate or naphthylindazole carboxylate
872 structure, with or without substitution on the indole or
873 indazole ring to any extent, whether or not substituted on the
874 naphthyl ring to any extent, including, but not limited to:
875 (I) NM-2201 (1-Naphthalenyl 1-(5-fluoropentyl)indole-3-
876 carboxylate).
877 (II) SDB-005 (1-Naphthalenyl 1-pentylindazole-3-
878 carboxylate).
879 (III) Fluoro SDB-005 (1-Naphthalenyl 1-
880 (fluoropentyl)indazole-3-carboxylate).
881 (IV) FDU-PB-22 (1-Naphthalenyl 1-(4-fluorobenzyl)indole-3-
882 carboxylate).
883 (V) 3-CAF (2-Naphthalenyl 1-(2-fluorophenyl)indazole-3-
884 carboxylate).

885 1. Naphthylindole carboxamides and Naphthylindazole
886 carboxamides.—Any compound containing a naphthylindole
887 carboxamide or naphthylindazole carboxamide structure, with or
888 without substitution on the indole or indazole ring to any
889 extent, whether or not substituted on the naphthyl ring to any
890 extent, including, but not limited to:
891 (I) NNEI (N-Naphthalen-1-yl 1-pentylindole-3-carboxamide).
892 (II) Fluoro-NNEI (N-Naphthalen-1-yl 1-
893 (fluoropentyl)indole-3-carboxamide).
894 (III) Chloro-NNEI (N-Naphthalen-1-yl 1-(chloropentyl)
895 indole-3-carboxamide).
896 (IV) MN-18 (N-Naphthalen-1-yl 1-pentylindazole-3-
897 carboxamide).
898 (V) Fluoro MN-18 (N-Naphthalen-1-yl 1-
899 (fluoropentyl)indazole-3-carboxamide).
900 m. Alkylcarbonyl indole carboxamides, Alkylcarbonyl
901 indazole carboxamides, Alkylcarbonyl indole carboxylates, and
902 Alkylcarbonyl indazole carboxylates.—Any compound containing an
903 alkylcarbonyl group, including 1-amino-3-methyl-1-oxobutan-2-yl,
904 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-amino-1-oxo-3-
905 phenylpropan-2-yl, 1-methoxy-1-oxo-3-phenylpropan-2-yl, with an
906 indole carboxamide, indazole carboxamide, indole carboxylate, or
907 indazole carboxylate, with or without substitution on the indole
908 or indazole ring to any extent, whether or not substituted on
909 the alkylcarbonyl group to any extent, including, but not
910 limited to:

911 (I) ADBICA, (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-
912 pentylindole-3-carboxamide).
913 (II) Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
914 yl)-1-(fluoropentyl)indole-3-carboxamide).
915 (III) Fluoro ABICA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-
916 1-(fluoropentyl)indole-3-carboxamide).
917 (IV) AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
918 pentylindazole-3-carboxamide).
919 (V) Fluoro AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-
920 yl)-1-(fluoropentyl)indazole-3-carboxamide).
921 (VI) ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-
922 1-pentylindazole-3-carboxamide).
923 (VII) Fluoro ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-
924 oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).
925 (VIII) AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-
926 1-(4-fluorobenzyl)indazole-3-carboxamide).
927 (IX) ADB-FUBINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
928 yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).
929 (X) AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
930 (cyclohexylmethyl)indazole-3-carboxamide).
931 (XI) MA-CHMINACA (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-
932 1-(cyclohexylmethyl)indazole-3-carboxamide).
933 (XII) MAB-CHMINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
934 yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).
935 (XIII) AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-
936 pentylindazole-3-carboxamide).

937 (XIV) Fluoro AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-
938 1-(fluoropentyl)indazole-3-carboxamide).
939 (XV) FUB-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(4-
940 fluorobenzyl)indazole-3-carboxamide).
941 (XVI) MDMB-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-
942 2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).
943 (XVII) MDMB-FUBINACA (N-(1-Methoxy-3,3-dimethyl-1-
944 oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).
945 (XVIII) MDMB-CHMICA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-
946 2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide).
947 (XIX) PX-1 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-
948 fluoropentyl)indole-3-carboxamide).
949 (XX) PX-2 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-
950 fluoropentyl)indazole-3-carboxamide).
951 (XXI) PX-3 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-
952 (cyclohexylmethyl)indazole-3-carboxamide).
953 (XXII) PX-4 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(4-
954 fluorobenzyl)indazole-3-carboxamide).
955 (XXIII) MO-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-
956 2-yl)-1-(cyclohexylmethyl)indazole-3-carboxylate).
957 n. Cumylindolecarboxamides and Cumylindazolecarboxamides.—
958 Any compound containing a N-(2-phenylpropan-2-yl) indole
959 carboxamide or N-(2-phenylpropan-2-yl) indazole carboxamide
960 structure, with or without substitution on the indole or
961 indazole ring to any extent, whether or not substituted on the
962 phenyl ring of the cumyl group to any extent, including, but not

963 limited to:
964 (I) CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-pentylindole-3-
965 carboxamide).
966 (II) Fluoro CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-
967 (fluoropentyl)indole-3-carboxamide).
968 o. Other Synthetic Cannabinoids. Any material, compound,
969 mixture, or preparation that contains any quantity of a
970 Synthetic Cannabinoid, as described in sub-subparagraphs a.-n.:
971 (I) With or without modification or replacement of a
972 carbonyl, carboxamide, alkylene, alkyl, or carboxylate linkage
973 between either two core rings, or linkage between a core ring
974 and group structure, with or without the addition of a carbon or
975 replacement of a carbon;
976 (II) With or without replacement of a core ring or group
977 structure, whether or not substituted on the ring or group
978 structures to any extent; and
979 (III) Is a cannabinoid receptor agonist, unless
980 specifically excepted or unless listed in another schedule or
981 contained within a pharmaceutical product approved by the United
982 States Food and Drug Administration.
983 191. Substituted Cathinones.—Unless specifically excepted,
984 listed in another schedule, or contained within a pharmaceutical
985 product approved by the United States Food and Drug
986 Administration, any material, compound, mixture, or preparation,
987 including its salts, isomers, esters, or ethers, and salts of
988 isomers, esters, or ethers, whenever the existence of such salts

989 is possible within any of the following specific chemical
990 designations:
991 a. Any compound containing a 2-amino-1-phenyl-1 propanone
992 structure;
993 b. Any compound containing a 2-amino-1-naphthyl-1-
994 propanone structure; or
995 c. Any compound containing a 2-amino-1-thiophene-1-
996 propanone structure,
997
998 whether or not the compound is further modified:
999 (I) With or without substitution on the ring system to any
1000 extent with alkyl, alkylthio, thio, fused alkylenedioxy, alkoxy,
1001 haloalkyl, hydroxyl, nitro, fused furan, fused benzofuran, fused
1002 dihydrofuran, fused tetrahydropyran, fused alkyl ring, or halide
1003 substituents;
1004 (II) With or without substitution at the 3-propanone
1005 position with an alkyl substituent or removal of the methyl
1006 group at the 3-propanone position;
1007 (III) With or without substitution at the 2-amino nitrogen
1008 atom with alkyl, dialkyl, acetyl, or benzyl groups, whether or
1009 not further substituted in the ring system; or
1010 (IV) With or without inclusion of the 2-amino nitrogen
1011 atom in a cyclic structure, including, but not limited to:
1012 (A) Methcathinone.
1013 (B) Ethcathinone.
1014 (C) Methylone (3,4-Methylenedioxymethcathinone).

1015 (D) 2,3-Methylenedioxymethcathinone.
1016 (E) MDPV (3,4-Methylenedioxypyrovalerone).
1017 (F) Methylmethcathinone.
1018 (G) Methoxymethcathinone.
1019 (H) Fluoromethcathinone.
1020 (I) Methylethcathinone.
1021 (J) Butylone (3,4-Methylenedioxy-alpha-
1022 methylaminobutyrophenone).
1023 (K) Ethylone (3,4-Methylenedioxy-N-ethylcathinone).
1024 (L) BMDP (3,4-Methylenedioxy-N-benzylcathinone).
1025 (M) Naphyrone (Naphthylpyrovalerone).
1026 (N) Bromomethcathinone.
1027 (O) Buphedrone (alpha-Methylaminobutyrophenone).
1028 (P) Eutylone (3,4-Methylenedioxy-alpha-
1029 ethylaminobutyrophenone).
1030 (Q) Dimethylcathinone.
1031 (R) Dimethylmethcathinone.
1032 (S) Pentylone (3,4-Methylenedioxy-alpha-
1033 methylaminovalerophenone).
1034 (T) Pentedrone (alpha-Methylaminovalerophenone).
1035 (U) MDPPP (3,4-Methylenedioxy-alpha-
1036 pyrrolidinopropiophenone).
1037 (V) MDPBP (3,4-Methylenedioxy-alpha-
1038 pyrrolidinobutyrophenone).
1039 (W) MPPP (Methyl-alpha-pyrrolidinopropiophenone).
1040 (X) PPP (Pyrrolidinopropiophenone).

1041 (Y) PVP (Pyrrolidinovalerophenone) or
1042 (Pyrrolidinopentiophenone).
1043 (Z) MOPPP (Methoxy-alpha-pyrrolidinopropiophenone).
1044 (AA) MPHP (Methyl-alpha-pyrrolidinohexanophenone).
1045 (BB) F-MABP (Fluoromethylaminobutyrophenone).
1046 (CC) Me-EABP (Methylethylaminobutyrophenone).
1047 (DD) PBP (Pyrrolidinobutyrophenone).
1048 (EE) MeO-PBP (Methoxypyrrolidinobutyrophenone).
1049 (FF) Et-PBP (Ethylpyrrolidinobutyrophenone).
1050 (GG) 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).
1051 (HH) Dimethylone (3,4-Methylenedioxy-N,N-
1052 dimethylcathinone).
1053 (II) 3,4-Methylenedioxy-N,N-diethylcathinone.
1054 (JJ) 3,4-Methylenedioxy-N-acetylcathinone.
1055 (KK) 3,4-Methylenedioxy-N-acetylmethcathinone.
1056 (LL) 3,4-Methylenedioxy-N-acetylethcathinone.
1057 (MM) Methylbuphedrone (Methyl-alpha-
1058 methylaminobutyrophenone).
1059 (NN) Methyl-alpha-methylaminohexanophenone.
1060 (OO) N-Ethyl-N-methylcathinone.
1061 (PP) PHP (Pyrrolidinohexanophenone).
1062 (QQ) PV8 (Pyrrolidinoheptanophenone).
1063 (RR) Chloromethcathinone.
1064 (SS) 4-Bromo-2,5-dimethoxy-alpha-aminoacetophenone.
1065 192. Substituted Phenethylamines.—Unless specifically
1066 excepted or unless listed in another schedule, or contained

1067 within a pharmaceutical product approved by the United States
1068 Food and Drug Administration, any material, compound, mixture,
1069 or preparation, including its salts, isomers, esters, or ethers,
1070 and salts of isomers, esters, or ethers, whenever the existence
1071 of such salts is possible within any of the following specific
1072 chemical designations, any compound containing a phenethylamine
1073 structure, without a beta-keto group, and without a benzyl group
1074 attached to the amine group, whether or not the compound is
1075 further modified with or without substitution on the phenyl ring
1076 to any extent with alkyl, alkylthio, nitro, alkoxy, thio,
1077 halide, fused alkylenedioxy, fused furan, fused benzofuran,
1078 fused dihydrofuran, or fused tetrahydropyran substituents,
1079 whether or not further substituted on a ring to any extent, with
1080 or without substitution at the alpha or beta position by any
1081 alkyl substituent, with or without substitution at the nitrogen
1082 atom, and with or without inclusion of the 2-amino nitrogen atom
1083 in a cyclic structure, including, but not limited to:
1084 a. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).
1085 b. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
1086 c. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine).
1087 d. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
1088 e. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).
1089 f. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).
1090 g. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine).
1091 h. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
1092 i. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).

1093 j. 2C-H (2,5-Dimethoxyphenethylamine).
1094 k. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).
1095 l. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).
1096 m. MDMA (3,4-Methylenedioxymethamphetamine).
1097 n. MBDB (Methylbenzodioxolylbutanamine) or (3,4-
1098 Methylenedioxy-N-methylbutanamine).
1099 o. MDA (3,4-Methylenedioxyamphetamine).
1100 p. 2,5-Dimethoxyamphetamine.
1101 q. Fluoroamphetamine.
1102 r. Fluoromethamphetamine.
1103 s. MDEA (3,4-Methylenedioxy-N-ethylamphetamine).
1104 t. DOB (4-Bromo-2,5-dimethoxyamphetamine).
1105 u. DOC (4-Chloro-2,5-dimethoxyamphetamine).
1106 v. DOET (4-Ethyl-2,5-dimethoxyamphetamine).
1107 w. DOI (4-Iodo-2,5-dimethoxyamphetamine).
1108 x. DOM (4-Methyl-2,5-dimethoxyamphetamine).
1109 y. PMA (4-Methoxyamphetamine).
1110 z. N-Ethylamphetamine.
1111 aa. N-Hydroxy-3,4-methylenedioxyamphetamine.
1112 bb. 5-Methoxy-3,4-methylenedioxyamphetamine.
1113 cc. PMMA (4-Methoxymethamphetamine).
1114 dd. N,N-Dimethylamphetamine.
1115 ee. 3,4,5-Trimethoxyamphetamine.
1116 ff. 4-APB (4-(2-Aminopropyl)benzofuran).
1117 gg. 5-APB (5-(2-Aminopropyl)benzofuran).
1118 hh. 6-APB (6-(2-Aminopropyl)benzofuran).

1119 ii. 7-APB (7-(2-Aminopropyl)benzofuran).
1120 jj. 4-APDB (4-(2-Aminopropyl)-2,3-dihydrobenzofuran).
1121 kk. 5-APDB (5-(2-Aminopropyl)-2,3-dihydrobenzofuran).
1122 ll. 6-APDB (6-(2-Aminopropyl)-2,3-dihydrobenzofuran).
1123 mm. 7-APDB (7-(2-Aminopropyl)-2,3-dihydrobenzofuran).
1124 nn. 4-MAPB (4-(2-Methylaminopropyl)benzofuran).
1125 oo. 5-MAPB (5-(2-Methylaminopropyl)benzofuran).
1126 pp. 6-MAPB (6-(2-Methylaminopropyl)benzofuran).
1127 qq. 7-MAPB (7-(2-Methylaminopropyl)benzofuran).
1128 rr. 5-EAPB (5-(2-Ethylaminopropyl)benzofuran).
1129 ss. 5-MAPDB (5-(2-Methylaminopropyl)-2,3-
1130 dihydrobenzofuran),
1131
1132 which does not include phenethylamine, mescaline as described in
1133 subparagraph (1)(c)20., substituted cathinones as described in
1134 subparagraph (1)(c)191., N-Benzyl phenethylamine compounds as
1135 described in subparagraph (1)(c)193., or methamphetamine as
1136 described in subparagraph (2)(c)4.
1137 193. N-Benzyl Phenethylamine Compounds.—Unless
1138 specifically excepted or unless listed in another schedule, or
1139 contained within a pharmaceutical product approved by the United
1140 States Food and Drug Administration, any material, compound,
1141 mixture, or preparation, including its salts, isomers, esters,
1142 or ethers, and salts of isomers, esters, or ethers, whenever the
1143 existence of such salts is possible within any of the following
1144 specific chemical designations, any compound containing a

1145 phenethylamine structure without a beta-keto group, with
1146 substitution on the nitrogen atom of the amino group with a
1147 benzyl substituent, with or without substitution on the phenyl
1148 or benzyl ring to any extent with alkyl, alkoxy, thio,
1149 alkylthio, halide, fused alkylenedioxy, fused furan, fused
1150 benzofuran, or fused tetrahydropyran substituents, whether or
1151 not further substituted on a ring to any extent, with or without
1152 substitution at the alpha position by any alkyl substituent,
1153 including, but not limited to:
1154 a. 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-
1155 methoxybenzyl)]phenethylamine).
1156 b. 25B-NBOH (4-Bromo-2,5-dimethoxy-[N-(2-
1157 hydroxybenzyl)]phenethylamine).
1158 c. 25B-NBF (4-Bromo-2,5-dimethoxy-[N-(2-
1159 fluorobenzyl)]phenethylamine).
1160 d. 25B-NBMD (4-Bromo-2,5-dimethoxy-[N-(2,3-
1161 methylenedioxybenzyl)]phenethylamine).
1162 e. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-
1163 methoxybenzyl)]phenethylamine).
1164 f. 25I-NBOH (4-Iodo-2,5-dimethoxy-[N-(2-
1165 hydroxybenzyl)]phenethylamine).
1166 g. 25I-NBF (4-Iodo-2,5-dimethoxy-[N-(2-
1167 fluorobenzyl)]phenethylamine).
1168 h. 25I-NBMD (4-Iodo-2,5-dimethoxy-[N-(2,3-
1169 methylenedioxybenzyl)]phenethylamine).
1170 i. 25T2-NBOMe (4-Methylthio-2,5-dimethoxy-[N-(2-

1171 methoxybenzyl)]phenethylanamine).
1172 j. 25T4-NBOMe (4-Isopropylthio-2,5-dimethoxy-[N-(2-
1173 methoxybenzyl)]phenethylanamine).
1174 k. 25T7-NBOMe (4-(n)-Propylthio-2,5-dimethoxy-[N-(2-
1175 methoxybenzyl)]phenethylanamine).
1176 l. 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-
1177 methoxybenzyl)]phenethylamine).
1178 m. 25C-NBOH (4-Chloro-2,5-dimethoxy-[N-(2-
1179 hydroxybenzyl)]phenethylamine).
1180 n. 25C-NBF (4-Chloro-2,5-dimethoxy-[N-(2-
1181 fluorobenzyl)]phenethylamine).
1182 o. 25C-NBMD (4-Chloro-2,5-dimethoxy-[N-(2,3-
1183 methylenedioxybenzyl)]phenethylamine).
1184 p. 25H-NBOMe (2,5-Dimethoxy-[N-(2-
1185 methoxybenzyl)]phenethylamine).
1186 q. 25H-NBOH (2,5-Dimethoxy-[N-(2-
1187 hydroxybenzyl)]phenethylamine).
1188 r. 25H-NBF (2,5-Dimethoxy-[N-(2-
1189 fluorobenzyl)]phenethylamine).
1190 s. 25D-NBOMe (4-Methyl-2,5-dimethoxy-[N-(2-
1191 methoxybenzyl)]phenethylamine),
1192
1193 which does not include substituted cathinones as described in
1194 subparagraph (1)(c)191.
1195 194. Substituted Tryptamines.—Unless specifically excepted
1196 or unless listed in another schedule, or contained within a

1197 pharmaceutical product approved by the United States Food and
1198 Drug Administration, any material, compound, mixture, or
1199 preparation containing a 2-(1H-indol-3-yl)ethanamine, for
1200 example tryptamine, structure with or without mono- or di-
1201 substitution of the amine nitrogen with alkyl or alkenyl groups,
1202 or by inclusion of the amino nitrogen atom in a cyclic
1203 structure, whether or not substituted at the alpha position with
1204 an alkyl group, whether or not substituted on the indole ring to
1205 any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy
1206 groups, including, but not limited to:
1207 a. Alpha-Ethyltryptamine.
1208 b. Bufotenine.
1209 c. DET (Diethyltryptamine).
1210 d. DMT (Dimethyltryptamine).
1211 e. MET (N-Methyl-N-ethyltryptamine).
1212 f. DALT (N,N-Diallyltryptamine).
1213 g. EiPT (N-Ethyl-N-isopropyltryptamine).
1214 h. MiPT (N-Methyl-N-isopropyltryptamine).
1215 i. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).
1216 j. 5-Hydroxy-N-methyltryptamine.
1217 k. 5-MeO-MiPT (5-Methoxy-N-methyl-N-isopropyltryptamine).
1218 l. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).
1219 m. Methyltryptamine.
1220 n. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).
1221 o. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).
1222 p. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).

1223 q. DiPT (N,N-Diisopropyltryptamine).
1224 r. DPT (N,N-Dipropyltryptamine).
1225 s. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).
1226 t. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).
1227 u. 4-AcO-DMT (4-Acetoxy-N,N-dimethyltryptamine).
1228 v. 4-AcO-DiPT (4-Acetoxy-N,N-diisopropyltryptamine).
1229 w. 4-Hydroxy-DET (4-Hydroxy-N,N-diethyltryptamine).
1230 x. 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-ethyltryptamine).
1231 y. 4-Hydroxy-MiPT (4-Hydroxy-N-methyl-N-
1232 isopropyltryptamine).
1233 z. Methyl-alpha-ethyltryptamine.
1234 aa. Bromo-DALT (Bromo-N,N-diallyltryptamine),
1235
1236 which does not include tryptamine, psilocyn as described in
1237 subparagraph (1)(c)34., or psilocybin as described in
1238 subparagraph (1)(c)33.
1239 195. Substituted Phenylcyclohexylamines.—Unless
1240 specifically excepted or unless listed in another schedule, or
1241 contained within a pharmaceutical product approved by the United
1242 States Food and Drug Administration, any material, compound,
1243 mixture, or preparation containing a phenylcyclohexylamine
1244 structure, with or without any substitution on the phenyl ring,
1245 any substitution on the cyclohexyl ring, any replacement of the
1246 phenyl ring with a thiophenyl or benzothiophenyl ring, with or
1247 without substitution on the amine with alkyl, dialkyl, or alkoxy
1248 substitutients, inclusion of the nitrogen in a cyclic structure,

1249 or any combination of the above, including, but not limited to:
1250 a. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP
1251 (Benocyclidine).
1252 b. PCE (N-Ethyl-1-phenylcyclohexylamine)(Ethylamine analog
1253 of phencyclidine).
1254 c. PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine)(Pyrrolidine
1255 analog of phencyclidine).
1256 d. PCPr (Phenylcyclohexylpropylamine).
1257 e. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine)(Thiophene
1258 analog of phencyclidine).
1259 f. PCEEA (Phenylcyclohexyl(ethoxyethylamine)).
1260 g. PCMPA (Phenylcyclohexyl(methoxypropylamine)).
1261 h. Methoxetamine.
1262 i. 3-Methoxy-PCE ((3-Methoxyphenyl)cyclohexylethylamine).
1263 j. Bromo-PCP ((Bromophenyl)cyclohexylpiperidine).
1264 k. Chloro-PCP ((Chlorophenyl)cyclohexylpiperidine).
1265 l. Fluoro-PCP ((Fluorophenyl)cyclohexylpiperidine).
1266 m. Hydroxy-PCP ((Hydroxyphenyl)cyclohexylpiperidine).
1267 n. Methoxy-PCP ((Methoxyphenyl)cyclohexylpiperidine).
1268 o. Methyl-PCP ((Methylphenyl)cyclohexylpiperidine).
1269 p. Nitro-PCP ((Nitrophenyl)cyclohexylpiperidine).
1270 q. Oxo-PCP ((Oxophenyl)cyclohexylpiperidine).
1271 r. Amino-PCP ((Aminophenyl)cyclohexylpiperidine).
1272 (d) Unless specifically excepted or unless listed in
1273 another schedule, any material, compound, mixture, or
1274 preparation that ~~which~~ contains any quantity of the following

1275 substances, including any of its salts, isomers, optical
1276 isomers, salts of their isomers, and salts of these optical
1277 isomers whenever the existence of such isomers and salts is
1278 possible within the specific chemical designation:
1279 1. 1,4-Butanediol.
1280 2. Gamma-butyrolactone (GBL).
1281 3. Gamma-hydroxybutyric acid (GHB).
1282 4. Methaqualone.
1283 5. Mecloqualone.
1284 (2) SCHEDULE II.—A substance in Schedule II has a high
1285 potential for abuse and has a currently accepted but severely
1286 restricted medical use in treatment in the United States, and
1287 abuse of the substance may lead to severe psychological or
1288 physical dependence. The following substances are controlled in
1289 Schedule II:
1290 (a) Unless specifically excepted or unless listed in
1291 another schedule, any of the following substances, whether
1292 produced directly or indirectly by extraction from substances of
1293 vegetable origin or independently by means of chemical
1294 synthesis:
1295 1. Opium and any salt, compound, derivative, or
1296 preparation of opium, except nalmefene or isoquinoline alkaloids
1297 of opium, including, but not limited to the following:
1298 a. Raw opium.
1299 b. Opium extracts.
1300 c. Opium fluid extracts.

1301 d. Powdered opium.
1302 e. Granulated opium.
1303 f. Tincture of opium.
1304 g. Codeine.
1305 h. Ethylmorphine.
1306 i. Etorphine hydrochloride.
1307 j. Hydrocodone.
1308 k. Hydromorphone.
1309 l. Levo-alphacetylmethadol (also known as levo-alpha-
1310 acetylmethadol, levomethadyl acetate, or LAAM).
1311 m. Metopon (methyldihydromorphinone).
1312 n. Morphine.
1313 o. Oxycodone.
1314 p. Oxymorphone.
1315 q. Thebaine.
1316 2. Any salt, compound, derivative, or preparation of a
1317 substance which is chemically equivalent to or identical with
1318 any of the substances referred to in subparagraph 1., except
1319 that these substances shall not include the isoquinoline
1320 alkaloids of opium.
1321 3. Any part of the plant of the species *Papaver*
1322 *somniferum, L.*
1323 4. Cocaine or ecgonine, including any of their
1324 stereoisomers, and any salt, compound, derivative, or
1325 preparation of cocaine or ecgonine.
1326 (b) Unless specifically excepted or unless listed in

1327 another schedule, any of the following substances, including
1328 their isomers, esters, ethers, salts, and salts of isomers,
1329 esters, and ethers, whenever the existence of such isomers,
1330 esters, ethers, and salts is possible within the specific
1331 chemical designation:
1332 1. Alfentanil.
1333 2. Alphaprodine.
1334 3. Anileridine.
1335 4. Bezitramide.
1336 5. Bulk propoxyphene (nondosage forms).
1337 6. Carfentanil.
1338 7. Dihydrocodeine.
1339 8. Diphenoxylate.
1340 9. Fentanyl.
1341 10. Isomethadone.
1342 11. Levomethorphan.
1343 12. Levorphanol.
1344 13. Metazocine.
1345 14. Methadone.
1346 15. Methadone-Intermediate,4-cyano-2-
1347 dimethylamino-4,4-diphenylbutane.
1348 16. Moramide-Intermediate,2-methyl-
1349 3-morpholoino-1,1-diphenylpropane-carboxylic acid.
1350 17. Nabilone.
1351 18. Pethidine (meperidine).
1352 19. Pethidine-Intermediate-A,4-cyano-1-

1353 methyl-4-phenylpiperidine.
1354 20. Pethidine-Intermediate-B,ethyl-4-
1355 phenylpiperidine-4-carboxylate.
1356 21. Pethidine-Intermediate-C,1-methyl-4- phenylpiperidine-
1357 4-carboxylic acid.
1358 22. Phenazocine.
1359 23. Phencyclidine.
1360 24. 1-Phenylcyclohexylamine.
1361 25. Piminodine.
1362 26. 1-Piperidinocyclohexanecarbonitrile.
1363 27. Racemethorphan.
1364 28. Racemorphan.
1365 29. Sufentanil.
1366 (c) Unless specifically excepted or unless listed in
1367 another schedule, any material, compound, mixture, or
1368 preparation which contains any quantity of the following
1369 substances, including their salts, isomers, optical isomers,
1370 salts of their isomers, and salts of their optical isomers:
1371 1. Amobarbital.
1372 2. Amphetamine.
1373 3. Glutethimide.
1374 4. Methamphetamine.
1375 5. Methylphenidate.
1376 6. Pentobarbital.
1377 7. Phenmetrazine.
1378 8. Phenylacetone.

1379 9. Secobarbital.
1380 (3) SCHEDULE III.—A substance in Schedule III has a
1381 potential for abuse less than the substances contained in
1382 Schedules I and II and has a currently accepted medical use in
1383 treatment in the United States, and abuse of the substance may
1384 lead to moderate or low physical dependence or high
1385 psychological dependence or, in the case of anabolic steroids,
1386 may lead to physical damage. The following substances are
1387 controlled in Schedule III:
1388 (a) Unless specifically excepted or unless listed in
1389 another schedule, any material, compound, mixture, or
1390 preparation which contains any quantity of the following
1391 substances having a depressant or stimulant effect on the
1392 nervous system:
1393 1. Any substance which contains any quantity of a
1394 derivative of barbituric acid, including thiobarbituric acid, or
1395 any salt of a derivative of barbituric acid or thiobarbituric
1396 acid, including, but not limited to, butabarbital and
1397 butalbital.
1398 2. Benzphetamine.
1399 3. Chlorhexadol.
1400 4. Chlorphentermine.
1401 5. Clortermine.
1402 6. Lysergic acid.
1403 7. Lysergic acid amide.
1404 8. Methyprylon.

1405 9. Phendimetrazine.
1406 10. Sulfondiethylmethane.
1407 11. Sulfonethylmethane.
1408 12. Sulfonmethane.
1409 13. Tiletamine and zolazepam or any salt thereof.
1410 (b) Nalorphine.
1411 (c) Unless specifically excepted or unless listed in
1412 another schedule, any material, compound, mixture, or
1413 preparation containing limited quantities of any of the
1414 following controlled substances or any salts thereof:
1415 1. Not more than 1.8 grams of codeine per 100 milliliters
1416 or not more than 90 milligrams per dosage unit, with an equal or
1417 greater quantity of an isoquinoline alkaloid of opium.
1418 2. Not more than 1.8 grams of codeine per 100 milliliters
1419 or not more than 90 milligrams per dosage unit, with recognized
1420 therapeutic amounts of one or more active ingredients which are
1421 not controlled substances.
1422 3. Not more than 300 milligrams of hydrocodone per 100
1423 milliliters or not more than 15 milligrams per dosage unit, with
1424 a fourfold or greater quantity of an isoquinoline alkaloid of
1425 opium.
1426 4. Not more than 300 milligrams of hydrocodone per 100
1427 milliliters or not more than 15 milligrams per dosage unit, with
1428 recognized therapeutic amounts of one or more active ingredients
1429 that are not controlled substances.
1430 5. Not more than 1.8 grams of dihydrocodeine per 100

1431 milliliters or not more than 90 milligrams per dosage unit, with
1432 recognized therapeutic amounts of one or more active ingredients
1433 which are not controlled substances.
1434 6. Not more than 300 milligrams of ethylmorphine per 100
1435 milliliters or not more than 15 milligrams per dosage unit, with
1436 one or more active, nonnarcotic ingredients in recognized
1437 therapeutic amounts.
1438 7. Not more than 50 milligrams of morphine per 100
1439 milliliters or per 100 grams, with recognized therapeutic
1440 amounts of one or more active ingredients which are not
1441 controlled substances.
1442
1443 For purposes of charging a person with a violation of s. 893.135
1444 involving any controlled substance described in subparagraph 3.
1445 or subparagraph 4., the controlled substance is a Schedule III
1446 controlled substance pursuant to this paragraph but the weight
1447 of the controlled substance per milliliters or per dosage unit
1448 is not relevant to the charging of a violation of s. 893.135.
1449 The weight of the controlled substance shall be determined
1450 pursuant to s. 893.135(6).
1451 (d) Anabolic steroids.
1452 1. The term "anabolic steroid" means any drug or hormonal
1453 substance, chemically and pharmacologically related to
1454 testosterone, other than estrogens, progestins, and
1455 corticosteroids, that promotes muscle growth and includes:
1456 a. Androsterone.

1457 b. Androsterone acetate.
1458 c. Boldenone.
1459 d. Boldenone acetate.
1460 e. Boldenone benzoate.
1461 f. Boldenone undecylenate.
1462 g. Chlorotestosterone (Clostebol) ~~(4-chlortestosterone)~~.
1463 ~~h. Clostebol.~~
1464 h.~~i.~~ Dehydrochlormethyltestosterone.
1465 i.~~j.~~ Dihydrotestosterone (Stanolone) ~~(4-
1466 dihydrotestosterone)~~.
1467 j.~~k.~~ Drostanolone.
1468 k.~~l.~~ Ethylestrenol.
1469 l.~~m.~~ Fluoxymesterone.
1470 m.~~n.~~ Formebulone (Formebolone).
1471 n.~~o.~~ Mesterolone.
1472 o.~~p.~~ Methandrostenolone (Methandienone).
1473 p.~~q.~~ Methandranone.
1474 q.~~r.~~ Methandriol.
1475 ~~s. Methandrostenolone.~~
1476 r.~~t.~~ Methenolone.
1477 s.~~u.~~ Methyltestosterone.
1478 t.~~v.~~ Mibolerone.
1479 u.~~w.~~ Nortestosterone (Nandrolone).
1480 v.~~x.~~ Norethandrolone.
1481 ~~y. Nortestosterone.~~
1482 w.~~z.~~ Nortestosterone decanoate.

1483 x.~~aa.~~ Nortestosterone phenylpropionate.
1484 y.~~bb.~~ Nortestosterone propionate.
1485 z.~~cc.~~ Oxandrolone.
1486 aa.~~dd.~~ Oxymesterone.
1487 bb.~~ee.~~ Oxymetholone.
1488 ~~ff. Stanolone.~~
1489 cc.~~gg.~~ Stanozolol.
1490 dd.~~hh.~~ Testolactone.
1491 ee.~~ii.~~ Testosterone.
1492 ff.~~jj.~~ Testosterone acetate.
1493 gg.~~kk.~~ Testosterone benzoate.
1494 hh.~~ll.~~ Testosterone cypionate.
1495 ii.~~mm.~~ Testosterone decanoate.
1496 jj.~~nn.~~ Testosterone enanthate.
1497 kk.~~oo.~~ Testosterone isocaproate.
1498 ll.~~pp.~~ Testosterone oleate.
1499 mm.~~qq.~~ Testosterone phenylpropionate.
1500 nn.~~rr.~~ Testosterone propionate.
1501 oo.~~ss.~~ Testosterone undecanoate.
1502 pp.~~tt.~~ Trenbolone.
1503 qq.~~uu.~~ Trenbolone acetate.
1504 rr.~~vv.~~ Any salt, ester, or isomer of a drug or substance
1505 described or listed in this subparagraph if that salt, ester, or
1506 isomer promotes muscle growth.
1507 2. The term does not include an anabolic steroid that is
1508 expressly intended for administration through implants to cattle

1509 or other nonhuman species and that has been approved by the
1510 United States Secretary of Health and Human Services for such
1511 administration. However, any person who prescribes, dispenses,
1512 or distributes such a steroid for human use is considered to
1513 have prescribed, dispensed, or distributed an anabolic steroid
1514 within the meaning of this paragraph.
1515 (e) Ketamine, including any isomers, esters, ethers,
1516 salts, and salts of isomers, esters, and ethers, whenever the
1517 existence of such isomers, esters, ethers, and salts is possible
1518 within the specific chemical designation.
1519 (f) Dronabinol (synthetic THC) in sesame oil and
1520 encapsulated in a soft gelatin capsule in a drug product
1521 approved by the United States Food and Drug Administration.
1522 (g) Any drug product containing gamma-hydroxybutyric acid,
1523 including its salts, isomers, and salts of isomers, for which an
1524 application is approved under s. 505 of the Federal Food, Drug,
1525 and Cosmetic Act.
1526 (4) SCHEDULE IV.—A substance in Schedule IV has a low
1527 potential for abuse relative to the substances in Schedule III
1528 and has a currently accepted medical use in treatment in the
1529 United States, and abuse of the substance may lead to limited
1530 physical or psychological dependence relative to the substances
1531 in Schedule III. Unless specifically excepted or unless listed
1532 in another schedule, any material, compound, mixture, or
1533 preparation which contains any quantity of the following
1534 substances, including its salts, isomers, and salts of isomers

1535 whenever the existence of such salts, isomers, and salts of
1536 isomers is possible within the specific chemical designation,
1537 are controlled in Schedule IV:
1538 (a) Alprazolam.
1539 (b) Barbital.
1540 (c) Bromazepam.
1541 (d) Camazepam.
1542 (e) Cathine.
1543 (f) Chloral betaine.
1544 (g) Chloral hydrate.
1545 (h) Chlordiazepoxide.
1546 (i) Clobazam.
1547 (j) Clonazepam.
1548 (k) Clorazepate.
1549 (l) Clotiazepam.
1550 (m) Cloxazolam.
1551 (n) Delorazepam.
1552 (o) Propoxyphene (dosage forms).
1553 (p) Diazepam.
1554 (q) Diethylpropion.
1555 (r) Estazolam.
1556 (s) Ethchlorvynol.
1557 (t) Ethinamate.
1558 (u) Ethyl loflazepate.
1559 (v) Fencamfamin.
1560 (w) Fenfluramine.

1561 (x) Fenproporex.
1562 (y) Fludiazepam.
1563 (z) Flurazepam.
1564 (aa) Halazepam.
1565 (bb) Haloxazolam.
1566 (cc) Ketazolam.
1567 (dd) Loprazolam.
1568 (ee) Lorazepam.
1569 (ff) Lormetazepam.
1570 (gg) Mazindol.
1571 (hh) Mebutamate.
1572 (ii) Medazepam.
1573 (jj) Mefenorex.
1574 (kk) Meprobamate.
1575 (ll) Methohexital.
1576 (mm) Methylphenobarbital.
1577 (nn) Midazolam.
1578 (oo) Nimetazepam.
1579 (pp) Nitrazepam.
1580 (qq) Nordiazepam.
1581 (rr) Oxazepam.
1582 (ss) Oxazolam.
1583 (tt) Paraldehyde.
1584 (uu) Pemoline.
1585 (vv) Pentazocine.
1586 (ww) Phenobarbital.

1587 (xx) Phentermine.
1588 (yy) Pinazepam.
1589 (zz) Pipradrol.
1590 (aaa) Prazepam.
1591 (bbb) Propylhexedrine, excluding any patent or proprietary
1592 preparation containing propylhexedrine, unless otherwise
1593 provided by federal law.
1594 (ccc) Quazepam.
1595 (ddd) Tetrazepam.
1596 (eee) SPA[(-)-1 dimethylamino-1, 2
1597 diphenylethane].
1598 (fff) Temazepam.
1599 (ggg) Triazolam.
1600 (hhh) Not more than 1 milligram of difenoxin and not less
1601 than 25 micrograms of atropine sulfate per dosage unit.
1602 (iii) Butorphanol tartrate.
1603 (jjj) Carisoprodol.
1604 (5) SCHEDULE V.—A substance, compound, mixture, or
1605 preparation of a substance in Schedule V has a low potential for
1606 abuse relative to the substances in Schedule IV and has a
1607 currently accepted medical use in treatment in the United
1608 States, and abuse of such compound, mixture, or preparation may
1609 lead to limited physical or psychological dependence relative to
1610 the substances in Schedule IV.
1611 (a) Substances controlled in Schedule V include any
1612 compound, mixture, or preparation containing any of the

1613 following limited quantities of controlled substances, which
1614 shall include one or more active medicinal ingredients which are
1615 not controlled substances in sufficient proportion to confer
1616 upon the compound, mixture, or preparation valuable medicinal
1617 qualities other than those possessed by the controlled substance
1618 alone:
1619 1. Not more than 200 milligrams of codeine per 100
1620 milliliters or per 100 grams.
1621 2. Not more than 100 milligrams of dihydrocodeine per 100
1622 milliliters or per 100 grams.
1623 3. Not more than 100 milligrams of ethylmorphine per 100
1624 milliliters or per 100 grams.
1625 4. Not more than 2.5 milligrams of diphenoxylate and not
1626 less than 25 micrograms of atropine sulfate per dosage unit.
1627 5. Not more than 100 milligrams of opium per 100
1628 milliliters or per 100 grams.
1629 (b) Narcotic drugs. Unless specifically excepted or unless
1630 listed in another schedule, any material, compound, mixture, or
1631 preparation containing any of the following narcotic drugs and
1632 their salts: Buprenorphine.
1633 (c) Stimulants. Unless specifically excepted or unless
1634 listed in another schedule, any material, compound, mixture, or
1635 preparation which contains any quantity of the following
1636 substances having a stimulant effect on the central nervous
1637 system, including its salts, isomers, and salts of isomers:
1638 Pyrovalerone.

1639 Section 3. Section 893.033, Florida Statutes, is amended
1640 to read:
1641 893.033 Listed chemicals.—The chemicals listed in this
1642 section are included by whatever official, common, usual,
1643 chemical, or trade name designated.
1644 (1) PRECURSOR CHEMICALS.—The term "listed precursor
1645 chemical" means a chemical that may be used in manufacturing a
1646 controlled substance in violation of this chapter and is
1647 critical to the creation of the controlled substance, and such
1648 term includes any salt, optical isomer, or salt of an optical
1649 isomer, whenever the existence of such salt, optical isomer, or
1650 salt of optical isomer is possible within the specific chemical
1651 designation. The following are "listed precursor chemicals":
1652 (a) Anthranilic acid.
1653 (b) Benzaldehyde.
1654 (c) Benzyl cyanide.
1655 (d) Chloroephedrine.
1656 (e) Chloropseudoephedrine.
1657 (f) Ephedrine.
1658 (g) Ergonovine.
1659 (h) Ergotamine.
1660 (i) Ergocristine.
1661 ~~(i) Hydriodic acid.~~
1662 (j) Ethylamine.
1663 (k) Iodine tincture above 2.2 percent.
1664 (l) ~~(k)~~ Isosafrole.

1665 (m) ~~(l)~~ Methylamine.
1666 (n) ~~(m)~~ 3, 4-Methylenedioxyphenyl-2-propanone.
1667 (o) ~~(n)~~ N-Acetylanthranilic acid.
1668 (p) ~~(o)~~ N-Ethylephedrine.
1669 (q) ~~(p)~~ N-Ethylpseudoephedrine.
1670 (r) ~~(q)~~ N-Methylephedrine.
1671 (s) ~~(r)~~ N-Methylpseudoephedrine.
1672 (t) ANPP (4-Anilino-N-phenethyl-4-piperidine).
1673 (u) NPP (N-Phenethyl-4-piperidone).
1674 (v) ~~(s)~~ Nitroethane.
1675 (w) ~~(t)~~ Norpseudoephedrine.
1676 (x) ~~(u)~~ Phenylacetic acid.
1677 (y) ~~(v)~~ Phenylpropanolamine.
1678 (z) ~~(w)~~ Piperidine.
1679 (aa) ~~(x)~~ Piperonal.
1680 (bb) ~~(y)~~ Propionic anhydride.
1681 (cc) ~~(z)~~ Pseudoephedrine.
1682 (dd) ~~(aa)~~ Safrole.
1683 (2) ESSENTIAL CHEMICALS.—The term "listed essential
1684 chemical" means a chemical that may be used as a solvent,
1685 reagent, or catalyst in manufacturing a controlled substance in
1686 violation of this chapter. The following are "listed essential
1687 chemicals":
1688 (a) Acetic anhydride.
1689 (b) Acetone.
1690 (c) Ammonium salts, including, but not limited to,

1691 nitrate, sulfate, phosphate, or chloride.
1692 (d) ~~(c)~~ Anhydrous ammonia.
1693 (e) Benzoquinone.
1694 (f) ~~(d)~~ Benzyl chloride.
1695 (g) ~~(e)~~ 2-Butanone.
1696 (h) ~~(f)~~ Ethyl ether.
1697 (i) Formic acid.
1698 (j) ~~(g)~~ Hydrochloric acid ~~gas~~.
1699 (k) ~~(h)~~ Hydriodic acid.
1700 (l) ~~(i)~~ Iodine.
1701 (m) Lithium.
1702 (n) Organic solvents, including, but not limited to,
1703 Coleman Fuel, camping fuel, ether, toluene, or lighter fluid.
1704 (o) Organic cosolvents, including, but not limited to,
1705 glycerol, propylene glycol, or polyethylene glycol.
1706 (p) Potassium dichromate.
1707 (q) ~~(j)~~ Potassium permanganate.
1708 (r) Sodium.
1709 (s) Sodium dichromate.
1710 (t) Sodium borohydride.
1711 (u) Sodium cyanoborohydride.
1712 (v) Sodium hydroxide.
1713 (w) Sulfuric acid.
1714 ~~(k) Toluene.~~
1715 Section 4. Subsections (3) and (5) of section 893.0356,
1716 Florida Statutes, are amended, paragraph (j) is added to

1717 subsection (4) of that section, and paragraph (a) of subsection
1718 (2) of that section is republished, to read:
1719 893.0356 Control of new substances; findings of fact;
1720 "controlled substance analog" defined.—
1721 (2)(a) As used in this section, "controlled substance
1722 analog" means a substance which, due to its chemical structure
1723 and potential for abuse, meets the following criteria:
1724 1. Is substantially similar to that of a controlled
1725 substance listed in Schedule I or Schedule II of s. 893.03; and
1726 2. Has a stimulant, depressant, or hallucinogenic effect
1727 on the central nervous system or is represented or intended to
1728 have a stimulant, depressant, or hallucinogenic effect on the
1729 central nervous system substantially similar to or greater than
1730 that of a controlled substance listed in Schedule I or Schedule
1731 II of s. 893.03.
1732 (3) As used in this section, the term "substantially
1733 similar," as the term applies to the chemical structure of a
1734 substance, means that the chemical structure of the substance
1735 compared to the structure of a controlled substance has a single
1736 difference in the structural formula that substitutes one atom
1737 or functional group for another, including, but not limited to,
1738 one halogen for another halogen, one hydrogen for a halogen or
1739 vice versa, an alkyl group added or deleted as a side chain to
1740 or from a molecule, or an alkyl group added or deleted from a
1741 side chain of a molecule. ~~"potential for abuse" in this section~~
1742 ~~means that a substance has properties as a central nervous~~

1743 ~~system stimulant or depressant or a hallucinogen that create a~~
1744 ~~substantial likelihood of its being:~~
1745 ~~(a) Used in amounts that create a hazard to the user's~~
1746 ~~health or the safety of the community;~~
1747 ~~(b) Diverted from legal channels and distributed through~~
1748 ~~illegal channels; or~~
1749 ~~(c) Taken on the user's own initiative rather than on the~~
1750 ~~basis of professional medical advice.~~
1751
1752 ~~Proof of potential for abuse can be based upon a showing that~~
1753 ~~these activities are already taking place, or upon a showing~~
1754 ~~that the nature and properties of the substance make it~~
1755 ~~reasonable to assume that there is a substantial likelihood that~~
1756 ~~such activities will take place, in other than isolated or~~
1757 ~~occasional instances.~~
1758 (4) The following factors shall be relevant to a finding
1759 that a substance is a controlled substance analog within the
1760 purview of this section:
1761 (j) Comparisons to the accepted methods of marketing,
1762 distribution, and sales of the substance and that which the
1763 substance is purported to be, including, but not limited to:
1764 1. The difference in price at which the substance is sold
1765 and the price at which the substance it is purported to be or
1766 advertised as is normally sold;
1767 2. The difference in how the substance is imported,
1768 manufactured, or distributed compared to how the substance it is

1769 purported to be or advertised as is normally imported,
1770 manufactured, or distributed;
1771 3. The difference in the appearance of the substance in
1772 overall finished dosage form compared to the substance it is
1773 purported to be or advertised as normally appears in overall
1774 finished dosage form; and
1775 4. The difference in how the substance is labeled for
1776 sale, packaged for sale, or the method of sale, including, but
1777 not limited to, the placement of the substance in an area
1778 commonly viewable to the public for purchase consideration
1779 compared to how the substance it is purported to be or
1780 advertised as is normally labeled for sale, packaged for sale,
1781 or sold to the public.
1782 (5) A controlled substance analog shall, for purposes of
1783 drug abuse prevention and control, be treated as the highest
1784 scheduled ~~a~~ controlled substance of which it is a controlled
1785 substance analog to in ~~Schedule I of~~ s. 893.03.
1786 Section 5. Subsections (1), (4), and (6), and paragraph
1787 (d) of subsection (8) of section 893.13, Florida Statutes, are
1788 amended, and subsection (2), paragraphs (a) and (b) of
1789 subsection (5), and paragraph (a) of subsection (7) of that
1790 section are republished, to read:
1791 893.13 Prohibited acts; penalties.—
1792 (1)(a) Except as authorized by this chapter and chapter
1793 499, a person may not sell, manufacture, or deliver, or possess
1794 with intent to sell, manufacture, or deliver, a controlled

1795 substance. A person who violates this provision with respect to:
1796 1. A controlled substance named or described in s.
1797 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1798 commits a felony of the second degree, punishable as provided in
1799 s. 775.082, s. 775.083, or s. 775.084.
1800 2. A controlled substance named or described in s.
1801 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1802 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1803 the third degree, punishable as provided in s. 775.082, s.
1804 775.083, or s. 775.084.
1805 3. A controlled substance named or described in s.
1806 893.03(5) commits a misdemeanor of the first degree, punishable
1807 as provided in s. 775.082 or s. 775.083.
1808 (b) Except as provided in this chapter, a person may not
1809 sell or deliver in excess of 10 grams of any substance named or
1810 described in s. 893.03(1)(a) or (1)(b), or any combination
1811 thereof, or any mixture containing any such substance. A person
1812 who violates this paragraph commits a felony of the first
1813 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1814 775.084.
1815 (c) Except as authorized by this chapter, a person may not
1816 sell, manufacture, or deliver, or possess with intent to sell,
1817 manufacture, or deliver, a controlled substance in, on, or
1818 within 1,000 feet of the real property comprising a child care
1819 facility as defined in s. 402.302 or a public or private
1820 elementary, middle, or secondary school between the hours of 6

1821 a.m. and 12 midnight, or at any time in, on, or within 1,000
1822 feet of real property comprising a state, county, or municipal
1823 park, a community center, or a publicly owned recreational
1824 facility. As used in this paragraph, the term "community center"
1825 means a facility operated by a nonprofit community-based
1826 organization for the provision of recreational, social, or
1827 educational services to the public. A person who violates this
1828 paragraph with respect to:
1829 1. A controlled substance named or described in s.
1830 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1831 commits a felony of the first degree, punishable as provided in
1832 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
1833 sentenced to a minimum term of imprisonment of 3 calendar years
1834 unless the offense was committed within 1,000 feet of the real
1835 property comprising a child care facility as defined in s.
1836 402.302.
1837 2. A controlled substance named or described in s.
1838 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1839 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1840 the second degree, punishable as provided in s. 775.082, s.
1841 775.083, or s. 775.084.
1842 3. Any other controlled substance, except as lawfully
1843 sold, manufactured, or delivered, must be sentenced to pay a
1844 $500 fine and to serve 100 hours of public service in addition
1845 to any other penalty prescribed by law.
1846

1847 This paragraph does not apply to a child care facility unless
1848 the owner or operator of the facility posts a sign that is not
1849 less than 2 square feet in size with a word legend identifying
1850 the facility as a licensed child care facility and that is
1851 posted on the property of the child care facility in a
1852 conspicuous place where the sign is reasonably visible to the
1853 public.
1854 (d) Except as authorized by this chapter, a person may not
1855 sell, manufacture, or deliver, or possess with intent to sell,
1856 manufacture, or deliver, a controlled substance in, on, or
1857 within 1,000 feet of the real property comprising a public or
1858 private college, university, or other postsecondary educational
1859 institution. A person who violates this paragraph with respect
1860 to:
1861 1. A controlled substance named or described in s.
1862 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1863 commits a felony of the first degree, punishable as provided in
1864 s. 775.082, s. 775.083, or s. 775.084.
1865 2. A controlled substance named or described in s.
1866 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1867 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1868 the second degree, punishable as provided in s. 775.082, s.
1869 775.083, or s. 775.084.
1870 3. Any other controlled substance, except as lawfully
1871 sold, manufactured, or delivered, must be sentenced to pay a
1872 $500 fine and to serve 100 hours of public service in addition

1873 to any other penalty prescribed by law.
1874 (e) Except as authorized by this chapter, a person may not
1875 sell, manufacture, or deliver, or possess with intent to sell,
1876 manufacture, or deliver, a controlled substance not authorized
1877 by law in, on, or within 1,000 feet of a physical place for
1878 worship at which a church or religious organization regularly
1879 conducts religious services or within 1,000 feet of a
1880 convenience business as defined in s. 812.171. A person who
1881 violates this paragraph with respect to:
1882 1. A controlled substance named or described in s.
1883 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1884 commits a felony of the first degree, punishable as provided in
1885 s. 775.082, s. 775.083, or s. 775.084.
1886 2. A controlled substance named or described in s.
1887 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1888 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1889 the second degree, punishable as provided in s. 775.082, s.
1890 775.083, or s. 775.084.
1891 3. Any other controlled substance, except as lawfully
1892 sold, manufactured, or delivered, must be sentenced to pay a
1893 $500 fine and to serve 100 hours of public service in addition
1894 to any other penalty prescribed by law.
1895 (f) Except as authorized by this chapter, a person may not
1896 sell, manufacture, or deliver, or possess with intent to sell,
1897 manufacture, or deliver, a controlled substance in, on, or
1898 within 1,000 feet of the real property comprising a public

1899 housing facility at any time. As used in this section, the term
1900 "real property comprising a public housing facility" means real
1901 property, as defined in s. 421.03(12), of a public corporation
1902 created as a housing authority pursuant to part I of chapter
1903 421. A person who violates this paragraph with respect to:
1904 1. A controlled substance named or described in s.
1905 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1906 commits a felony of the first degree, punishable as provided in
1907 s. 775.082, s. 775.083, or s. 775.084.
1908 2. A controlled substance named or described in s.
1909 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1910 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1911 the second degree, punishable as provided in s. 775.082, s.
1912 775.083, or s. 775.084.
1913 3. Any other controlled substance, except as lawfully
1914 sold, manufactured, or delivered, must be sentenced to pay a
1915 $500 fine and to serve 100 hours of public service in addition
1916 to any other penalty prescribed by law.
1917 (g) Except as authorized by this chapter, a person may not
1918 manufacture methamphetamine or phencyclidine, or possess any
1919 listed chemical as defined in s. 893.033 in violation of s.
1920 893.149 and with intent to manufacture methamphetamine or
1921 phencyclidine. If a person violates this paragraph and:
1922 1. The commission or attempted commission of the crime
1923 occurs in a structure or conveyance where any child younger than
1924 16 years of age is present, the person commits a felony of the

1925 first degree, punishable as provided in s. 775.082, s. 775.083,
1926 or s. 775.084. In addition, the defendant must be sentenced to a
1927 minimum term of imprisonment of 5 calendar years.
1928 2. The commission of the crime causes any child younger
1929 than 16 years of age to suffer great bodily harm, the person
1930 commits a felony of the first degree, punishable as provided in
1931 s. 775.082, s. 775.083, or s. 775.084. In addition, the
1932 defendant must be sentenced to a minimum term of imprisonment of
1933 10 calendar years.
1934 (h) Except as authorized by this chapter, a person may not
1935 sell, manufacture, or deliver, or possess with intent to sell,
1936 manufacture, or deliver, a controlled substance in, on, or
1937 within 1,000 feet of the real property comprising an assisted
1938 living facility, as that term is used in chapter 429. A person
1939 who violates this paragraph with respect to:
1940 1. A controlled substance named or described in s.
1941 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1942 commits a felony of the first degree, punishable as provided in
1943 s. 775.082, s. 775.083, or s. 775.084.
1944 2. A controlled substance named or described in s.
1945 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1946 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1947 the second degree, punishable as provided in s. 775.082, s.
1948 775.083, or s. 775.084.
1949 3. Any other controlled substance, except as lawfully
1950 sold, manufactured, or delivered, must be sentenced to pay a

1951 $500 fine and to serve 100 hours of public service in addition
1952 to any other penalty prescribed by law.
1953 (2)(a) Except as authorized by this chapter and chapter
1954 499, a person may not purchase, or possess with intent to
1955 purchase, a controlled substance. A person who violates this
1956 provision with respect to:
1957 1. A controlled substance named or described in s.
1958 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1959 commits a felony of the second degree, punishable as provided in
1960 s. 775.082, s. 775.083, or s. 775.084.
1961 2. A controlled substance named or described in s.
1962 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1963 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1964 the third degree, punishable as provided in s. 775.082, s.
1965 775.083, or s. 775.084.
1966 3. A controlled substance named or described in s.
1967 893.03(5) commits a misdemeanor of the first degree, punishable
1968 as provided in s. 775.082 or s. 775.083.
1969 (b) Except as provided in this chapter, a person may not
1970 purchase more than 10 grams of any substance named or described
1971 in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any
1972 mixture containing any such substance. A person who violates
1973 this paragraph commits a felony of the first degree, punishable
1974 as provided in s. 775.082, s. 775.083, or s. 775.084.
1975 (4) Except as authorized by this chapter, a person 18
1976 years of age or older may not deliver any controlled substance

1977 to a person younger than 18 years of age, use or hire a person
1978 younger than 18 years of age as an agent or employee in the sale
1979 or delivery of such a substance, or use such person to assist in
1980 avoiding detection or apprehension for a violation of this
1981 chapter. A person who violates this paragraph ~~provision~~ with
1982 respect to:
1983 (a) A controlled substance named or described in s.
1984 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1985 commits a felony of the first degree, punishable as provided in
1986 s. 775.082, s. 775.083, or s. 775.084.
1987 (b) A controlled substance named or described in s.
1988 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1989 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1990 the second degree, punishable as provided in s. 775.082, s.
1991 775.083, or s. 775.084.
1992 (c) Any other controlled substance, except as lawfully
1993 sold, manufactured, or delivered, commits a felony of the third
1994 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1995 775.084.
1996
1997 Imposition of sentence may not be suspended or deferred, and the
1998 person so convicted may not be placed on probation.
1999 (5) A person may not bring into this state any controlled
2000 substance unless the possession of such controlled substance is
2001 authorized by this chapter or unless such person is licensed to
2002 do so by the appropriate federal agency. A person who violates

2003 this provision with respect to:
2004 (a) A controlled substance named or described in s.
2005 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
2006 commits a felony of the second degree, punishable as provided in
2007 s. 775.082, s. 775.083, or s. 775.084.
2008 (b) 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 third degree, punishable as provided in s. 775.082, s.
2012 775.083, or s. 775.084.
2013 (6)(a) A person may not be in actual or constructive
2014 possession of a controlled substance unless such controlled
2015 substance was lawfully obtained from a practitioner or pursuant
2016 to a valid prescription or order of a practitioner while acting
2017 in the course of his or her professional practice or to be in
2018 actual or constructive possession of a controlled substance
2019 except as otherwise authorized by this chapter. A person who
2020 violates this provision commits a felony of the third degree,
2021 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
2022 (b) If the offense is the possession of 20 grams or less
2023 of cannabis, as defined in this chapter, ~~or 3 grams or less of a~~
2024 ~~controlled substance described in s. 893.03(1)(c)46.-50., 114.-~~
2025 ~~142., 151.-159., or 166.-173.,~~ the person commits a misdemeanor
2026 of the first degree, punishable as provided in s. 775.082 or s.
2027 775.083. As used in this subsection, the term "cannabis" does
2028 not include the resin extracted from the plants of the genus

2029 *Cannabis*, or any compound manufacture, salt, derivative,
2030 mixture, or preparation of such resin~~, and a controlled~~
2031 ~~substance described in s. 893.03(1)(c)46.-50., 114.-142., 151.-~~
2032 ~~159., or 166.-173. does not include the substance in a powdered~~
2033 ~~form~~.
2034 (c) Except as provided in this chapter, a person may not
2035 possess more than 10 grams of any substance named or described
2036 in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any
2037 mixture containing any such substance. A person who violates
2038 this paragraph commits a felony of the first degree, punishable
2039 as provided in s. 775.082, s. 775.083, or s. 775.084.
2040 (d) If the offense is possession of a controlled substance
2041 named or described in s. 893.03(5), the person commits a
2042 misdemeanor of the second degree, punishable as provided in s.
2043 775.082 or s. 775.083.
2044 (e)~~(d)~~ Notwithstanding any provision to the contrary of
2045 the laws of this state relating to arrest, a law enforcement
2046 officer may arrest without warrant any person who the officer
2047 has probable cause to believe is violating the provisions of
2048 this chapter relating to possession of cannabis.
2049 (7)(a) A person may not:
2050 1. Distribute or dispense a controlled substance in
2051 violation of this chapter.
2052 2. Refuse or fail to make, keep, or furnish any record,
2053 notification, order form, statement, invoice, or information
2054 required under this chapter.

2055 3. Refuse entry into any premises for any inspection or
2056 refuse to allow any inspection authorized by this chapter.
2057 4. Distribute a controlled substance named or described in
2058 s. 893.03(1) or (2) except pursuant to an order form as required
2059 by s. 893.06.
2060 5. Keep or maintain any store, shop, warehouse, dwelling,
2061 building, vehicle, boat, aircraft, or other structure or place
2062 which is resorted to by persons using controlled substances in
2063 violation of this chapter for the purpose of using these
2064 substances, or which is used for keeping or selling them in
2065 violation of this chapter.
2066 6. Use to his or her own personal advantage, or reveal,
2067 any information obtained in enforcement of this chapter except
2068 in a prosecution or administrative hearing for a violation of
2069 this chapter.
2070 7. Possess a prescription form unless it has been signed
2071 by the practitioner whose name appears printed thereon and
2072 completed. This subparagraph does not apply if the person in
2073 possession of the form is the practitioner whose name appears
2074 printed thereon, an agent or employee of that practitioner, a
2075 pharmacist, or a supplier of prescription forms who is
2076 authorized by that practitioner to possess those forms.
2077 8. Withhold information from a practitioner from whom the
2078 person seeks to obtain a controlled substance or a prescription
2079 for a controlled substance that the person making the request
2080 has received a controlled substance or a prescription for a

2081 controlled substance of like therapeutic use from another
2082 practitioner within the previous 30 days.
2083 9. Acquire or obtain, or attempt to acquire or obtain,
2084 possession of a controlled substance by misrepresentation,
2085 fraud, forgery, deception, or subterfuge.
2086 10. Affix any false or forged label to a package or
2087 receptacle containing a controlled substance.
2088 11. Furnish false or fraudulent material information in,
2089 or omit any material information from, any report or other
2090 document required to be kept or filed under this chapter or any
2091 record required to be kept by this chapter.
2092 12. Store anhydrous ammonia in a container that is not
2093 approved by the United States Department of Transportation to
2094 hold anhydrous ammonia or is not constructed in accordance with
2095 sound engineering, agricultural, or commercial practices.
2096 13. With the intent to obtain a controlled substance or
2097 combination of controlled substances that are not medically
2098 necessary for the person or an amount of a controlled substance
2099 or substances that is not medically necessary for the person,
2100 obtain or attempt to obtain from a practitioner a controlled
2101 substance or a prescription for a controlled substance by
2102 misrepresentation, fraud, forgery, deception, subterfuge, or
2103 concealment of a material fact. For purposes of this
2104 subparagraph, a material fact includes whether the person has an
2105 existing prescription for a controlled substance issued for the
2106 same period of time by another practitioner or as described in

2107 subparagraph 8.
2108 (8)
2109 (d) Notwithstanding paragraph (c), if a prescribing
2110 practitioner has violated paragraph (a) and received $1,000 or
2111 more in payment for writing one or more prescriptions or, in the
2112 case of a prescription written for a controlled substance
2113 described in s. 893.135, has written one or more prescriptions
2114 for a quantity of a controlled substance which, individually or
2115 in the aggregate, meets the threshold for the offense of
2116 trafficking in a controlled substance under s. 893.135 ~~s.~~
2117 ~~893.15~~, the violation is reclassified as a felony of the second
2118 degree and ranked in level 4 of the Criminal Punishment Code.
2119 Section 6. Paragraphs (g) and (l) of subsection (1) of
2120 section 893.135, Florida Statutes, are republished, paragraph
2121 (k) of that subsection is amended, and subsection (6) of that
2122 section is amended, to read:
2123 893.135 Trafficking; mandatory sentences; suspension or
2124 reduction of sentences; conspiracy to engage in trafficking.—
2125 (1) Except as authorized in this chapter or in chapter 499
2126 and notwithstanding the provisions of s. 893.13:
2127 (g)1. Any person who knowingly sells, purchases,
2128 manufactures, delivers, or brings into this state, or who is
2129 knowingly in actual or constructive possession of, 4 grams or
2130 more of flunitrazepam or any mixture containing flunitrazepam as
2131 described in s. 893.03(1)(a) commits a felony of the first
2132 degree, which felony shall be known as "trafficking in

2133 flunitrazepam," punishable as provided in s. 775.082, s.
2134 775.083, or s. 775.084. If the quantity involved:
2135 a. Is 4 grams or more but less than 14 grams, such person
2136 shall be sentenced to a mandatory minimum term of imprisonment
2137 of 3 years, and the defendant shall be ordered to pay a fine of
2138 $50,000.
2139 b. Is 14 grams or more but less than 28 grams, such person
2140 shall be sentenced to a mandatory minimum term of imprisonment
2141 of 7 years, and the defendant shall be ordered to pay a fine of
2142 $100,000.
2143 c. Is 28 grams or more but less than 30 kilograms, such
2144 person shall be sentenced to a mandatory minimum term of
2145 imprisonment of 25 calendar years and pay a fine of $500,000.
2146 2. Any person who knowingly sells, purchases,
2147 manufactures, delivers, or brings into this state or who is
2148 knowingly in actual or constructive possession of 30 kilograms
2149 or more of flunitrazepam or any mixture containing flunitrazepam
2150 as described in s. 893.03(1)(a) commits the first degree felony
2151 of trafficking in flunitrazepam. A person who has been convicted
2152 of the first degree felony of trafficking in flunitrazepam under
2153 this subparagraph shall be punished by life imprisonment and is
2154 ineligible for any form of discretionary early release except
2155 pardon or executive clemency or conditional medical release
2156 under s. 947.149. However, if the court determines that, in
2157 addition to committing any act specified in this paragraph:
2158 a. The person intentionally killed an individual or

2159 counseled, commanded, induced, procured, or caused the
2160 intentional killing of an individual and such killing was the
2161 result; or
2162 b. The person's conduct in committing that act led to a
2163 natural, though not inevitable, lethal result,
2164
2165 such person commits the capital felony of trafficking in
2166 flunitrazepam, punishable as provided in ss. 775.082 and
2167 921.142. Any person sentenced for a capital felony under this
2168 paragraph shall also be sentenced to pay the maximum fine
2169 provided under subparagraph 1.
2170 (k)1. A person who knowingly sells, purchases,
2171 manufactures, delivers, or brings into this state, or who is
2172 knowingly in actual or constructive possession of, 10 grams or
2173 more of any of the following substances described in s.
2174 893.03(1)(c):
2175 a. (MDMA) 3,4-Methylenedioxymethamphetamine ~~(MDMA)~~;
2176 b. DOB (4-Bromo-2,5-dimethoxyamphetamine);
2177 c. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine);
2178 d. 2,5-Dimethoxyamphetamine;
2179 e. DOET (4-Ethyl-2,5-dimethoxyamphetamine) ~~2,5-Dimethoxy-~~
2180 ~~4-ethylamphetamine (DOET)~~;
2181 f. N-ethylamphetamine;
2182 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
2183 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
2184 i. PMA (4-methoxyamphetamine);

2185 j. PMMA (4-methoxymethamphetamine);
2186 k. DOM (4-Methyl-2,5-dimethoxyamphetamine);
2187 l. MDEA (3,4-Methylenedioxy-N-ethylamphetamine);
2188 m. MDA (3,4-Methylenedioxyamphetamine);
2189 n. N,N-dimethylamphetamine;
2190 o. 3,4,5-Trimethoxyamphetamine;
2191 p. Methylone (3,4-Methylenedioxymethcathinone);
2192 q. MDPV (3,4-Methylenedioxypyrovalerone) ~~(MDPV)~~; or
2193 r. Methylmethcathinone,
2194
2195 individually or analogs thereto or isomers thereto or in any
2196 combination of or any mixture containing any substance listed in
2197 sub-subparagraphs a.-r., commits a felony of the first degree,
2198 which felony shall be known as "trafficking in Phenethylamines,"
2199 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
2200 2. If the quantity involved:
2201 a. Is 10 grams or more, but less than 200 grams, such
2202 person shall be sentenced to a mandatory minimum term of
2203 imprisonment of 3 years and shall be ordered to pay a fine of
2204 $50,000.
2205 b. Is 200 grams or more, but less than 400 grams, such
2206 person shall be sentenced to a mandatory minimum term of
2207 imprisonment of 7 years and shall be ordered to pay a fine of
2208 $100,000.
2209 c. Is 400 grams or more, such person shall be sentenced to
2210 a mandatory minimum term of imprisonment of 15 years and shall

2211 be ordered to pay a fine of $250,000.
2212 3. A person who knowingly manufactures or brings into this
2213 state 30 kilograms or more of any of the following substances
2214 described in s. 893.03(1)(c):
2215 a. MDMA (3,4-Methylenedioxymethamphetamine) ~~(MDMA)~~;
2216 b. 2C-B (4-Bromo-2,5-dimethoxyamphetamine);
2217 c. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine);
2218 d. 2,5-Dimethoxyamphetamine;
2219 e. DOET (4-Ethyl-2,5-dimethoxyamphetamine) ~~2,5-Dimethoxy-~~
2220 ~~4-ethylamphetamine (DOET)~~;
2221 f. N-ethylamphetamine;
2222 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
2223 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
2224 i. PMA (4-methoxyamphetamine);
2225 j. PMMA (4-methoxymethamphetamine);
2226 k. DOM (4-Methyl-2,5-dimethoxyamphetamine);
2227 l. MDEA (3,4-Methylenedioxy-N-ethylamphetamine);
2228 m. MDA (3,4-Methylenedioxyamphetamine);
2229 n. N,N-dimethylamphetamine;
2230 o. 3,4,5-Trimethoxyamphetamine;
2231 p. Methylone (3,4-Methylenedioxymethcathinone);
2232 q. MDPV (3,4-Methylenedioxypyrovalerone) ~~(MDPV)~~; or
2233 r. Methylmethcathinone,
2234
2235 individually or analogs thereto or isomers thereto or in any
2236 combination of or any mixture containing any substance listed in

2237 sub-subparagraphs a.-r., and who knows that the probable result
2238 of such manufacture or importation would be the death of any
2239 person commits capital manufacture or importation of
2240 Phenethylamines, a capital felony punishable as provided in ss.
2241 775.082 and 921.142. A person sentenced for a capital felony
2242 under this paragraph shall also be sentenced to pay the maximum
2243 fine provided under subparagraph 1.
2244 (l)1. Any person who knowingly sells, purchases,
2245 manufactures, delivers, or brings into this state, or who is
2246 knowingly in actual or constructive possession of, 1 gram or
2247 more of lysergic acid diethylamide (LSD) as described in s.
2248 893.03(1)(c), or of any mixture containing lysergic acid
2249 diethylamide (LSD), commits a felony of the first degree, which
2250 felony shall be known as "trafficking in lysergic acid
2251 diethylamide (LSD)," punishable as provided in s. 775.082, s.
2252 775.083, or s. 775.084. If the quantity involved:
2253 a. Is 1 gram or more, but less than 5 grams, such person
2254 shall be sentenced to a mandatory minimum term of imprisonment
2255 of 3 years, and the defendant shall be ordered to pay a fine of
2256 $50,000.
2257 b. Is 5 grams or more, but less than 7 grams, such person
2258 shall be sentenced to a mandatory minimum term of imprisonment
2259 of 7 years, and the defendant shall be ordered to pay a fine of
2260 $100,000.
2261 c. Is 7 grams or more, such person shall be sentenced to a
2262 mandatory minimum term of imprisonment of 15 calendar years and

2263 pay a fine of $500,000.
2264 2. Any person who knowingly manufactures or brings into
2265 this state 7 grams or more of lysergic acid diethylamide (LSD)
2266 as described in s. 893.03(1)(c), or any mixture containing
2267 lysergic acid diethylamide (LSD), and who knows that the
2268 probable result of such manufacture or importation would be the
2269 death of any person commits capital manufacture or importation
2270 of lysergic acid diethylamide (LSD), a capital felony punishable
2271 as provided in ss. 775.082 and 921.142. Any person sentenced for
2272 a capital felony under this paragraph shall also be sentenced to
2273 pay the maximum fine provided under subparagraph 1.
2274 (6) A mixture, as defined in s. 893.02, containing any
2275 controlled substance described in this section includes, but is
2276 not limited to, a solution or a dosage unit, including but not
2277 limited to, a gelatin capsule, pill, or tablet, containing a
2278 controlled substance. For the purpose of clarifying legislative
2279 intent regarding the weighing of a mixture containing a
2280 controlled substance described in this section, the weight of
2281 the controlled substance is the total weight of the mixture,
2282 including the controlled substance and any other substance in
2283 the mixture. If there is more than one mixture containing the
2284 same controlled substance, the weight of the controlled
2285 substance is calculated by aggregating the total weight of each
2286 mixture.
2287 Section 7. Subsection (2) of section 893.138, Florida
2288 Statutes, is amended to read:

2289 893.138 Local administrative action to abate drug-related,
2290 prostitution-related, or stolen-property-related public
2291 nuisances and criminal gang activity.—
2292 (2) Any place or premises that has been used:
2293 (a) On more than two occasions within a 6-month period, as
2294 the site of a violation of s. 796.07;
2295 (b) On more than two occasions within a 6-month period, as
2296 the site of the unlawful sale, delivery, manufacture, or
2297 cultivation of any controlled substance;
2298 (c) On one occasion as the site of the unlawful possession
2299 of a controlled substance, where such possession constitutes a
2300 felony and that has been previously used on more than one
2301 occasion as the site of the unlawful sale, delivery,
2302 manufacture, or cultivation of any controlled substance;
2303 (d) By a criminal gang for the purpose of conducting
2304 criminal gang activity as defined by s. 874.03; ~~or~~
2305 (e) On more than two occasions within a 6-month period, as
2306 the site of a violation of s. 812.019 relating to dealing in
2307 stolen property; or
2308 (f) On two or more occasions within a 6-month period, as
2309 the site of a violation of chapter 499,
2310
2311 may be declared to be a public nuisance, and such nuisance may
2312 be abated pursuant to the procedures provided in this section.
2313 Section 8. Subsections (6) and (12) of section 893.145,
2314 Florida Statutes, are amended to read:

2315 893.145 "Drug paraphernalia" defined.—The term "drug
2316 paraphernalia" means all equipment, products, and materials of
2317 any kind which are used, intended for use, or designed for use
2318 in planting, propagating, cultivating, growing, harvesting,
2319 manufacturing, compounding, converting, producing, processing,
2320 preparing, testing, analyzing, packaging, repackaging, storing,
2321 containing, concealing, transporting, injecting, ingesting,
2322 inhaling, or otherwise introducing into the human body a
2323 controlled substance in violation of this chapter or s. 877.111.
2324 Drug paraphernalia is deemed to be contraband which shall be
2325 subject to civil forfeiture. The term includes, but is not
2326 limited to:
2327 (6) Diluents and adulterants, such as quinine
2328 hydrochloride, caffeine, dimethyl sulfone, mannitol, mannite,
2329 dextrose, and lactose, used, intended for use, or designed for
2330 use in diluting ~~cutting~~ controlled substances; or substances
2331 such as damiana leaf, marshmallow leaf, and mullein leaf, used,
2332 intended for use, or designed for use as carrier mediums of
2333 controlled substances.
2334 (12) Objects used, intended for use, or designed for use
2335 in ingesting, inhaling, or otherwise introducing controlled
2336 substances, as described in s. 893.03, or substances described
2337 in s. 877.111(1) ~~cannabis, cocaine, hashish, hashish oil, or~~
2338 ~~nitrous oxide~~ into the human body, such as:
2339 (a) Metal, wooden, acrylic, glass, stone, plastic, or
2340 ceramic pipes, with or without screens, permanent screens,

2341 hashish heads, or punctured metal bowls.
2342 (b) Water pipes.
2343 (c) Carburetion tubes and devices.
2344 (d) Smoking and carburetion masks.
2345 (e) Roach clips: meaning objects used to hold burning
2346 material, such as a cannabis cigarette, that has become too
2347 small or too short to be held in the hand.
2348 (f) Miniature cocaine spoons, and cocaine vials.
2349 (g) Chamber pipes.
2350 (h) Carburetor pipes.
2351 (i) Electric pipes.
2352 (j) Air-driven pipes.
2353 (k) Chillums.
2354 (l) Bongs.
2355 (m) Ice pipes or chillers.
2356 (n) A cartridge or canister, which means a small metal
2357 device used to contain nitrous oxide.
2358 (o) A charger, sometimes referred to as a "cracker," which
2359 means a small metal or plastic device that contains an interior
2360 pin that may be used to expel nitrous oxide from a cartridge or
2361 container.
2362 (p) A charging bottle, which means a device that may be
2363 used to expel nitrous oxide from a cartridge or canister.
2364 (q) A whip-it, which means a device that may be used to
2365 expel nitrous oxide.
2366 (r) A tank.

2367 (s) A balloon.
2368 (t) A hose or tube.
2369 (u) A 2-liter-type soda bottle.
2370 (v) Duct tape.
2371 Section 9. Paragraph (a) of subsection (1) of section
2372 895.02, Florida Statutes, is amended to read:
2373 895.02 Definitions.—As used in ss. 895.01-895.08, the
2374 term:
2375 (1) "Racketeering activity" means to commit, to attempt to
2376 commit, to conspire to commit, or to solicit, coerce, or
2377 intimidate another person to commit:
2378 (a) Any crime that is chargeable by petition, indictment,
2379 or information under the following provisions of the Florida
2380 Statutes:
2381 1. Section 210.18, relating to evasion of payment of
2382 cigarette taxes.
2383 2. Section 316.1935, relating to fleeing or attempting to
2384 elude a law enforcement officer and aggravated fleeing or
2385 eluding.
2386 3. Section 403.727(3)(b), relating to environmental
2387 control.
2388 4. Section 409.920 or s. 409.9201, relating to Medicaid
2389 fraud.
2390 5. Section 414.39, relating to public assistance fraud.
2391 6. Section 440.105 or s. 440.106, relating to workers'
2392 compensation.

2393 7. Section 443.071(4), relating to creation of a
2394 fictitious employer scheme to commit reemployment assistance
2395 fraud.
2396 8. Section 465.0161, relating to distribution of medicinal
2397 drugs without a permit as an Internet pharmacy.
2398 9. Section 499.0051, relating to crimes involving
2399 contraband, ~~and~~ adulterated, or misbranded drugs.
2400 10. Part IV of chapter 501, relating to telemarketing.
2401 11. Chapter 517, relating to sale of securities and
2402 investor protection.
2403 12. Section 550.235 or s. 550.3551, relating to dogracing
2404 and horseracing.
2405 13. Chapter 550, relating to jai alai frontons.
2406 14. Section 551.109, relating to slot machine gaming.
2407 15. Chapter 552, relating to the manufacture,
2408 distribution, and use of explosives.
2409 16. Chapter 560, relating to money transmitters, if the
2410 violation is punishable as a felony.
2411 17. Chapter 562, relating to beverage law enforcement.
2412 18. Section 624.401, relating to transacting insurance
2413 without a certificate of authority, s. 624.437(4)(c)1., relating
2414 to operating an unauthorized multiple-employer welfare
2415 arrangement, or s. 626.902(1)(b), relating to representing or
2416 aiding an unauthorized insurer.
2417 19. Section 655.50, relating to reports of currency
2418 transactions, when such violation is punishable as a felony.

2419 20. Chapter 687, relating to interest and usurious
2420 practices.
2421 21. Section 721.08, s. 721.09, or s. 721.13, relating to
2422 real estate timeshare plans.
2423 22. Section 775.13(5)(b), relating to registration of
2424 persons found to have committed any offense for the purpose of
2425 benefiting, promoting, or furthering the interests of a criminal
2426 gang.
2427 23. Section 777.03, relating to commission of crimes by
2428 accessories after the fact.
2429 24. Chapter 782, relating to homicide.
2430 25. Chapter 784, relating to assault and battery.
2431 26. Chapter 787, relating to kidnapping or human
2432 trafficking.
2433 27. Chapter 790, relating to weapons and firearms.
2434 28. Chapter 794, relating to sexual battery, but only if
2435 such crime was committed with the intent to benefit, promote, or
2436 further the interests of a criminal gang, or for the purpose of
2437 increasing a criminal gang member's own standing or position
2438 within a criminal gang.
2439 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
2440 796.05, or s. 796.07, relating to prostitution.
2441 30. Chapter 806, relating to arson and criminal mischief.
2442 31. Chapter 810, relating to burglary and trespass.
2443 32. Chapter 812, relating to theft, robbery, and related
2444 crimes.

2445 33. Chapter 815, relating to computer-related crimes.
2446 34. Chapter 817, relating to fraudulent practices, false
2447 pretenses, fraud generally, and credit card crimes.
2448 35. Chapter 825, relating to abuse, neglect, or
2449 exploitation of an elderly person or disabled adult.
2450 36. Section 827.071, relating to commercial sexual
2451 exploitation of children.
2452 37. Section 828.122, relating to fighting or baiting
2453 animals.
2454 38. Chapter 831, relating to forgery and counterfeiting.
2455 39. Chapter 832, relating to issuance of worthless checks
2456 and drafts.
2457 40. Section 836.05, relating to extortion.
2458 41. Chapter 837, relating to perjury.
2459 42. Chapter 838, relating to bribery and misuse of public
2460 office.
2461 43. Chapter 843, relating to obstruction of justice.
2462 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
2463 s. 847.07, relating to obscene literature and profanity.
2464 45. Chapter 849, relating to gambling, lottery, gambling
2465 or gaming devices, slot machines, or any of the provisions
2466 within that chapter.
2467 46. Chapter 874, relating to criminal gangs.
2468 47. Chapter 893, relating to drug abuse prevention and
2469 control.
2470 48. Chapter 896, relating to offenses related to financial

2471 transactions.
2472 49. Sections 914.22 and 914.23, relating to tampering with
2473 or harassing a witness, victim, or informant, and retaliation
2474 against a witness, victim, or informant.
2475 50. Sections 918.12 and 918.13, relating to tampering with
2476 jurors and evidence.
2477 Section 10. Paragraphs (c), (e), and (g) of subsection (3)
2478 of section 921.0022, Florida Statutes, are amended, and
2479 paragraphs (b), (d), and (h) of that subsection are republished,
2480 to read:
2481 921.0022 Criminal Punishment Code; offense severity
2482 ranking chart.—
2483 (3) OFFENSE SEVERITY RANKING CHART
2484 (b) LEVEL 2
2485

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.
2488	403.413(6)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
2489	517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
2490	590.28(1)	3rd	Intentional burning of lands.
2491	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
2492	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.

2493 806.13(1)(b)3. 3rd Criminal mischief; damage $1,000 or more to public communication or any other public service.

2494 810.061(2) 3rd Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

2495 810.09(2)(e) 3rd Trespassing on posted commercial horticulture property.

2496 812.014(2)(c)1. 3rd Grand theft, 3rd degree; $300 or more but less than $5,000.

2497 812.014(2)(d) 3rd Grand theft, 3rd degree; $100 or more but less than $300, taken from unenclosed curtilage of dwelling.

2498

812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.	
817.234(1)(a)2.	3rd	False statement in support of insurance claim.	
817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over $300.	
817.52(3)	3rd	Failure to redeliver hired vehicle.	
817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.	
817.60(5)	3rd	Dealing in credit cards of another.	
817.60(6)(a)	3rd	Forgery; purchase goods, services with	

			false card.
2505	817.61	3rd	Fraudulent use of credit cards over $100 or more within 6 months.
2506	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
2507	831.01	3rd	Forgery.
2508	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
2509	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
2510	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
2511	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.

2512 831.11 3rd Bringing into the state forged bank bills, checks, drafts, or notes.

2513 832.05(3)(a) 3rd Cashing or depositing item with intent to defraud.

2514 843.08 3rd False personation.

2515 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.

2516 893.147(2) 3rd Manufacture or delivery of drug paraphernalia.

2517

2518

2519 (c) LEVEL 3

2520

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.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile

		home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

379.2431 (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.
379.2431 (1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
400.9935(4)(e)	3rd	Filing a false license application or other required information or failing to report information.

	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
2538			
	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
2539			
	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
2540			
	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than $20,000.
2541			
	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
2542			
	697.08	3rd	Equity skimming.
2543			
	790.15(3)	3rd	Person directs another to

		discharge firearm from a vehicle.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; $300 or more but less than $10,000.

2549

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

2550

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

2551

817.233	3rd	Burning to defraud insurer.

2552

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

2553

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

2554

817.236	3rd	Filing a false motor vehicle insurance application.

2555

817.2361	3rd	Creating, marketing, or

			presenting a false or fraudulent motor vehicle insurance card.
2556			
817.413(2)	3rd		Sale of used goods as new.
2557			
817.505(4)	3rd		Patient brokering.
2558			
828.12(2)	3rd		Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
2559			
831.28(2)(a)	3rd		Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
2560			
831.29	2nd		Possession of instruments for counterfeiting driver licenses or identification cards.
2561			
838.021(3)(b)	3rd		Threatens unlawful

		harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
860.15(3)	3rd	Overcharging for repairs and parts.
870.01(2)	3rd	Riot; inciting or encouraging.
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).
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.
2567	893.13(1)(f)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 public housing facility.
2568	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
2569	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
2570	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or

			prescription for a controlled substance.
2571			
	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
2572			
	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
2573			
	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
2574			
	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.
2575			
	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.
2576			
	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
2577			
	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
2578			
	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
2579			

944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

(d) LEVEL 4

Florida Statute	Felony Degree	Description
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
499.0051(2)	3rd	Failure to authenticate pedigree papers.
499.0051(6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
517.07(1)	3rd	Failure to register securities.
517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.

2593 784.075 3rd Battery on detention or commitment facility staff.

2594 784.078 3rd Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.

2595 784.08(2)(c) 3rd Battery on a person 65 years of age or older.

2596 784.081(3) 3rd Battery on specified official or employee.

2597 784.082(3) 3rd Battery by detained person on visitor or other detainee.

2598 784.083(3) 3rd Battery on code inspector.

2599 784.085 3rd Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

2600 787.03(1) 3rd Interference with custody; wrongly takes minor from appointed guardian.

2601 787.04(2) 3rd Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

2602 787.04(3) 3rd Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

2603 787.07 3rd Human smuggling.

2604 790.115(1) 3rd Exhibiting firearm or weapon within 1,000 feet of a school.

2605 790.115(2)(b) 3rd Possessing electric weapon or device, destructive device, or

			other weapon on school property.
2606	790.115(2)(c)	3rd	Possessing firearm on school property.
2607	800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
2608	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
2609	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
2610	810.06	3rd	Burglary; possession of tools.
2611	810.08(2)(c)	3rd	Trespass on property, armed with firearm or

			dangerous weapon.
2612			
	812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.
2613			
	812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
2614			
	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen $300 or more.
2615			
	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
2616			
	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
2617			
	817.625(2)(a)	3rd	Fraudulent use of

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

843.021	3rd	Possession of a concealed handcuff key by a person in custody.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
874.05(1)(a)	3rd	Encouraging or recruiting another 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. drugs).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.

(e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving

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

			commercial harvester's trap contents or trap gear by another harvester.
2644	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
2645	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
2646	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
2647	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
2648	624.401(4)(b)2.	2nd	Transacting insurance without a certificate

			or authority; premium collected $20,000 or more but less than $100,000.
2649	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
2650	790.01(2)	3rd	Carrying a concealed firearm.
2651	790.162	2nd	Threat to throw or discharge destructive device.
2652	790.163(1)	2nd	False report of deadly explosive or weapon of mass destruction.
2653	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
2654	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.

2655 796.05(1) 2nd Live on earnings of a prostitute; 1st offense.

2656 800.04(6)(c) 3rd Lewd or lascivious conduct; offender less than 18 years of age.

2657 800.04(7)(b) 2nd Lewd or lascivious exhibition; offender 18 years of age or older.

2658 806.111(1) 3rd Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

2659 812.0145(2)(b) 2nd Theft from person 65 years of age or older; $10,000 or more but less than $50,000.

2660 812.015(8) 3rd Retail theft; property stolen is valued at $300 or more and one or more

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

2667

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.

2668

817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.

2669

825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

2670

827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

2671

827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

2672

839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

2673

843.01	3rd	Resist officer with violence to person; resist arrest with violence.

2674

847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.

2675

847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.

2676

847.0138	3rd	Transmission of material

	(2) & (3)		harmful to minors to a minor by electronic device or equipment.
2677			
	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
2678			
	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
2679			
	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).
2680			
	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.
2681	893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.
2682	893.13(1)(e)2.	2nd	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.
893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.
893.13(4)(b)	2nd	Use or hire of minor; 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)~~.
893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

2687 (g) LEVEL 7

2688

Florida Statute	Felony Degree	Description
2689 316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
2690 316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
2691 316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
2692 327.35(3)(c)2.	3rd	Vessel BUI resulting

			in serious bodily injury.
2693			
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.	
2694			
409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; $10,000 or less.	
2695			
409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than $10,000, but less than $50,000.	
2696			
456.065(2)	3rd	Practicing a health care profession without a license.	
2697			
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.	
2698			

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.
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.
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.
2714	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.
2715	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000.
2716	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution.
2717	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew

		driver license or identification card; other registration violations.
775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.

2728	784.048(7)	3rd	Aggravated stalking; violation of court order.
2729	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
2730	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
2731	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
2732	784.081(1)	1st	Aggravated battery on specified official or employee.
2733	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
2734	784.083(1)	1st	Aggravated battery on code inspector.

2735

787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.

2736

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.

2737

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

2738

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

2739

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

2740

790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or

			attempting to commit a felony.
2741			
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
2742			
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
2743			
	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
2744			
	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.
2745			

796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
800.04(5)(e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction

			for specified sex offense.
2750			
	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
2751			
	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
2752			
	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
2753			
	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
2754			
	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
2755			
	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.
2756			
	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than $50,000, grand theft in 2nd degree.
2757			
	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
2758			
	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
2759			
	812.0145(2)(a)	1st	Theft from person 65 years of age or older; $50,000 or more.
2760			
	812.019(2)	1st	Stolen property; initiates, organizes,

			plans, etc., the theft of property and traffics in stolen property.
2761	812.131(2)(a)	2nd	Robbery by sudden snatching.
2762	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
2763	817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
2764	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
2765	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
2766	817.234(11)(c)	1st	Insurance fraud; property value

			$100,000 or more.
2767			
	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.
2768			
	817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
2769			
	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
2770			
	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.

2771 827.03(2)(b) 2nd Neglect of a child causing great bodily harm, disability, or disfigurement.

2772 827.04(3) 3rd Impregnation of a child under 16 years of age by person 21 years of age or older.

2773 837.05(2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

2774 838.015 2nd Bribery.

2775 838.016 2nd Unlawful compensation or reward for official behavior.

2776 838.021(3)(a) 2nd Unlawful harm to a public servant.

2777 838.22 2nd Bid tampering.

2778 843.0855(2) 3rd Impersonation of a public officer or employee.

2779	843.0855(3)	3rd	Unlawful simulation of legal process.
2780	843.0855(4)	3rd	Intimidation of a public officer or employee.
2781	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
2782	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
2783	872.06	2nd	Abuse of a dead human body.
2784	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
2785	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs,

			manages, or supervises criminal gang-related activity.
2786	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
2787	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a

		specified business site.
893.13(4)(a)	1st	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)~~.
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.
893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.

2799

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

2800

893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

2801

893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

2802

893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

2803

893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.

2804

896.101(5)(a)	3rd	Money laundering, financial transactions

			exceeding $300 but less than $20,000.
2805	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.
2806	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
2807	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
2808	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
2809	943.0435(13)	3rd	Failure to report or

			providing false information about a sexual offender; harbor or conceal a sexual offender.
2810			
	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2811			
	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
2812			
	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
2813			
	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or

			conceal a sexual offender.
2814			
	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2815			
	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
2816			
	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2817			
	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

2818
2819 (h) LEVEL 8
2820

Florida Statute	Felony Degree	Description
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.
560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding $20,000, but less than $100,000.
655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding $20,000, but less than $100,000 by financial institutions.
777.03(2)(a)	1st	Accessory after the fact, capital felony.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual

		battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
787.06(3)(a)1.	1st	Human trafficking for labor and services of a child.

787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
787.06(3)(c)2.	1st	Human trafficking using 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.
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.
790.161(3)	1st	Discharging a destructive

			device which results in bodily harm or property damage.
2840	794.011(5)(a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.
2841	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.
2842	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.
2843			
	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.
2844			
	794.08(3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
2845			
	800.04(4)(b)	2nd	Lewd or lascivious battery.
2846			
	800.04(4)(c)	1st	Lewd or lascivious

			battery; offender 18 years of age or older; prior conviction for specified sex offense.
2847			
	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
2848			
	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
2849			
	810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
2850			
	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or $1,000 or more property damage.
2851			
	812.014(2)(a)2.	1st	Property stolen; cargo valued at

			$50,000 or more, grand theft in 1st degree.
2852	812.13(2)(b)	1st	Robbery with a weapon.
2853	812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
2854	817.535(2)(b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
2855	817.535(3)(a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
2856	817.535(4)(a)1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under

			supervision.
2857	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.
2858	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
2859	825.102(2)	1st	Aggravated abuse of an elderly person or disabled adult.
2860	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
2861	825.103(3)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at $50,000 or

			more.
2862			
	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
2863			
	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
2864			
	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
2865			
	860.16	1st	Aircraft piracy.
2866			
	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).
2867			

893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 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.
893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135 (1)(c)2.c.	1st	Trafficking in hydrocodone, 50 grams or more, less than 200 grams.

2873

893.135 (1)(c)3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.

2874

893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.

2875

893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.

2876

893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.

2877

893.135 (1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.

2878

893.135 (1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.

2879

893.135 (1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
893.135 (1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.

2885

896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding $20,000, but less than $100,000.

2886

896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding $20,000 but less than $100,000.

2887

2888

2889 Section 11. For the purpose of incorporating the amendment
2890 made by this act to section 893.03, Florida Statutes, in
2891 references thereto, paragraphs (a) and (g) of subsection (30) of
2892 section 39.01, Florida Statutes, are reenacted to read:
2893 39.01 Definitions.—When used in this chapter, unless the
2894 context otherwise requires:
2895 (30) "Harm" to a child's health or welfare can occur when
2896 any person:
2897 (a) Inflicts or allows to be inflicted upon the child
2898 physical, mental, or emotional injury. In determining whether

2899 harm has occurred, the following factors must be considered in
2900 evaluating any physical, mental, or emotional injury to a child:
2901 the age of the child; any prior history of injuries to the
2902 child; the location of the injury on the body of the child; the
2903 multiplicity of the injury; and the type of trauma inflicted.
2904 Such injury includes, but is not limited to:
2905 1. Willful acts that produce the following specific
2906 injuries:
2907 a. Sprains, dislocations, or cartilage damage.
2908 b. Bone or skull fractures.
2909 c. Brain or spinal cord damage.
2910 d. Intracranial hemorrhage or injury to other internal
2911 organs.
2912 e. Asphyxiation, suffocation, or drowning.
2913 f. Injury resulting from the use of a deadly weapon.
2914 g. Burns or scalding.
2915 h. Cuts, lacerations, punctures, or bites.
2916 i. Permanent or temporary disfigurement.
2917 j. Permanent or temporary loss or impairment of a body
2918 part or function.
2919
2920 As used in this subparagraph, the term "willful" refers to the
2921 intent to perform an action, not to the intent to achieve a
2922 result or to cause an injury.
2923 2. Purposely giving a child poison, alcohol, drugs, or
2924 other substances that substantially affect the child's behavior,

2925 motor coordination, or judgment or that result in sickness or
2926 internal injury. For the purposes of this subparagraph, the term
2927 "drugs" means prescription drugs not prescribed for the child or
2928 not administered as prescribed, and controlled substances as
2929 outlined in Schedule I or Schedule II of s. 893.03.
2930 3. Leaving a child without adult supervision or
2931 arrangement appropriate for the child's age or mental or
2932 physical condition, so that the child is unable to care for the
2933 child's own needs or another's basic needs or is unable to
2934 exercise good judgment in responding to any kind of physical or
2935 emotional crisis.
2936 4. Inappropriate or excessively harsh disciplinary action
2937 that is likely to result in physical injury, mental injury as
2938 defined in this section, or emotional injury. The significance
2939 of any injury must be evaluated in light of the following
2940 factors: the age of the child; any prior history of injuries to
2941 the child; the location of the injury on the body of the child;
2942 the multiplicity of the injury; and the type of trauma
2943 inflicted. Corporal discipline may be considered excessive or
2944 abusive when it results in any of the following or other similar
2945 injuries:
2946 a. Sprains, dislocations, or cartilage damage.
2947 b. Bone or skull fractures.
2948 c. Brain or spinal cord damage.
2949 d. Intracranial hemorrhage or injury to other internal
2950 organs.

2951 e. Asphyxiation, suffocation, or drowning.
2952 f. Injury resulting from the use of a deadly weapon.
2953 g. Burns or scalding.
2954 h. Cuts, lacerations, punctures, or bites.
2955 i. Permanent or temporary disfigurement.
2956 j. Permanent or temporary loss or impairment of a body
2957 part or function.
2958 k. Significant bruises or welts.
2959 (g) Exposes a child to a controlled substance or alcohol.
2960 Exposure to a controlled substance or alcohol is established by:
2961 1. A test, administered at birth, which indicated that the
2962 child's blood, urine, or meconium contained any amount of
2963 alcohol or a controlled substance or metabolites of such
2964 substances, the presence of which was not the result of medical
2965 treatment administered to the mother or the newborn infant; or
2966 2. Evidence of extensive, abusive, and chronic use of a
2967 controlled substance or alcohol by a parent when the child is
2968 demonstrably adversely affected by such usage.
2969
2970 As used in this paragraph, the term "controlled substance" means
2971 prescription drugs not prescribed for the parent or not
2972 administered as prescribed and controlled substances as outlined
2973 in Schedule I or Schedule II of s. 893.03.
2974 Section 12. For the purpose of incorporating the amendment
2975 made by this act to section 893.03, Florida Statutes, in a
2976 reference thereto, subsection (5) of section 316.193, Florida

2977 Statutes, is reenacted to read:
2978 316.193 Driving under the influence; penalties.—
2979 (5) The court shall place all offenders convicted of
2980 violating this section on monthly reporting probation and shall
2981 require completion of a substance abuse course conducted by a
2982 DUI program licensed by the department under s. 322.292, which
2983 must include a psychosocial evaluation of the offender. If the
2984 DUI program refers the offender to an authorized substance abuse
2985 treatment provider for substance abuse treatment, in addition to
2986 any sentence or fine imposed under this section, completion of
2987 all such education, evaluation, and treatment is a condition of
2988 reporting probation. The offender shall assume reasonable costs
2989 for such education, evaluation, and treatment. The referral to
2990 treatment resulting from a psychosocial evaluation shall not be
2991 waived without a supporting independent psychosocial evaluation
2992 conducted by an authorized substance abuse treatment provider
2993 appointed by the court, which shall have access to the DUI
2994 program's psychosocial evaluation before the independent
2995 psychosocial evaluation is conducted. The court shall review the
2996 results and recommendations of both evaluations before
2997 determining the request for waiver. The offender shall bear the
2998 full cost of this procedure. The term "substance abuse" means
2999 the abuse of alcohol or any substance named or described in
3000 Schedules I through V of s. 893.03. If an offender referred to
3001 treatment under this subsection fails to report for or complete
3002 such treatment or fails to complete the DUI program substance

3003 abuse education course and evaluation, the DUI program shall
3004 notify the court and the department of the failure. Upon receipt
3005 of the notice, the department shall cancel the offender's
3006 driving privilege, notwithstanding the terms of the court order
3007 or any suspension or revocation of the driving privilege. The
3008 department may temporarily reinstate the driving privilege on a
3009 restricted basis upon verification from the DUI program that the
3010 offender is currently participating in treatment and the DUI
3011 education course and evaluation requirement has been completed.
3012 If the DUI program notifies the department of the second failure
3013 to complete treatment, the department shall reinstate the
3014 driving privilege only after notice of completion of treatment
3015 from the DUI program. The organization that conducts the
3016 substance abuse education and evaluation may not provide
3017 required substance abuse treatment unless a waiver has been
3018 granted to that organization by the department. A waiver may be
3019 granted only if the department determines, in accordance with
3020 its rules, that the service provider that conducts the substance
3021 abuse education and evaluation is the most appropriate service
3022 provider and is licensed under chapter 397 or is exempt from
3023 such licensure. A statistical referral report shall be submitted
3024 quarterly to the department by each organization authorized to
3025 provide services under this section.
3026 Section 13. For the purpose of incorporating the amendment
3027 made by this act to section 893.03, Florida Statutes, in a
3028 reference thereto, paragraph (c) of subsection (2) of section

3029 322.2616, Florida Statutes, is reenacted to read:
3030 322.2616 Suspension of license; persons under 21 years of
3031 age; right to review.—
3032 (2)
3033 (c) When a driver subject to this section has a blood-
3034 alcohol or breath-alcohol level of 0.05 or higher, the
3035 suspension shall remain in effect until such time as the driver
3036 has completed a substance abuse course offered by a DUI program
3037 licensed by the department. The driver shall assume the
3038 reasonable costs for the substance abuse course. As part of the
3039 substance abuse course, the program shall conduct a substance
3040 abuse evaluation of the driver, and notify the parents or legal
3041 guardians of drivers under the age of 19 years of the results of
3042 the evaluation. The term "substance abuse" means the abuse of
3043 alcohol or any substance named or described in Schedules I
3044 through V of s. 893.03. If a driver fails to complete the
3045 substance abuse education course and evaluation, the driver
3046 license shall not be reinstated by the department.
3047 Section 14. For the purpose of incorporating the amendment
3048 made by this act to section 893.03, Florida Statutes, in a
3049 reference thereto, subsection (5) of section 327.35, Florida
3050 Statutes, is reenacted to read:
3051 327.35 Boating under the influence; penalties; "designated
3052 drivers."—
3053 (5) In addition to any sentence or fine, the court shall
3054 place any offender convicted of violating this section on

3055 monthly reporting probation and shall require attendance at a
3056 substance abuse course specified by the court; and the agency
3057 conducting the course may refer the offender to an authorized
3058 service provider for substance abuse evaluation and treatment,
3059 in addition to any sentence or fine imposed under this section.
3060 The offender shall assume reasonable costs for such education,
3061 evaluation, and treatment, with completion of all such
3062 education, evaluation, and treatment being a condition of
3063 reporting probation. Treatment resulting from a psychosocial
3064 evaluation may not be waived without a supporting psychosocial
3065 evaluation conducted by an agency appointed by the court and
3066 with access to the original evaluation. The offender shall bear
3067 the cost of this procedure. The term "substance abuse" means the
3068 abuse of alcohol or any substance named or described in
3069 Schedules I-V of s. 893.03.
3070 Section 15. For the purpose of incorporating the amendment
3071 made by this act to section 893.03, Florida Statutes, in a
3072 reference thereto, paragraph (b) of subsection (11) of section
3073 440.102, Florida Statutes, is reenacted to read:
3074 440.102 Drug-free workplace program requirements.—The
3075 following provisions apply to a drug-free workplace program
3076 implemented pursuant to law or to rules adopted by the Agency
3077 for Health Care Administration:
3078 (11) PUBLIC EMPLOYEES IN MANDATORY-TESTING OR SPECIAL-RISK
3079 POSITIONS.—
3080 (b) An employee who is employed by a public employer in a

3081 special-risk position may be discharged or disciplined by a
3082 public employer for the first positive confirmed test result if
3083 the drug confirmed is an illicit drug under s. 893.03. A
3084 special-risk employee who is participating in an employee
3085 assistance program or drug rehabilitation program may not be
3086 allowed to continue to work in any special-risk or mandatory-
3087 testing position of the public employer, but may be assigned to
3088 a position other than a mandatory-testing position or placed on
3089 leave while the employee is participating in the program.
3090 However, the employee shall be permitted to use any accumulated
3091 annual leave credits before leave may be ordered without pay.
3092 Section 16. For the purpose of incorporating the amendment
3093 made by this act to section 893.03, Florida Statutes, in a
3094 reference thereto, subsection (2) of section 456.44, Florida
3095 Statutes, is reenacted to read:
3096 456.44 Controlled substance prescribing.—
3097 (2) REGISTRATION.—Effective January 1, 2012, a physician
3098 licensed under chapter 458, chapter 459, chapter 461, or chapter
3099 466 who prescribes any controlled substance, listed in Schedule
3100 II, Schedule III, or Schedule IV as defined in s. 893.03, for
3101 the treatment of chronic nonmalignant pain, must:
3102 (a) Designate himself or herself as a controlled substance
3103 prescribing practitioner on the physician's practitioner
3104 profile.
3105 (b) Comply with the requirements of this section and
3106 applicable board rules.

3107 Section 17. For the purpose of incorporating the amendment
3108 made by this act to section 893.03, Florida Statutes, in a
3109 reference thereto, subsection (3) of section 458.326, Florida
3110 Statutes, is reenacted to read:
3111 458.326 Intractable pain; authorized treatment.—
3112 (3) Notwithstanding any other provision of law, a
3113 physician may prescribe or administer any controlled substance
3114 under Schedules II-V, as provided for in s. 893.03, to a person
3115 for the treatment of intractable pain, provided the physician
3116 does so in accordance with that level of care, skill, and
3117 treatment recognized by a reasonably prudent physician under
3118 similar conditions and circumstances.
3119 Section 18. For the purpose of incorporating the amendment
3120 made by this act to section 893.03, Florida Statutes, in a
3121 reference thereto, paragraph (e) of subsection (1) of section
3122 458.3265, Florida Statutes, is reenacted to read:
3123 458.3265 Pain-management clinics.—
3124 (1) REGISTRATION.—
3125 (e) The department shall deny registration to any pain-
3126 management clinic owned by or with any contractual or employment
3127 relationship with a physician:
3128 1. Whose Drug Enforcement Administration number has ever
3129 been revoked.
3130 2. Whose application for a license to prescribe, dispense,
3131 or administer a controlled substance has been denied by any
3132 jurisdiction.

3133 3. Who has been convicted of or pleaded guilty or nolo
3134 contendere to, regardless of adjudication, an offense that
3135 constitutes a felony for receipt of illicit and diverted drugs,
3136 including a controlled substance listed in Schedule I, Schedule
3137 II, Schedule III, Schedule IV, or Schedule V of s. 893.03, in
3138 this state, any other state, or the United States.
3139 Section 19. For the purpose of incorporating the amendment
3140 made by this act to section 893.03, Florida Statutes, in a
3141 reference thereto, paragraph (e) of subsection (1) of section
3142 459.0137, Florida Statutes, is reenacted to read:
3143 459.0137 Pain-management clinics.—
3144 (1) REGISTRATION.—
3145 (e) The department shall deny registration to any pain-
3146 management clinic owned by or with any contractual or employment
3147 relationship with a physician:
3148 1. Whose Drug Enforcement Administration number has ever
3149 been revoked.
3150 2. Whose application for a license to prescribe, dispense,
3151 or administer a controlled substance has been denied by any
3152 jurisdiction.
3153 3. Who has been convicted of or pleaded guilty or nolo
3154 contendere to, regardless of adjudication, an offense that
3155 constitutes a felony for receipt of illicit and diverted drugs,
3156 including a controlled substance listed in Schedule I, Schedule
3157 II, Schedule III, Schedule IV, or Schedule V of s. 893.03, in
3158 this state, any other state, or the United States.

3159 Section 20. For the purpose of incorporating the amendment
3160 made by this act to section 893.03, Florida Statutes, in a
3161 reference thereto, paragraph (a) of subsection (4) of section
3162 463.0055, Florida Statutes, is reenacted to read:
3163 463.0055 Administration and prescription of ocular
3164 pharmaceutical agents.—
3165 (4) A certified optometrist shall be issued a prescriber
3166 number by the board. Any prescription written by a certified
3167 optometrist for an ocular pharmaceutical agent pursuant to this
3168 section shall have the prescriber number printed thereon. A
3169 certified optometrist may not administer or prescribe:
3170 (a) A controlled substance listed in Schedule III,
3171 Schedule IV, or Schedule V of s. 893.03, except for an oral
3172 analgesic placed on the formulary pursuant to this section for
3173 the relief of pain due to ocular conditions of the eye and its
3174 appendages.
3175 Section 21. For the purpose of incorporating the amendment
3176 made by this act to section 893.03, Florida Statutes, in a
3177 reference thereto, paragraph (b) of subsection (1) of section
3178 465.0276, Florida Statutes, is reenacted to read:
3179 465.0276 Dispensing practitioner.—
3180 (1)
3181 (b) A practitioner registered under this section may not
3182 dispense a controlled substance listed in Schedule II or
3183 Schedule III as provided in s. 893.03. This paragraph does not
3184 apply to:

3185 1. The dispensing of complimentary packages of medicinal
3186 drugs which are labeled as a drug sample or complimentary drug
3187 as defined in s. 499.028 to the practitioner's own patients in
3188 the regular course of her or his practice without the payment of
3189 a fee or remuneration of any kind, whether direct or indirect,
3190 as provided in subsection (5).
3191 2. The dispensing of controlled substances in the health
3192 care system of the Department of Corrections.
3193 3. The dispensing of a controlled substance listed in
3194 Schedule II or Schedule III in connection with the performance
3195 of a surgical procedure. The amount dispensed pursuant to the
3196 subparagraph may not exceed a 14-day supply. This exception does
3197 not allow for the dispensing of a controlled substance listed in
3198 Schedule II or Schedule III more than 14 days after the
3199 performance of the surgical procedure. For purposes of this
3200 subparagraph, the term "surgical procedure" means any procedure
3201 in any setting which involves, or reasonably should involve:
3202 a. Perioperative medication and sedation that allows the
3203 patient to tolerate unpleasant procedures while maintaining
3204 adequate cardiorespiratory function and the ability to respond
3205 purposefully to verbal or tactile stimulation and makes intra-
3206 and postoperative monitoring necessary; or
3207 b. The use of general anesthesia or major conduction
3208 anesthesia and preoperative sedation.
3209 4. The dispensing of a controlled substance listed in
3210 Schedule II or Schedule III pursuant to an approved clinical

3211 trial. For purposes of this subparagraph, the term "approved
3212 clinical trial" means a clinical research study or clinical
3213 investigation that, in whole or in part, is state or federally
3214 funded or is conducted under an investigational new drug
3215 application that is reviewed by the United States Food and Drug
3216 Administration.
3217 5. The dispensing of methadone in a facility licensed
3218 under s. 397.427 where medication-assisted treatment for opiate
3219 addiction is provided.
3220 6. The dispensing of a controlled substance listed in
3221 Schedule II or Schedule III to a patient of a facility licensed
3222 under part IV of chapter 400.
3223 Section 22. For the purpose of incorporating the amendment
3224 made by this act to section 893.03, Florida Statutes, in
3225 references thereto, subsection (14) and paragraph (a) of
3226 subsection (15) of section 499.0121, Florida Statutes, are
3227 reenacted to read:
3228 499.0121 Storage and handling of prescription drugs;
3229 recordkeeping.—The department shall adopt rules to implement
3230 this section as necessary to protect the public health, safety,
3231 and welfare. Such rules shall include, but not be limited to,
3232 requirements for the storage and handling of prescription drugs
3233 and for the establishment and maintenance of prescription drug
3234 distribution records.
3235 (14) DISTRIBUTION REPORTING.—Each prescription drug
3236 wholesale distributor, out-of-state prescription drug wholesale

3237 distributor, retail pharmacy drug wholesale distributor,
3238 manufacturer, or repackager that engages in the wholesale
3239 distribution of controlled substances as defined in s. 893.02
3240 shall submit a report to the department of its receipts and
3241 distributions of controlled substances listed in Schedule II,
3242 Schedule III, Schedule IV, or Schedule V as provided in s.
3243 893.03. Wholesale distributor facilities located within this
3244 state shall report all transactions involving controlled
3245 substances, and wholesale distributor facilities located outside
3246 this state shall report all distributions to entities located in
3247 this state. If the prescription drug wholesale distributor, out-
3248 of-state prescription drug wholesale distributor, retail
3249 pharmacy drug wholesale distributor, manufacturer, or repackager
3250 does not have any controlled substance distributions for the
3251 month, a report shall be sent indicating that no distributions
3252 occurred in the period. The report shall be submitted monthly by
3253 the 20th of the next month, in the electronic format used for
3254 controlled substance reporting to the Automation of Reports and
3255 Consolidated Orders System division of the federal Drug
3256 Enforcement Administration. Submission of electronic data must
3257 be made in a secured Internet environment that allows for manual
3258 or automated transmission. Upon successful transmission, an
3259 acknowledgment page must be displayed to confirm receipt. The
3260 report must contain the following information:
3261 (a) The federal Drug Enforcement Administration
3262 registration number of the wholesale distributing location.

3263 (b) The federal Drug Enforcement Administration
3264 registration number of the entity to which the drugs are
3265 distributed or from which the drugs are received.
3266 (c) The transaction code that indicates the type of
3267 transaction.
3268 (d) The National Drug Code identifier of the product and
3269 the quantity distributed or received.
3270 (e) The Drug Enforcement Administration Form 222 number or
3271 Controlled Substance Ordering System Identifier on all Schedule
3272 II transactions.
3273 (f) The date of the transaction.
3274
3275 The department must share the reported data with the Department
3276 of Law Enforcement and local law enforcement agencies upon
3277 request and must monitor purchasing to identify purchasing
3278 levels that are inconsistent with the purchasing entity's
3279 clinical needs. The Department of Law Enforcement shall
3280 investigate purchases at levels that are inconsistent with the
3281 purchasing entity's clinical needs to determine whether
3282 violations of chapter 893 have occurred.
3283 (15) DUE DILIGENCE OF PURCHASERS.—
3284 (a) Each prescription drug wholesale distributor, out-of-
3285 state prescription drug wholesale distributor, and retail
3286 pharmacy drug wholesale distributor must establish and maintain
3287 policies and procedures to credential physicians licensed under
3288 chapter 458, chapter 459, chapter 461, or chapter 466 and

3289 pharmacies that purchase or otherwise receive from the wholesale
3290 distributor controlled substances listed in Schedule II or
3291 Schedule III as provided in s. 893.03. The prescription drug
3292 wholesale distributor, out-of-state prescription drug wholesale
3293 distributor, or retail pharmacy drug wholesale distributor shall
3294 maintain records of such credentialing and make the records
3295 available to the department upon request. Such credentialing
3296 must, at a minimum, include:
3297 1. A determination of the clinical nature of the receiving
3298 entity, including any specialty practice area.
3299 2. A review of the receiving entity's history of Schedule
3300 II and Schedule III controlled substance purchasing from the
3301 wholesale distributor.
3302 3. A determination that the receiving entity's Schedule II
3303 and Schedule III controlled substance purchasing history, if
3304 any, is consistent with and reasonable for that entity's
3305 clinical business needs.
3306 Section 23. For the purpose of incorporating the amendment
3307 made by this act to section 893.03, Florida Statutes, in a
3308 reference thereto, paragraph (a) of subsection (3) of section
3309 499.029, Florida Statutes, is reenacted to read:
3310 499.029 Cancer Drug Donation Program.—
3311 (3) As used in this section:
3312 (a) "Cancer drug" means a prescription drug that has been
3313 approved under s. 505 of the federal Food, Drug, and Cosmetic
3314 Act and is used to treat cancer or its side effects or is used

3315 to treat the side effects of a prescription drug used to treat
3316 cancer or its side effects. "Cancer drug" does not include a
3317 substance listed in Schedule II, Schedule III, Schedule IV, or
3318 Schedule V of s. 893.03.
3319 Section 24. For the purpose of incorporating the amendment
3320 made by this act to section 893.03, Florida Statutes, in
3321 references thereto, subsections (1) and (4) of section 782.04,
3322 Florida Statutes, are reenacted to read:
3323 782.04 Murder.—
3324 (1)(a) The unlawful killing of a human being:
3325 1. When perpetrated from a premeditated design to effect
3326 the death of the person killed or any human being;
3327 2. When committed by a person engaged in the perpetration
3328 of, or in the attempt to perpetrate, any:
3329 a. Trafficking offense prohibited by s. 893.135(1),
3330 b. Arson,
3331 c. Sexual battery,
3332 d. Robbery,
3333 e. Burglary,
3334 f. Kidnapping,
3335 g. Escape,
3336 h. Aggravated child abuse,
3337 i. Aggravated abuse of an elderly person or disabled
3338 adult,
3339 j. Aircraft piracy,
3340 k. Unlawful throwing, placing, or discharging of a

3341 destructive device or bomb,
3342 l. Carjacking,
3343 m. Home-invasion robbery,
3344 n. Aggravated stalking,
3345 o. Murder of another human being,
3346 p. Resisting an officer with violence to his or her
3347 person,
3348 q. Aggravated fleeing or eluding with serious bodily
3349 injury or death,
3350 r. Felony that is an act of terrorism or is in furtherance
3351 of an act of terrorism; or
3352 3. Which resulted from the unlawful distribution of any
3353 substance controlled under s. 893.03(1), cocaine as described in
3354 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
3355 compound, derivative, or preparation of opium, or methadone by a
3356 person 18 years of age or older, when such drug is proven to be
3357 the proximate cause of the death of the user,
3358
3359 is murder in the first degree and constitutes a capital felony,
3360 punishable as provided in s. 775.082.
3361 (b) In all cases under this section, the procedure set
3362 forth in s. 921.141 shall be followed in order to determine
3363 sentence of death or life imprisonment.
3364 (4) The unlawful killing of a human being, when
3365 perpetrated without any design to effect death, by a person
3366 engaged in the perpetration of, or in the attempt to perpetrate,

3367 any felony other than any:
3368 (a) Trafficking offense prohibited by s. 893.135(1),
3369 (b) Arson,
3370 (c) Sexual battery,
3371 (d) Robbery,
3372 (e) Burglary,
3373 (f) Kidnapping,
3374 (g) Escape,
3375 (h) Aggravated child abuse,
3376 (i) Aggravated abuse of an elderly person or disabled
3377 adult,
3378 (j) Aircraft piracy,
3379 (k) Unlawful throwing, placing, or discharging of a
3380 destructive device or bomb,
3381 (l) Unlawful distribution of any substance controlled
3382 under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4.,
3383 or opium or any synthetic or natural salt, compound, derivative,
3384 or preparation of opium by a person 18 years of age or older,
3385 when such drug is proven to be the proximate cause of the death
3386 of the user,
3387 (m) Carjacking,
3388 (n) Home-invasion robbery,
3389 (o) Aggravated stalking,
3390 (p) Murder of another human being,
3391 (q) Aggravated fleeing or eluding with serious bodily
3392 injury or death,

3393 (r) Resisting an officer with violence to his or her
3394 person, or
3395 (s) Felony that is an act of terrorism or is in
3396 furtherance of an act of terrorism,
3397
3398 is murder in the third degree and constitutes a felony of the
3399 second degree, punishable as provided in s. 775.082, s. 775.083,
3400 or s. 775.084.
3401 Section 25. For the purpose of incorporating the amendment
3402 made by this act to section 893.03, Florida Statutes, in a
3403 reference thereto, paragraph (a) of subsection (2) of section
3404 787.06, Florida Statutes, is reenacted to read:
3405 787.06 Human trafficking.—
3406 (2) As used in this section, the term:
3407 (a) "Coercion" means:
3408 1. Using or threatening to use physical force against any
3409 person;
3410 2. Restraining, isolating, or confining or threatening to
3411 restrain, isolate, or confine any person without lawful
3412 authority and against her or his will;
3413 3. Using lending or other credit methods to establish a
3414 debt by any person when labor or services are pledged as a
3415 security for the debt, if the value of the labor or services as
3416 reasonably assessed is not applied toward the liquidation of the
3417 debt, the length and nature of the labor or services are not
3418 respectively limited and defined;

3419 4. Destroying, concealing, removing, confiscating,
3420 withholding, or possessing any actual or purported passport,
3421 visa, or other immigration document, or any other actual or
3422 purported government identification document, of any person;
3423 5. Causing or threatening to cause financial harm to any
3424 person;
3425 6. Enticing or luring any person by fraud or deceit; or
3426 7. Providing a controlled substance as outlined in
3427 Schedule I or Schedule II of s. 893.03 to any person for the
3428 purpose of exploitation of that person.
3429 Section 26. For the purpose of incorporating the amendment
3430 made by this act to section 893.03, Florida Statutes, in a
3431 reference thereto, subsection (1) of section 817.563, Florida
3432 Statutes, is reenacted to read:
3433 817.563 Controlled substance named or described in s.
3434 893.03; sale of substance in lieu thereof.—It is unlawful for
3435 any person to agree, consent, or in any manner offer to
3436 unlawfully sell to any person a controlled substance named or
3437 described in s. 893.03 and then sell to such person any other
3438 substance in lieu of such controlled substance. Any person who
3439 violates this section with respect to:
3440 (1) A controlled substance named or described in s.
3441 893.03(1), (2), (3), or (4) is guilty of a felony of the third
3442 degree, punishable as provided in s. 775.082, s. 775.083, or s.
3443 775.084.
3444 Section 27. For the purpose of incorporating the amendment

3445 made by this act to section 893.03, Florida Statutes, in a
3446 reference thereto, section 831.31, Florida Statutes, is
3447 reenacted to read:
3448 831.31 Counterfeit controlled substance; sale,
3449 manufacture, delivery, or possession with intent to sell,
3450 manufacture, or deliver.—
3451 (1) It is unlawful for any person to sell, manufacture, or
3452 deliver, or to possess with intent to sell, manufacture, or
3453 deliver, a counterfeit controlled substance. Any person who
3454 violates this subsection with respect to:
3455 (a) A controlled substance named or described in s.
3456 893.03(1), (2), (3), or (4) is guilty of a felony of the third
3457 degree, punishable as provided in s. 775.082, s. 775.083, or s.
3458 775.084.
3459 (b) A controlled substance named or described in s.
3460 893.03(5) is guilty of a misdemeanor of the second degree,
3461 punishable as provided in s. 775.082 or s. 775.083.
3462 (2) For purposes of this section, "counterfeit controlled
3463 substance" means:
3464 (a) A controlled substance named or described in s. 893.03
3465 which, or the container or labeling of which, without
3466 authorization bears the trademark, trade name, or other
3467 identifying mark, imprint, or number, or any likeness thereof,
3468 of a manufacturer other than the person who in fact manufactured
3469 the controlled substance; or
3470 (b) Any substance which is falsely identified as a

3471 controlled substance named or described in s. 893.03.
3472 Section 28. For the purpose of incorporating the amendment
3473 made by this act to section 893.03, Florida Statutes, in a
3474 reference thereto, section 893.0301, Florida Statutes, is
3475 reenacted to read:
3476 893.0301 Death resulting from apparent drug overdose;
3477 reporting requirements.—If a person dies of an apparent drug
3478 overdose:
3479 (1) A law enforcement agency shall prepare a report
3480 identifying each prescribed controlled substance listed in
3481 Schedule II, Schedule III, or Schedule IV of s. 893.03 which is
3482 found on or near the deceased or among the deceased's
3483 possessions. The report must identify the person who prescribed
3484 the controlled substance, if known or ascertainable. Thereafter,
3485 the law enforcement agency shall submit a copy of the report to
3486 the medical examiner.
3487 (2) A medical examiner who is preparing a report pursuant
3488 to s. 406.11 shall include in the report information identifying
3489 each prescribed controlled substance listed in Schedule II,
3490 Schedule III, or Schedule IV of s. 893.03 that was found in, on,
3491 or near the deceased or among the deceased's possessions.
3492 Section 29. For the purpose of incorporating the amendment
3493 made by this act to section 893.03, Florida Statutes, in a
3494 reference thereto, paragraph (a) of subsection (7) of section
3495 893.035, Florida Statutes, is reenacted to read:
3496 893.035 Control of new substances; findings of fact;

3497 delegation of authority to Attorney General to control
3498 substances by rule.—
3499 (7)(a) If the Attorney General finds that the scheduling
3500 of a substance in Schedule I of s. 893.03 on a temporary basis
3501 is necessary to avoid an imminent hazard to the public safety,
3502 he or she may by rule and without regard to the requirements of
3503 subsection (5) relating to the Department of Health and the
3504 Department of Law Enforcement schedule such substance in
3505 Schedule I if the substance is not listed in any other schedule
3506 of s. 893.03. The Attorney General shall be required to
3507 consider, with respect to his or her finding of imminent hazard
3508 to the public safety, only those factors set forth in paragraphs
3509 (3)(a) and (4)(d), (e), and (f), including actual abuse,
3510 diversion from legitimate channels, and clandestine importation,
3511 manufacture, or distribution.
3512 Section 30. For the purpose of incorporating the amendment
3513 made by this act to section 893.03, Florida Statutes, in a
3514 reference thereto, subsection (1) of section 893.05, Florida
3515 Statutes, is reenacted to read:
3516 893.05 Practitioners and persons administering controlled
3517 substances in their absence.—
3518 (1) A practitioner, in good faith and in the course of his
3519 or her professional practice only, may prescribe, administer,
3520 dispense, mix, or otherwise prepare a controlled substance, or
3521 the practitioner may cause the same to be administered by a
3522 licensed nurse or an intern practitioner under his or her

3523 direction and supervision only. A veterinarian may so prescribe,
3524 administer, dispense, mix, or prepare a controlled substance for
3525 use on animals only, and may cause it to be administered by an
3526 assistant or orderly under the veterinarian's direction and
3527 supervision only. A certified optometrist licensed under chapter
3528 463 may not administer or prescribe a controlled substance
3529 listed in Schedule I or Schedule II of s. 893.03.
3530 Section 31. For the purpose of incorporating the amendment
3531 made by this act to section 893.03, Florida Statutes, in a
3532 reference thereto, paragraph (b) of subsection (1) of section
3533 893.055, Florida Statutes, is reenacted to read:
3534 893.055 Prescription drug monitoring program.—
3535 (1) As used in this section, the term:
3536 (b) "Controlled substance" means a controlled substance
3537 listed in Schedule II, Schedule III, or Schedule IV in s.
3538 893.03.
3539 Section 32. For the purpose of incorporating the amendment
3540 made by this act to section 893.03, Florida Statutes, in a
3541 reference thereto, paragraph (b) of subsection (5) of section
3542 893.07, Florida Statutes, is reenacted to read:
3543 893.07 Records.—
3544 (5) Each person described in subsection (1) shall:
3545 (b) In the event of the discovery of the theft or
3546 significant loss of controlled substances, report such theft or
3547 significant loss to the sheriff of that county within 24 hours
3548 after discovery. A person who fails to report a theft or

3549 significant loss of a substance listed in s. 893.03(3), (4), or
3550 (5) within 24 hours after discovery as required in this
3551 paragraph commits a misdemeanor of the second degree, punishable
3552 as provided in s. 775.082 or s. 775.083. A person who fails to
3553 report a theft or significant loss of a substance listed in s.
3554 893.03(2) within 24 hours after discovery as required in this
3555 paragraph commits a misdemeanor of the first degree, punishable
3556 as provided in s. 775.082 or s. 775.083.
3557 Section 33. For the purpose of incorporating the amendment
3558 made by this act to section 893.03, Florida Statutes, in
3559 references thereto, paragraphs (b), (c), and (d) of subsection
3560 (2) of section 893.12, Florida Statutes, are reenacted to read:
3561 893.12 Contraband; seizure, forfeiture, sale.—
3562 (2)
3563 (b) All real property, including any right, title,
3564 leasehold interest, and other interest in the whole of any lot
3565 or tract of land and any appurtenances or improvements, which
3566 real property is used, or intended to be used, in any manner or
3567 part, to commit or to facilitate the commission of, or which
3568 real property is acquired with proceeds obtained as a result of,
3569 a violation of any provision of this chapter related to a
3570 controlled substance described in s. 893.03(1) or (2) may be
3571 seized and forfeited as provided by the Florida Contraband
3572 Forfeiture Act except that no property shall be forfeited under
3573 this paragraph to the extent of an interest of an owner or
3574 lienholder by reason of any act or omission established by that

3575 owner or lienholder to have been committed or omitted without
3576 the knowledge or consent of that owner or lienholder.
3577 (c) All moneys, negotiable instruments, securities, and
3578 other things of value furnished or intended to be furnished by
3579 any person in exchange for a controlled substance described in
3580 s. 893.03(1) or (2) or a listed chemical in violation of any
3581 provision of this chapter, all proceeds traceable to such an
3582 exchange, and all moneys, negotiable instruments, and securities
3583 used or intended to be used to facilitate any violation of any
3584 provision of this chapter or which are acquired with proceeds
3585 obtained in violation of any provision of this chapter may be
3586 seized and forfeited as provided by the Florida Contraband
3587 Forfeiture Act, except that no property shall be forfeited under
3588 this paragraph to the extent of an interest of an owner or
3589 lienholder by reason of any act or omission established by that
3590 owner or lienholder to have been committed or omitted without
3591 the knowledge or consent of that owner or lienholder.
3592 (d) All books, records, and research, including formulas,
3593 microfilm, tapes, and data which are used, or intended for use,
3594 or which are acquired with proceeds obtained, in violation of
3595 any provision of this chapter related to a controlled substance
3596 described in s. 893.03(1) or (2) or a listed chemical may be
3597 seized and forfeited as provided by the Florida Contraband
3598 Forfeiture Act.
3599 Section 34. For the purpose of incorporating the amendment
3600 made by this act to section 893.03, Florida Statutes, in a

3601 reference thereto, subsection (2) of section 944.474, Florida
3602 Statutes, is reenacted to read:
3603 944.474 Legislative intent; employee wellness program;
3604 drug and alcohol testing.—
3605 (2) An employee of the department may not test positive
3606 for illegal use of controlled substances. An employee of the
3607 department may not be under the influence of alcohol while on
3608 duty. In order to ensure that these prohibitions are adhered to
3609 by all employees of the department and notwithstanding s.
3610 112.0455, the department may develop a program for the drug
3611 testing of all job applicants and for the random drug testing of
3612 all employees. The department may randomly evaluate employees
3613 for the contemporaneous use or influence of alcohol through the
3614 use of alcohol tests and observation methods. Notwithstanding s.
3615 112.0455, the department may develop a program for the
3616 reasonable suspicion drug testing of employees who are in
3617 mandatory-testing positions, as defined in s. 440.102(1)(o), or
3618 special risk positions, as defined in s. 112.0455(5), for the
3619 controlled substances listed in s. 893.03(3)(d). The reasonable
3620 suspicion drug testing authorized by this subsection shall be
3621 conducted in accordance with s. 112.0455, but may also include
3622 testing upon reasonable suspicion based on violent acts or
3623 violent behavior of an employee who is on or off duty. The
3624 department shall adopt rules pursuant to ss. 120.536(1) and
3625 120.54 that are necessary to administer this subsection.
3626 Section 35. For the purpose of incorporating the amendment

3627 made by this act to section 893.033, Florida Statutes, in a
3628 reference thereto, subsection (4) of section 893.149, Florida
3629 Statutes, is reenacted to read:
3630 893.149 Unlawful possession of listed chemical.—
3631 (4) Any damages arising out of the unlawful possession of,
3632 storage of, or tampering with a listed chemical, as defined in
3633 s. 893.033, shall be the sole responsibility of the person or
3634 persons unlawfully possessing, storing, or tampering with the
3635 listed chemical. In no case shall liability for damages arising
3636 out of the unlawful possession of, storage of, or tampering with
3637 a listed chemical extend to the lawful owner, installer,
3638 maintainer, designer, manufacturer, possessor, or seller of the
3639 listed chemical, unless such damages arise out of the acts or
3640 omissions of the owner, installer, maintainer, designer,
3641 manufacturer, possessor, or seller which constitute negligent
3642 misconduct or failure to abide by the laws regarding the
3643 possession or storage of a listed chemical.
3644 Section 36. For the purpose of incorporating the amendment
3645 made by this act to section 893.13, Florida Statutes, in a
3646 reference thereto, paragraph (b) of subsection (4) of section
3647 397.451, Florida Statutes, is reenacted to read:
3648 397.451 Background checks of service provider personnel.—
3649 (4) EXEMPTIONS FROM DISQUALIFICATION.—
3650 (b) Since rehabilitated substance abuse impaired persons
3651 are effective in the successful treatment and rehabilitation of
3652 substance abuse impaired adolescents, for service providers

3653 which treat adolescents 13 years of age and older, service
3654 provider personnel whose background checks indicate crimes under
3655 s. 817.563, s. 893.13, or s. 893.147 may be exempted from
3656 disqualification from employment pursuant to this paragraph.
3657 Section 37. For the purpose of incorporating the amendment
3658 made by this act to section 893.13, Florida Statutes, in a
3659 reference thereto, subsection (2) of section 435.07, Florida
3660 Statutes, is reenacted to read:
3661 435.07 Exemptions from disqualification.—Unless otherwise
3662 provided by law, the provisions of this section apply to
3663 exemptions from disqualification for disqualifying offenses
3664 revealed pursuant to background screenings required under this
3665 chapter, regardless of whether those disqualifying offenses are
3666 listed in this chapter or other laws.
3667 (2) Persons employed, or applicants for employment, by
3668 treatment providers who treat adolescents 13 years of age and
3669 older who are disqualified from employment solely because of
3670 crimes under s. 817.563, s. 893.13, or s. 893.147 may be
3671 exempted from disqualification from employment pursuant to this
3672 chapter without application of the waiting period in
3673 subparagraph (1)(a)1.
3674 Section 38. For the purpose of incorporating the amendment
3675 made by this act to section 893.13, Florida Statutes, in a
3676 reference thereto, subsection (2) of section 772.12, Florida
3677 Statutes, is reenacted to read:
3678 772.12 Drug Dealer Liability Act.—

3679 (2) A person, including any governmental entity, has a
3680 cause of action for threefold the actual damages sustained and
3681 is entitled to minimum damages in the amount of $1,000 and
3682 reasonable attorney's fees and court costs in the trial and
3683 appellate courts, if the person proves by the greater weight of
3684 the evidence that:
3685 (a) The person was injured because of the defendant's
3686 actions that resulted in the defendant's conviction for:
3687 1. A violation of s. 893.13, except for a violation of s.
3688 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or
3689 2. A violation of s. 893.135; and
3690 (b) The person was not injured by reason of his or her
3691 participation in the same act or transaction that resulted in
3692 the defendant's conviction for any offense described in
3693 subparagraph (a)1.
3694 Section 39. For the purpose of incorporating the amendment
3695 made by this act to section 893.13, Florida Statutes, in a
3696 reference thereto, paragraph (a) of subsection (1) of section
3697 775.084, Florida Statutes, is reenacted to read:
3698 775.084 Violent career criminals; habitual felony
3699 offenders and habitual violent felony offenders; three-time
3700 violent felony offenders; definitions; procedure; enhanced
3701 penalties or mandatory minimum prison terms.—
3702 (1) As used in this act:
3703 (a) "Habitual felony offender" means a defendant for whom
3704 the court may impose an extended term of imprisonment, as

3705 provided in paragraph (4)(a), if it finds that:
3706 1. The defendant has previously been convicted of any
3707 combination of two or more felonies in this state or other
3708 qualified offenses.
3709 2. The felony for which the defendant is to be sentenced
3710 was committed:
3711 a. While the defendant was serving a prison sentence or
3712 other sentence, or court-ordered or lawfully imposed supervision
3713 that is imposed as a result of a prior conviction for a felony
3714 or other qualified offense; or
3715 b. Within 5 years of the date of the conviction of the
3716 defendant's last prior felony or other qualified offense, or
3717 within 5 years of the defendant's release from a prison
3718 sentence, probation, community control, control release,
3719 conditional release, parole or court-ordered or lawfully imposed
3720 supervision or other sentence that is imposed as a result of a
3721 prior conviction for a felony or other qualified offense,
3722 whichever is later.
3723 3. The felony for which the defendant is to be sentenced,
3724 and one of the two prior felony convictions, is not a violation
3725 of s. 893.13 relating to the purchase or the possession of a
3726 controlled substance.
3727 4. The defendant has not received a pardon for any felony
3728 or other qualified offense that is necessary for the operation
3729 of this paragraph.
3730 5. A conviction of a felony or other qualified offense

3731 necessary to the operation of this paragraph has not been set
3732 aside in any postconviction proceeding.
3733 Section 40. For the purpose of incorporating the amendment
3734 made by this act to section 893.13, Florida Statutes, in a
3735 reference thereto, subsection (3) of section 810.02, Florida
3736 Statutes, is reenacted to read:
3737 810.02 Burglary.—
3738 (3) Burglary is a felony of the second degree, punishable
3739 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
3740 course of committing the offense, the offender does not make an
3741 assault or battery and is not and does not become armed with a
3742 dangerous weapon or explosive, and the offender enters or
3743 remains in a:
3744 (a) Dwelling, and there is another person in the dwelling
3745 at the time the offender enters or remains;
3746 (b) Dwelling, and there is not another person in the
3747 dwelling at the time the offender enters or remains;
3748 (c) Structure, and there is another person in the
3749 structure at the time the offender enters or remains;
3750 (d) Conveyance, and there is another person in the
3751 conveyance at the time the offender enters or remains;
3752 (e) Authorized emergency vehicle, as defined in s.
3753 316.003; or
3754 (f) Structure or conveyance when the offense intended to
3755 be committed therein is theft of a controlled substance as
3756 defined in s. 893.02. Notwithstanding any other law, separate

3757 judgments and sentences for burglary with the intent to commit
3758 theft of a controlled substance under this paragraph and for any
3759 applicable possession of controlled substance offense under s.
3760 893.13 or trafficking in controlled substance offense under s.
3761 893.135 may be imposed when all such offenses involve the same
3762 amount or amounts of a controlled substance.
3763
3764 However, if the burglary is committed within a county that is
3765 subject to a state of emergency declared by the Governor under
3766 chapter 252 after the declaration of emergency is made and the
3767 perpetration of the burglary is facilitated by conditions
3768 arising from the emergency, the burglary is a felony of the
3769 first degree, punishable as provided in s. 775.082, s. 775.083,
3770 or s. 775.084. As used in this subsection, the term "conditions
3771 arising from the emergency" means civil unrest, power outages,
3772 curfews, voluntary or mandatory evacuations, or a reduction in
3773 the presence of or response time for first responders or
3774 homeland security personnel. A person arrested for committing a
3775 burglary within a county that is subject to such a state of
3776 emergency may not be released until the person appears before a
3777 committing magistrate at a first appearance hearing. For
3778 purposes of sentencing under chapter 921, a felony offense that
3779 is reclassified under this subsection is ranked one level above
3780 the ranking under s. 921.0022 or s. 921.0023 of the offense
3781 committed.
3782 Section 41. For the purpose of incorporating the amendment

3783 made by this act to section 893.13, Florida Statutes, in a
3784 reference thereto, subsection (2) of section 812.014, Florida
3785 Statutes, is reenacted to read:
3786 812.014 Theft.—
3787 (2)(a)1. If the property stolen is valued at $100,000 or
3788 more or is a semitrailer that was deployed by a law enforcement
3789 officer; or
3790 2. If the property stolen is cargo valued at $50,000 or
3791 more that has entered the stream of interstate or intrastate
3792 commerce from the shipper's loading platform to the consignee's
3793 receiving dock; or
3794 3. If the offender commits any grand theft and:
3795 a. In the course of committing the offense the offender
3796 uses a motor vehicle as an instrumentality, other than merely as
3797 a getaway vehicle, to assist in committing the offense and
3798 thereby damages the real property of another; or
3799 b. In the course of committing the offense the offender
3800 causes damage to the real or personal property of another in
3801 excess of $1,000,
3802
3803 the offender commits grand theft in the first degree, punishable
3804 as a felony of the first degree, as provided in s. 775.082, s.
3805 775.083, or s. 775.084.
3806 (b)1. If the property stolen is valued at $20,000 or more,
3807 but less than $100,000;
3808 2. The property stolen is cargo valued at less than

3809 $50,000 that has entered the stream of interstate or intrastate
3810 commerce from the shipper's loading platform to the consignee's
3811 receiving dock;
3812 3. The property stolen is emergency medical equipment,
3813 valued at $300 or more, that is taken from a facility licensed
3814 under chapter 395 or from an aircraft or vehicle permitted under
3815 chapter 401; or
3816 4. The property stolen is law enforcement equipment,
3817 valued at $300 or more, that is taken from an authorized
3818 emergency vehicle, as defined in s. 316.003,
3819
3820 the offender commits grand theft in the second degree,
3821 punishable as a felony of the second degree, as provided in s.
3822 775.082, s. 775.083, or s. 775.084. Emergency medical equipment
3823 means mechanical or electronic apparatus used to provide
3824 emergency services and care as defined in s. 395.002(9) or to
3825 treat medical emergencies. Law enforcement equipment means any
3826 property, device, or apparatus used by any law enforcement
3827 officer as defined in s. 943.10 in the officer's official
3828 business. However, if the property is stolen within a county
3829 that is subject to a state of emergency declared by the Governor
3830 under chapter 252, the theft is committed after the declaration
3831 of emergency is made, and the perpetration of the theft is
3832 facilitated by conditions arising from the emergency, the theft
3833 is a felony of the first degree, punishable as provided in s.
3834 775.082, s. 775.083, or s. 775.084. As used in this paragraph,

3835 the term "conditions arising from the emergency" means civil
3836 unrest, power outages, curfews, voluntary or mandatory
3837 evacuations, or a reduction in the presence of or response time
3838 for first responders or homeland security personnel. For
3839 purposes of sentencing under chapter 921, a felony offense that
3840 is reclassified under this paragraph is ranked one level above
3841 the ranking under s. 921.0022 or s. 921.0023 of the offense
3842 committed.
3843 (c) It is grand theft of the third degree and a felony of
3844 the third degree, punishable as provided in s. 775.082, s.
3845 775.083, or s. 775.084, if the property stolen is:
3846 1. Valued at $300 or more, but less than $5,000.
3847 2. Valued at $5,000 or more, but less than $10,000.
3848 3. Valued at $10,000 or more, but less than $20,000.
3849 4. A will, codicil, or other testamentary instrument.
3850 5. A firearm.
3851 6. A motor vehicle, except as provided in paragraph (a).
3852 7. Any commercially farmed animal, including any animal of
3853 the equine, bovine, or swine class or other grazing animal; a
3854 bee colony of a registered beekeeper; and aquaculture species
3855 raised at a certified aquaculture facility. If the property
3856 stolen is aquaculture species raised at a certified aquaculture
3857 facility, then a $10,000 fine shall be imposed.
3858 8. Any fire extinguisher.
3859 9. Any amount of citrus fruit consisting of 2,000 or more
3860 individual pieces of fruit.

3861 10. Taken from a designated construction site identified
3862 by the posting of a sign as provided for in s. 810.09(2)(d).
3863 11. Any stop sign.
3864 12. Anhydrous ammonia.
3865 13. Any amount of a controlled substance as defined in s.
3866 893.02. Notwithstanding any other law, separate judgments and
3867 sentences for theft of a controlled substance under this
3868 subparagraph and for any applicable possession of controlled
3869 substance offense under s. 893.13 or trafficking in controlled
3870 substance offense under s. 893.135 may be imposed when all such
3871 offenses involve the same amount or amounts of a controlled
3872 substance.
3873
3874 However, if the property is stolen within a county that is
3875 subject to a state of emergency declared by the Governor under
3876 chapter 252, the property is stolen after the declaration of
3877 emergency is made, and the perpetration of the theft is
3878 facilitated by conditions arising from the emergency, the
3879 offender commits a felony of the second degree, punishable as
3880 provided in s. 775.082, s. 775.083, or s. 775.084, if the
3881 property is valued at $5,000 or more, but less than $10,000, as
3882 provided under subparagraph 2., or if the property is valued at
3883 $10,000 or more, but less than $20,000, as provided under
3884 subparagraph 3. As used in this paragraph, the term "conditions
3885 arising from the emergency" means civil unrest, power outages,
3886 curfews, voluntary or mandatory evacuations, or a reduction in

3887 the presence of or the response time for first responders or
3888 homeland security personnel. For purposes of sentencing under
3889 chapter 921, a felony offense that is reclassified under this
3890 paragraph is ranked one level above the ranking under s.
3891 921.0022 or s. 921.0023 of the offense committed.
3892 (d) It is grand theft of the third degree and a felony of
3893 the third degree, punishable as provided in s. 775.082, s.
3894 775.083, or s. 775.084, if the property stolen is valued at $100
3895 or more, but less than $300, and is taken from a dwelling as
3896 defined in s. 810.011(2) or from the unenclosed curtilage of a
3897 dwelling pursuant to s. 810.09(1).
3898 (e) Except as provided in paragraph (d), if the property
3899 stolen is valued at $100 or more, but less than $300, the
3900 offender commits petit theft of the first degree, punishable as
3901 a misdemeanor of the first degree, as provided in s. 775.082 or
3902 s. 775.083.
3903 Section 42. For the purpose of incorporating the amendment
3904 made by this act to section 893.13, Florida Statutes, in a
3905 reference thereto, subsection (1) of section 831.311, Florida
3906 Statutes, is reenacted to read:
3907 831.311 Unlawful sale, manufacture, alteration, delivery,
3908 uttering, or possession of counterfeit-resistant prescription
3909 blanks for controlled substances.—
3910 (1) It is unlawful for any person having the intent to
3911 injure or defraud any person or to facilitate any violation of
3912 s. 893.13 to sell, manufacture, alter, deliver, utter, or

3913 possess with intent to injure or defraud any person, or to
3914 facilitate any violation of s. 893.13, any counterfeit-resistant
3915 prescription blanks for controlled substances, the form and
3916 content of which are adopted by rule of the Department of Health
3917 pursuant to s. 893.065.
3918 Section 43. For the purpose of incorporating the amendment
3919 made by this act to section 893.13, Florida Statutes, in a
3920 reference thereto, subsection (1) of section 893.1351, Florida
3921 Statutes, is reenacted to read:
3922 893.1351 Ownership, lease, rental, or possession for
3923 trafficking in or manufacturing a controlled substance.—
3924 (1) A person may not own, lease, or rent any place,
3925 structure, or part thereof, trailer, or other conveyance with
3926 the knowledge that the place, structure, trailer, or conveyance
3927 will be used for the purpose of trafficking in a controlled
3928 substance, as provided in s. 893.135; for the sale of a
3929 controlled substance, as provided in s. 893.13; or for the
3930 manufacture of a controlled substance intended for sale or
3931 distribution to another. A person who violates this subsection
3932 commits a felony of the third degree, punishable as provided in
3933 s. 775.082, s. 775.083, or s. 775.084.
3934 Section 44. For the purpose of incorporating the amendment
3935 made by this act to section 893.13, Florida Statutes, in a
3936 reference thereto, subsection (3) of section 893.138, Florida
3937 Statutes, is reenacted to read:
3938 893.38 Local administrative action to abate drug-related,

3939 prostitution-related, or stolen-property-related public
3940 nuisances and criminal gang activity.—
3941 (3) Any pain-management clinic, as described in s.
3942 458.3265 or s. 459.0137, which has been used on more than two
3943 occasions within a 6-month period as the site of a violation of:
3944 (a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,
3945 relating to assault and battery;
3946 (b) Section 810.02, relating to burglary;
3947 (c) Section 812.014, relating to dealing in theft;
3948 (d) Section 812.131, relating to robbery by sudden
3949 snatching; or
3950 (e) Section 893.13, relating to the unlawful distribution
3951 of controlled substances,
3952
3953 may be declared to be a public nuisance, and such nuisance may
3954 be abated pursuant to the procedures provided in this section.
3955 Section 45. For the purpose of incorporating the amendment
3956 made by this act to section 893.13, Florida Statutes, in a
3957 reference thereto, section 893.15, Florida Statutes, is
3958 reenacted to read:
3959 893.15 Rehabilitation.—Any person who violates s.
3960 893.13(6)(a) or (b) relating to possession may, in the
3961 discretion of the trial judge, be required to participate in a
3962 substance abuse services program approved or regulated by the
3963 Department of Children and Families pursuant to the provisions
3964 of chapter 397, provided the director of such program approves

3965 the placement of the defendant in such program. Such required
3966 participation shall be imposed in addition to any penalty or
3967 probation otherwise prescribed by law. However, the total time
3968 of such penalty, probation, and program participation shall not
3969 exceed the maximum length of sentence possible for the offense.
3970 Section 46. For the purpose of incorporating the amendment
3971 made by this act to section 893.13, Florida Statutes, in a
3972 reference thereto, section 903.133, Florida Statutes, is
3973 reenacted to read:
3974 903.133 Bail on appeal; prohibited for certain felony
3975 convictions.—Notwithstanding the provisions of s. 903.132, no
3976 person adjudged guilty of a felony of the first degree for a
3977 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.
3978 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a
3979 violation of s. 794.011(2) or (3), shall be admitted to bail
3980 pending review either by posttrial motion or appeal.
3981 Section 47. For the purpose of incorporating the amendment
3982 made by this act to section 893.13, Florida Statutes, in a
3983 reference thereto, paragraph (l) of subsection (1) of section
3984 921.187, Florida Statutes, is reenacted to read:
3985 921.187 Disposition and sentencing; alternatives;
3986 restitution.—
3987 (1) The alternatives provided in this section for the
3988 disposition of criminal cases shall be used in a manner that
3989 will best serve the needs of society, punish criminal offenders,
3990 and provide the opportunity for rehabilitation. If the offender

3991 does not receive a state prison sentence, the court may:
3992 (1)1. Require the offender who violates any criminal
3993 provision of chapter 893 to pay an additional assessment in an
3994 amount up to the amount of any fine imposed, pursuant to ss.
3995 938.21 and 938.23.
3996 2. Require the offender who violates any provision of s.
3997 893.13 to pay an additional assessment in an amount of $100,
3998 pursuant to ss. 938.055 and 943.361.
3999 Section 48. For the purpose of incorporating the amendment
4000 made by this act to section 893.145, Florida Statutes, in a
4001 reference thereto, paragraph (a) of subsection (2) of section
4002 893.12, Florida Statutes, is reenacted to read:
4003 893.12 Contraband; seizure, forfeiture, sale.—
4004 (2)(a) Any vessel, vehicle, aircraft, or drug
4005 paraphernalia as defined in s. 893.145 which has been or is
4006 being used in violation of any provision of this chapter or in,
4007 upon, or by means of which any violation of this chapter has
4008 taken or is taking place may be seized and forfeited as provided
4009 by the Florida Contraband Forfeiture Act.
4010 Section 49. For the purpose of incorporating the amendment
4011 made by this act to section 893.145, Florida Statutes, in a
4012 reference thereto, paragraph (a) of subsection (6) of section
4013 893.147, Florida Statutes, is reenacted to read:
4014 893.147 Use, possession, manufacture, delivery,
4015 transportation, advertisement, or retail sale of drug
4016 paraphernalia.—

4017 (6) RETAIL SALE OF DRUG PARAPHERNALIA.—
4018 (a) It is unlawful for a person to knowingly and willfully
4019 sell or offer for sale at retail any drug paraphernalia
4020 described in s. 893.145(12)(a)-(c) or (g)-(m), other than a pipe
4021 that is primarily made of briar, meerschaum, clay, or corn cob.
4022 Section 50. For the purpose of incorporating the amendment
4023 made by this act to section 895.02, Florida Statutes, in a
4024 reference thereto, paragraph (a) of subsection (1) of section
4025 16.56, Florida Statutes, is reenacted to read:
4026 16.56 Office of Statewide Prosecution.—
4027 (1) There is created in the Department of Legal Affairs an
4028 Office of Statewide Prosecution. The office shall be a separate
4029 "budget entity" as that term is defined in chapter 216. The
4030 office may:
4031 (a) Investigate and prosecute the offenses of:
4032 1. Bribery, burglary, criminal usury, extortion, gambling,
4033 kidnapping, larceny, murder, prostitution, perjury, robbery,
4034 carjacking, and home-invasion robbery;
4035 2. Any crime involving narcotic or other dangerous drugs;
4036 3. Any violation of the Florida RICO (Racketeer Influenced
4037 and Corrupt Organization) Act, including any offense listed in
4038 the definition of racketeering activity in s. 895.02(1)(a),
4039 providing such listed offense is investigated in connection with
4040 a violation of s. 895.03 and is charged in a separate count of
4041 an information or indictment containing a count charging a
4042 violation of s. 895.03, the prosecution of which listed offense

4043 may continue independently if the prosecution of the violation
4044 of s. 895.03 is terminated for any reason;
4045 4. Any violation of the Florida Anti-Fencing Act;
4046 5. Any violation of the Florida Antitrust Act of 1980, as
4047 amended;
4048 6. Any crime involving, or resulting in, fraud or deceit
4049 upon any person;
4050 7. Any violation of s. 847.0135, relating to computer
4051 pornography and child exploitation prevention, or any offense
4052 related to a violation of s. 847.0135 or any violation of
4053 chapter 827 where the crime is facilitated by or connected to
4054 the use of the Internet or any device capable of electronic data
4055 storage or transmission;
4056 8. Any violation of chapter 815;
4057 9. Any criminal violation of part I of chapter 499;
4058 10. Any violation of the Florida Motor Fuel Tax Relief Act
4059 of 2004;
4060 11. Any criminal violation of s. 409.920 or s. 409.9201;
4061 12. Any crime involving voter registration, voting, or
4062 candidate or issue petition activities;
4063 13. Any criminal violation of the Florida Money Laundering
4064 Act;
4065 14. Any criminal violation of the Florida Securities and
4066 Investor Protection Act; or
4067 15. Any violation of chapter 787, as well as any and all
4068 offenses related to a violation of chapter 787;

4069
4070 or any attempt, solicitation, or conspiracy to commit any of the
4071 crimes specifically enumerated above. The office shall have such
4072 power only when any such offense is occurring, or has occurred,
4073 in two or more judicial circuits as part of a related
4074 transaction, or when any such offense is connected with an
4075 organized criminal conspiracy affecting two or more judicial
4076 circuits. Informations or indictments charging such offenses
4077 shall contain general allegations stating the judicial circuits
4078 and counties in which crimes are alleged to have occurred or the
4079 judicial circuits and counties in which crimes affecting such
4080 circuits or counties are alleged to have been connected with an
4081 organized criminal conspiracy.
4082 Section 51. For the purpose of incorporating the amendment
4083 made by this act to section 895.02, Florida Statutes, in a
4084 reference thereto, paragraph (g) of subsection (3) of section
4085 655.50, Florida Statutes, is reenacted to read:
4086 655.50 Florida Control of Money Laundering and Terrorist
4087 Financing in Financial Institutions Act.—
4088 (3) As used in this section, the term:
4089 (g) "Specified unlawful activity" means "racketeering
4090 activity" as defined in s. 895.02.
4091 Section 52. For the purpose of incorporating the amendment
4092 made by this act to section 895.02, Florida Statutes, in a
4093 reference thereto, paragraph (g) of subsection (2) of section
4094 896.101, Florida Statutes, is reenacted to read:

4095 896.101 Florida Money Laundering Act; definitions;
4096 penalties; injunctions; seizure warrants; immunity.—
4097 (2) As used in this section, the term:
4098 (g) "Specified unlawful activity" means any "racketeering
4099 activity" as defined in s. 895.02.
4100 Section 53. For the purpose of incorporating the amendment
4101 made by this act to section 895.02, Florida Statutes, in a
4102 reference thereto, section 905.34, Florida Statutes, is
4103 reenacted to read:
4104 905.34 Powers and duties; law applicable.—The jurisdiction
4105 of a statewide grand jury impaneled under this chapter shall
4106 extend throughout the state. The subject matter jurisdiction of
4107 the statewide grand jury shall be limited to the offenses of:
4108 (1) Bribery, burglary, carjacking, home-invasion robbery,
4109 criminal usury, extortion, gambling, kidnapping, larceny,
4110 murder, prostitution, perjury, and robbery;
4111 (2) Crimes involving narcotic or other dangerous drugs;
4112 (3) Any violation of the provisions of the Florida RICO
4113 (Racketeer Influenced and Corrupt Organization) Act, including
4114 any offense listed in the definition of racketeering activity in
4115 s. 895.02(1)(a), providing such listed offense is investigated
4116 in connection with a violation of s. 895.03 and is charged in a
4117 separate count of an information or indictment containing a
4118 count charging a violation of s. 895.03, the prosecution of
4119 which listed offense may continue independently if the
4120 prosecution of the violation of s. 895.03 is terminated for any

4121 reason;
4122 (4) Any violation of the provisions of the Florida Anti-
4123 Fencing Act;
4124 (5) Any violation of the provisions of the Florida
4125 Antitrust Act of 1980, as amended;
4126 (6) Any violation of the provisions of chapter 815;
4127 (7) Any crime involving, or resulting in, fraud or deceit
4128 upon any person;
4129 (8) Any violation of s. 847.0135, s. 847.0137, or s.
4130 847.0138 relating to computer pornography and child exploitation
4131 prevention, or any offense related to a violation of s.
4132 847.0135, s. 847.0137, or s. 847.0138 or any violation of
4133 chapter 827 where the crime is facilitated by or connected to
4134 the use of the Internet or any device capable of electronic data
4135 storage or transmission;
4136 (9) Any criminal violation of part I of chapter 499;
4137 (10) Any criminal violation of s. 409.920 or s. 409.9201;
4138 (11) Any criminal violation of the Florida Money
4139 Laundering Act;
4140 (12) Any criminal violation of the Florida Securities and
4141 Investor Protection Act; or
4142 (13) Any violation of chapter 787, as well as any and all
4143 offenses related to a violation of chapter 787;
4144
4145 or any attempt, solicitation, or conspiracy to commit any
4146 violation of the crimes specifically enumerated above, when any

4147 such offense is occurring, or has occurred, in two or more
4148 judicial circuits as part of a related transaction or when any
4149 such offense is connected with an organized criminal conspiracy
4150 affecting two or more judicial circuits. The statewide grand
4151 jury may return indictments and presentments irrespective of the
4152 county or judicial circuit where the offense is committed or
4153 triable. If an indictment is returned, it shall be certified and
4154 transferred for trial to the county where the offense was
4155 committed. The powers and duties of, and law applicable to,
4156 county grand juries shall apply to a statewide grand jury except
4157 when such powers, duties, and law are inconsistent with the
4158 provisions of ss. 905.31-905.40.
4159 Section 54. This act shall take effect July 1, 2016.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	____	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Ingram offered the following:
3
4 **Amendment**
5 Remove line 478 and insert:
6 136. CP 55,940 (2-[3-Hydroxy-6-propanol-cyclohexyl]-5-(2-
7
8 Remove line 778 and insert:
9 (III) CP-55,940 (2-(3-Hydroxy-6-propanol-cyclohexyl)-5-(2-
10
11 Remove line 937 and insert:
12 (XIV) Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-
13
14 Remove line 991 and insert:
15 a. Any compound containing a 2-amino-1-phenyl-1-propanone
16
17 Remove line 995 and insert:

18 c. Any compound containing a 2-amino-1-thiophenyl-1-
19
20 Remove line 1111 and insert:
21 aa. 3,4-Methylenedioxy-N-hydroxyamphetamine.
22
23 Remove line 1171 and insert:
24 methoxybenzyl)]phenethylamine).
25
26 Remove line 1173 and insert:
27 methoxybenzyl)]phenethylamine).
28
29 Remove line 1175 and insert:
30 methoxybenzyl)]phenethylamine).
31
32 Remove line 1248 and insert:
33 substituents, inclusion of the nitrogen in a cyclic structure,
34
35 Remove line 2182 and insert:
36 g. 3,4-Methylenedioxy-N-hydroxyamphetamine ~~N-Hydroxy-3,4-~~
37 ~~methylenedioxyamphetamine~~;
38
39 Remove line 2216 and insert:
40 b. DOB (4-Bromo-2,5-dimethoxyamphetamine);

HB 4027

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4027 Traffic Infraction Detectors
SPONSOR(S): Artiles and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 168

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Affairs Committee	13 Y, 3 N	Johnson	Pitts
2) Appropriations Committee		Cobb PC	Leznoff

SUMMARY ANALYSIS

In 2010, the Legislature enacted the Mark Wandall Traffic Safety Act, authorizing the use of traffic infraction detectors, commonly known as red light cameras, and expressly preempting to the state the regulation and use of traffic infraction detectors.

The bill repeals and amends various provisions of law, removing authorization for the use of traffic infraction detectors, which are currently used to enforce specified provisions of traffic law by automatically photographing vehicles whose drivers run red lights.

The bill leaves intact the express preemption to the state the regulation of the use of traffic infraction detectors; thereby, prohibiting the implementation of red light camera programs by local ordinance.

The bill has a negative recurring impact even though it does not take effect until 2019. This is because revenues are considered nonrecurring until the effective date, given the prospective repeal of the law. Therefore, although there is no immediate loss of revenue, the accounting of those revenues as being temporary or time limited occurs immediately. The Revenue Estimating Conference met on October 16, 2015, and estimated that the bill has a recurring annual impact of $54.8 million to general revenue, $10.4 million to state trust funds, and $63.3 million to local government revenues.

The bill has an effective date of July 1, 2019.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Red Light Cameras Generally
Traffic infraction detectors,[1] more commonly known as "red light cameras,"[2] are used to document traffic law violations by automatically photographing vehicles whose drivers have failed to yield at red lights. The cameras are connected to the traffic signal and to sensors that monitor traffic flow at the crosswalk or stop line. The system photographs vehicles that enter the intersection above a pre-set minimum speed after the signal has turned red; a second photograph typically shows the driver in the intersection. In some cases, video cameras are used. Red light cameras also record the license plate number, date and time of day, time elapsed since the beginning of the red signal, and the vehicle's speed.

Red light cameras in Florida
In 2010, the Florida Legislature enacted CS/CS/HB 325,[3] expressly preempting to the state the regulation of the use of cameras for enforcing the provisions of Ch. 316, F.S,[4] which is known as the Florida Uniform Traffic Control Law.[5] The law also authorized the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities to employ red light camera programs.[6]

Jurisdiction, Installation, and Awareness
Every traffic infraction detector must meet requirements established by the Department of Transportation (DOT), and must be tested at regular intervals according to procedures prescribed by DOT.[7] If DHSMV, a county, or a municipality installs a red light camera at an intersection, the respective governmental entity must notify the public that a camera is in use at that intersection, including specific notification of enforcement of right-on-red violations.[8] Such signage must meet specifications adopted by DOT pursuant to s. 316.0745, F.S.[9]

Municipalities may install or authorize the installation of traffic infraction detectors on streets and highways in accordance with the DOT standards, and on state roads within the incorporated area when permitted by DOT.[10] Counties may install or authorize installation of traffic infraction detectors on streets and highways in unincorporated areas of the county in accordance with DOT standards, and on state roads in unincorporated areas of the county when permitted by DOT.[11] DHSMV may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of DOT, when permitted by the DOT.[12]

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[1] Section 316.003(87), F.S., defines "traffic infraction detector" as "[a] vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any notification under s. 316.0083(1)(b) or traffic citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated."
[2] In this analysis, the terms "traffic infraction detector" and "red light camera" are used interchangeably.
[3] Chapter 2010-80, L.O.F.
[4] Section 316.0076, F.S.
[5] Section 316.001, F.S.
[6] Section 316.0083, F.S.
[7] Section 316.0776, F.S.
[8] Section 316.0776(2), F.S.
[9] *Id.*
[10] Section 316.008(8), F.S.; section. 316.0776(1), F.S.
[11] *Id.*
[12] Section 321.50, F.S. DHSMV is not currently administering a red-light camera program.

Traffic Control Devices
Section 316.0745(1), F.S., requires DOT to adopt a uniform system of traffic control devices for use on the streets and highways of the state. Section 316.075(3)(a), F.S., provides that no traffic control signal device shall be used which does not exhibit a yellow or "caution" light between the green or "go" signal and the red or "stop" signal, but it does not specify the length of time that the yellow or red light must be exhibited.

Inspection of Traffic Control Signal Devices
DOT officials reported that it enters into traffic signal maintenance agreements with counties and municipalities, and these agreements are the mechanism for ensuring that jurisdictions comply with yellow light timing and other traffic signal standards.[13] In addition, DOT staff conducts field tests and quality assurance reviews that encompass a number of issues, including yellow light interval timing.

Notifications and Citations
If a red light camera captures an image of a driver running a red light, the visual information is reviewed by a traffic infraction enforcement officer. A notification of violation must be issued to the registered owner of the vehicle within 30 days of the alleged violation.[14] The notification must be sent by first-class mail, and must include a statement that informs the owner of the right to review the photographic or video evidence, upon which the violation is based, as well as the time and place or Internet location where the evidence may be reviewed.[15] Violations may not be issued if the driver is making a right-hand turn in a "careful and prudent manner,"[16] or if the driver comes to a complete stop before making a permissible right turn.[17]

A person who has been issued a notice of violation for a red light camera violation may elect to receive a hearing within 60 days following the date of the notice of violation. No payment or fee may be required in order to receive the hearing. Further, if a person elects to receive a hearing, the person waives his or her right to challenge delivery of the notice of violation.[18] If the notice of violation is upheld, the local hearing officer must require the petitioner to pay the $158 penalty and may also require the petitioner to pay county or municipal costs, not to exceed $250.[19]

If the registered owner of the vehicle does not pay the violation within 60 days following the date of notification, the traffic infraction enforcement officer must issue a uniform traffic citation (UTC) to the owner.[20] The UTC must be mailed by certified mail.[21] Like the notice of violation, the UTC must also include the photograph and statements described above regarding review of the photographic or video evidence.[22] The report of an officer and images provided by a traffic infraction detector are admissible in court and provide a rebuttable presumption the vehicle was used to commit the violation.[23]

A traffic infraction enforcement officer must provide by electronic transmission a replica of the citation data when issued under s. 316.0083, F.S., to the court having jurisdiction over the alleged offense or its traffic violations bureau within five days after the issuance date of a UTC to the violator.[24]

Penalties

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[13] "Florida Red Light Camera Programs" OPPAGA research memorandum, (January 31, 2014)
[14] Section 316.0083(1)(b), F.S.
[15] *Id.*
[16] Section 316.0083(2), F.S.
[17] Section 316.0083(1)(a), F.S.
[18] *Id.*
[19] Sections 316.0083(5)(e), and 318.18(22), F.S.
[20] Section 316.0083(1)(c), F.S.
[21] *Id.*
[22] *Id.*
[23] Section 316.0083(1)(e), F.S.
[24] Section 316.650(3)(c), F.S.

Red light camera citations carry a $158 penalty. When the $158 penalty is the result of local government enforcement, $75 is retained by the local government and $83 is deposited with the Department of Revenue (DOR).[25] DOR subsequently distributes the penalty by depositing $70 in the General Revenue Fund, $10 in the Department of Health (DOH) Administrative Trust Fund, and $3 in the Brain and Spinal Cord Injury Trust Fund.[26]

When the $158 penalty is the result of enforcement by DHSMV, $45 is retained by the local government and $113 is deposited with DOR.[27] DOR subsequently distributes the penalty by depositing $100 in the General Revenue Fund, $10 in the DOH Administrative Trust Fund, and $3 in the Brain and Spinal Cord Injury Trust Fund.[28] DHSMV does not currently operate any red light cameras.

If a law enforcement officer cites a motorist for the same offense, the penalty is still $158, but the revenue is distributed from the local clerk of court to DOR, where $30 is distributed to the General Revenue Fund, $65 is distributed to the Department of Health Administrative Trust Fund, and $3 is distributed to the Brain and Spinal Cord Injury Trust Fund. The remaining $60 is distributed in small percentages to a number of funds pursuant to s. 318.21, F.S.[29]

Citations from traffic infraction detectors may not result in points assessed against the driver's driver license, and may not be used for the purpose of setting motor vehicle insurance rates.[30]

Proceeds retained by local government
As stated above, each time a $158 red light violation penalty is collected the local government retains $75 and remits $83 to the state. In a survey of local governments that operate a red light camera program, the Office of Policy Analysis & Governmental Accountability (OPPAGA)[31] reported that, over a three- year period:

- 49 percent of total money collected went to red light camera vendors.
- 78 percent of respondents reported excess revenue after payments to vendors and other program expenses. Excess revenue was allocated to:
  - general fund (76%)
  - public safety/police (14%)
  - road repair/maintenance (5%)
- 16 percent of respondents had difficulty generating sufficient revenue to make vendor payments and have accrued outstanding balances

Local governments must procure for the services of a red light camera vendor. The contract term generally ranges from three to five years.[32] Local governments typically pay between $4,250 and $4,750 per camera, per month.[33]

DHSMV – 2015 Red Light Camera Program Analysis
Florida law requires each county or municipality operating a red light camera program to annually self-report data to DHSMV, which shall include the following information:

- Red light camera program results over the preceding fiscal year;
- The procedures for enforcement; and
- Other statistical data and information required by DHSMV.[34]

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[25] Sections 318.18(15), and 316.0083(1)(b)3., F.S.
[26] *Id.*
[27] *Id.*
[28] *Id.*
[29] Section 318.18(15), F.S.
[30] Section 322.27(3)(d)6., F.S.
[31] "Florida Red Light Camera Programs." *OPPAGA Research Memorandum* (January 31, 2014)
[32] *Id.*
[33] *Id.*
[34] Section 316.0083(4), F.S. DHSMV uses an on-line questionnaire to facilitate data collection.

Based on this data covering the period between July 1, 2014 and June 30, 2015 (survey period), DHSMV submitted a summary report to the Governor and Legislature containing the following findings:

- 71 agencies responded that they had red light camera in operation during the survey period.[35]
- During the survey period, the agencies issued a total of 963,039 Notices of Violation.
- Of the Notices of Violation issued, 630,369 paid the fine. (65.4%).
- 14,814 notices of violation were contested and dismissed (1.5%).
- Florida law states that "a notice of violation and a traffic citation may not be issued for failure to stop at a red light if the driver is making a right-hand turn in a careful and prudent manner at an intersection where right-hand turns are permissible." Of the 71 agencies responding to the survey, 68 percent indicated that they issue Notices of Violation for a right-on-red violation, and 32 percent indicated that they did not issue Notices of Violation for a right-on-red violation. During the reporting period 253,744 (26.34%) Notices of Violation were issued for right hand turns.

Crash statistics

In its December 2015, Red Light Camera Report, DHSMV provided the following breakdown of the number of crashes at Red Light Camera (RLC) intersections before and after the cameras were installed:[36]

	Before RLC Installed	After RLC Installed	Percentage Change
Total Crashes	3,453	3,959	14.65%
Angle Crashes	815	814	-0.12%
Rear-End Crashes	835	920	10.18%
Non-Incapacitating Injuries	459	506	2.22%
Incapacitating Injuries	174	225	29.31%
Fatalities	16	18	
Crashes Involving Non-Motorists	185	216	16.75%
Fatal Crashes Involving Motorists	4	7	

Litigation

In October 2014, the Florida Fourth District Court of Appeal dismissed a red light camera citation after finding that the local government had delegated an impermissible measure of discretion and control over their red light camera program to a private third-party vendor.[37] Under the terms of the contract, the vendor decided which infractions would be reviewed by the city, obtained the information needed to fill out a citation, completed the citation, issued the citation, and transmitted the citation information to the court.[38] In Florida, only traffic infraction enforcement officers and sworn law enforcement officers are authorized to issue a traffic citation.[39] The Florida Supreme Court declined to accept jurisdiction on the case.[40]

The *Arem* decision may have an effect on the administration of red light camera programs throughout the state. Some jurisdictions have voted to suspend or terminate their red light camera programs since the decision was handed down.

[35] Two jurisdictions did not respond to DHSMV's survey.
[36] It should be noted that other factors may have contributed to the number of crashes.
[37] *City of Hollywood v. Arem*, 39 Fla. L. Weekly D2175 (Fla. 4th DCA October 15, 2014)
[38] *Id.*
[39] Sections 316.0083(1)(b)3., and 316.650(3)(c), F.S.
[40] Supreme Court of Florida, *City of Hollywood vs. Arem,* Case No. SC15-236. Order Issued April 13, 2015.

Proposed Changes
In general, the bill prohibits the use of traffic infraction detectors as of July 1, 2019.

Definitions (Section 1)
Section 316.003(87), F.S., defines "traffic infraction detector" as a vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal exhibiting a red light. Any notification under s. 318.0083(1)(b), F.S., or traffic citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control signal device being violated.

Section 316.003(91), F.S., defines "local hearing officer" as the person, designated by a department, county, or municipality that elects to authorize traffic infraction enforcement officers to issue traffic citations under s. 316.0083(1)(a), F.S., who is authorized to conduct hearings related to the notice of violation pursuant to s. 316.0083, F.S. The charter county, noncharter county, or municipality may use its currently appointed code enforcement board or special magistrate to serve as the local hearing officer. The department may enter into an interlocal agreement to use the local hearing officer of a county or municipality.

The bill repeals ss. 316.003(87) and (91), F.S., repealing the definitions of "traffic infraction detector" and "local hearing officer."

Powers of Local Authorities (Section 2)
Section 316.008(8), F.S., authorizes counties and municipalities to use traffic infraction detectors when a driver fails to stop at a traffic signal on streets or highways under its jurisdiction.[41]

The bill repeals s. 316.008(8), F.S., repealing the authorization for municipalities and counties to use traffic infraction detectors.

Mark Wandall Traffic Safety Program; administration; report. (Section 3)
Section 316.0083, F.S., creates the Mark Wandall Traffic Safety Program, authorizing the use of, and provides for the administration of traffic infraction detectors. More specifically the statute:

- Authorizes DHSMV, a county, or a municipality to authorize a traffic infraction enforcement officer to issue traffic citations for specified provisions of traffic law relating to the obedience to traffic control signals and stopping a vehicle facing a steady red signal;
- Prohibits issuance of notices of violation for traffic citations for failing to stop while making rolling "right-on-red" turns in a "careful and prudent manner" and for failing to stop before crossing the stop line or other point at which a stop is required when making a "right-on-red" turn;
- Provides the process and requirements for issuance of notices of violation, sets forth specific information to be included in such notices; provided alternative options for an alleged violator, including providing a specified affidavit, requesting a hearing, or paying the penalty stated in the notice; providing penalty amounts and fine distributions; and prohibits certain individuals, manufacturers, or vendors from receiving commissions, fees, or remuneration relating to the use of traffic infraction detectors;
- Provides the process and requirements for issuance of traffic citations; sets forth specific information to be included in such notices; provides for defenses to be established by affidavit, states requirements for information to be included in such affidavits, provides penalties for submission of false affidavits; provides for dismissal of citations and issuance notices of violation and traffic citations to the person designated in an affidavit as having care, custody, or control of the motor vehicle at the time of the violation; and provides for supplemental enforcement;

[41] Section 316.008(8)(a), F.S.

- Requires each county or municipality that operates traffic infraction detectors to provide a specified annual summary report to DHSMV regarding the use and operation of traffic infraction detectors, and requires DHSMV to prepare an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives; and
- Sets forth procedures for hearings on notices of violation and authorizes a specified appeal of a final administrative order.

The bill repeals s. 316.0083, F.S., repealing to the Mark Wandall Traffic Safety Program.

Distribution of Penalties Collected (Section 4)
Section 316.00831, F.S., provides for the distribution of penalties collected under the Mark Wandall Traffic Safety Program.

The bill repeals s. 316.00831, F.S., repealing the distribution of the penalties under the Mark Wandall Traffic Safety Program.

Transitional Implementation (section 5)
Section 316.07456, F.S., provides for transitional implementation for traffic infraction detectors.

The bill repeals s. 316.07456, F.S., repealing the transitional implementation for traffic infraction detectors.

Traffic infraction detectors; placement and implementation. (Section 6)
Section 316.0776, F.S., provides for the placement and installation of traffic infraction detectors.

The bill repeals s. 316.0776, F.S., repealing provisions relating to the placement and installation of traffic infraction detectors.

Failure to comply with civil penalty or to appear; penalty. (Section 7)
Section 318.15(3), F.S., requires the clerk of court to notify DHSMV of persons who were mailed notices of violation pursuant to the Mark Wandall Traffic Safety Program who fail to enter into, or comply with the terms of, a penalty payment plan, or order with the clerk to the local hearing officer of failed to appear at a scheduled hearing within 10 days after such failure.

Upon receiving the notice, DHSMV, or its authorized agent is prohibited from issuing a license plate or revalidation sticker for any motor vehicle owned or coowned by that person until the assessed amount has been fully paid.

After the issuance of the license plate or revalidation sticker is withheld, the person may challenge the withholding of the license plate or revalidation sticker only on the basis that the outstanding fines and civil penalties have been paid.

The bill repeals s. 318.15(3), F.S., relating to withholding vehicle registration for failure to pay penalties associated with the Mark Wandall Traffic Safety Program.

Authorization to use traffic infraction detectors (Section 8)
Section 321.50, F.S., authorizes DHMSV to use traffic infraction detectors on state roads under the original jurisdiction of DOT, when permitted by DOT.

The bill repeals s. 321.50, F.S., repealing the authorization for DHSMV to install traffic infraction detectors on state roads.

Enforcement of Traffic Laws (Section 10)

In general, s. 316.640, F.S., vests the enforcement of the state's traffic laws to various entities. Section 316.640(1), F.S., provides that various state agencies may enforce the state's traffic laws under various circumstances.

Section 316.640(1)(b)3., F.S., provides that for the purpose of enforcing the Mark Wandall Traffic Safety Program, DHSMV may designate employees as traffic infraction enforcement officers, and provides minimum requirement for these officers. The statute also provides that the traffic infraction enforcement officers must be physically located in the state.

Section 316.640(5)(a), F.S., provides that any sheriff's department or municipal police department may employ traffic infraction enforcement officers. Included in this paragraph is the authorization for traffic infraction enforcement officers to issue traffic citations under the Mark Wandall Traffic Safety Program.

The bill repeals s. 316.640(1)(b)3., F.S., repealing DHSMV's authority to designate employees as traffic infraction enforcement officers.

The bill amends s. 316.640(5)(2), F.S., removing the ability for traffic enforcement officers to issue traffic citations under the Mark Wandall Traffic Safety Program.

Traffic Citations (Section 11)
Section 316.650(3)(c), F.S., provides that if a traffic citation is issued under the Mark Wandall Traffic Safety Program, the traffic infraction enforcement officer is required to provide by electronic transmission a replica of the traffic citation data to the court having jurisdiction over the alleged offense or its traffic violations bureau within five days after the date of the issuance of the traffic citation to the violator. If a hearing is requested, the traffic infraction enforcement officer shall provide a replica of the traffic notice of violation data to the clerk for the local hearing officer having jurisdiction over the alleged offense within 14 days.

The bill repeals s. 316.650(3)(c), F.S., regarding traffic citations issued under the Mark Wandall Traffic Safety Program.

Amount of Penalties (Section 14)
Sections 318.18(15) and (22), F.S., provide for the amount of penalties for violations relating to traffic infraction detectors and the distribution of such penalties.

Section 318.18(15)(a)2., F.S., provides for distribution of the penalty for a violation enforced by DHSMV's traffic infraction enforcement officers. Section 318.18(15)(a)3., F.S., provides the penalties for violations enforced by a county's or municipality's traffic infraction enforcement officer. Section 318.18(15)(c), F.S., authorizes the clerk of court or the clerk to the local hearing officer to dismiss the case if the notice of violation was issued in error.

Section 318.18(15)(d), F.S., provides that an individual may not receive a commission or per-ticket fee from any revenue collected from violations detected through the use of a traffic infraction detector. A manufacturer or vendor may not receive a fee or remuneration based upon the number of violations detected through the use of traffic infraction detectors.

Section 318.18(22), F.S. provides that in addition to the penalty prescribed in the Mark Wandall Traffic Safety Program which are upheld, the local hearing officer may also order the payment of county or municipal costs, not to exceed $250.

The bill amends s. 318.18(15), F.S., removing "when issued by a law enforcement officer" to provisions relating to the penalties for failing to stop at a traffic signal. The bill also removes provisions for the distribution of penalties, commission or per ticket fees or payment on the number of violations. The bill also repeals s. 318.18(22), F.S., relating to the payment of county and municipal costs.

Authority of DHSMV to suspend or revoke driver license or identification card (Section 16)
Section 322.27(3), F.S., provides the point system for the evaluation of convictions for motor vehicle violations. Section 322.27(3)(d)6., F.S., provides that the points for the violation of a traffic control signal is 4 points. However, the sub-paragraph provides that no points are imposed for a violation for failing to stop at a traffic control signal when enforced by a traffic infraction enforcement officer. Additionally, a violation where a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer may not be used for purposes of setting motor vehicle insurance rates.

The bill repeals the provision of s. 322.27(3)(d)6., F.S., repealing provisions regarding points and insurance rates regarding convictions regarding traffic infraction detectors.

Cross-references (Sections 9, 11, 12, 13, and 15)
The bill amends ss. 28.37(5), 316.650(3)(a), 318.121, 318.14(2), and 320.03(8), F.S., conforming cross-references.

Effective Date (Section 17)
The bill has an effective date of July 1, 2019.

B. SECTION DIRECTORY:

Section 1 Repeals s. 316.003(87) and (91), F.S., providing the definition for "traffic infraction detector" and "local hearing officer."

Section 2 Repeals s. 316.008(8), F.S., relating to the powers of local authorities to use traffic infraction detectors.

Section 3 Repeals s. 316.0083, F.S., relating to the Mark Wandall Traffic Safety Program.

Section 4 Repeals s. 316.00831, F.S., relating to the distribution of penalties collected under s. 316.0083(1)(b), F.S.

Section 5 Repeals s. 316.07456, F.S., relating to transitional implementation.

Section 6 Repeals s. 316.0776, F.S., relating to traffic infraction detectors; placement and installation.

Section 7 Repeals s. 318.15(3), F.S., relating to failure to comply with civil penalty or appear; penalty as it relates to traffic infraction detectors.

Section 8 Repeals s. 321.50, F.S., relating to the authorization to use traffic infraction detectors.

Section 9 Amends s. 28.37, F.S., relating to fines, fees, service charges, and costs remitted to the state to conform a cross-reference.

Section 10 Amends s. 316.640, F.S., relating to enforcement.

Section 11 Amends s. 316.650, F.S., relating to traffic citations to conform a cross-reference.

Section 12 Amends s. 318.121, F.S., relating to the preemption of additional fees, fines, surcharges, and costs to conform a cross-reference.

Section 13 Amends s. 318.14, F.S., relating to noncriminal traffic infractions; exceptions; procedures to conform a cross-reference.

Section 14 Amends s. 318.18, F.S., relating to the amount of penalties.

Section 15 Amends s. 320.03, F.S., relating to registration; duties of tax collectors; International Registration Plan.

Section 16 Amends s. 322.27, F.S., relating to the authority of the department to suspend or revoke driver license or identification card.

Section 17 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

On October 16, 2015, the Revenue Estimating Conference reviewed the bill. The consensus estimate is that there will be the following **negative** recurring fiscal impact to state government revenues:

Fiscal Year	General Revenue	Trust Funds	Total
2016-2017	$54.8 million	$10.4 million	$65.2 million
2017-2018	$55.5 million	$10.6 million	$66.1 million
2018-2019	$56.1 million	$10.7 million	$66.8 million
2019-2020	$56.8 million	$10.8 million	$67.6 million
2020-2021	$57.5 million	$11.0 million	$68.5 million

2. Expenditures:

DOR will no longer incur the expenses associated with processing the payments from municipalities and counties and distributing the monies to the appropriate funds.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

On October 16, 2015, the Revenue Estimating Conference reviewed the bill. The consensus estimate is that there will be the following **negative** recurring fiscal impact to local government revenues:

Fiscal Year	Revenue
2016-2017	$63.3 million
2017-2018	$64.1 million
2018-2019	$64.9 million
2019-2020	$65.7 million
2020-2021	$66.5 million

2. Expenditures:

Municipalities and counties will no longer incur the expenses associated with traffic infraction detectors. However, these entities may incur some expenses associated with removing existing traffic infraction detectors.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The possibility of a $158 fine for the violation of a traffic infraction detector would be eliminated.

According to DHSMV, according to its 2015 survey, 71 jurisdictions responded that they operated traffic infraction detectors during the survey period. Each of these jurisdictions has a unique contract with a vendor to provide some, if not all, of the following services: installation, maintenance, monitoring, and citation issuance. The value of these contracts and the specific stakeholders are not clear at this time, but the impact will be significant.[42]

D. FISCAL COMMENTS:

The bill has a negative recurring impact even though it does not take effect until 2019. This is because revenues are considered nonrecurring until the effective date, given the prospective repeal of the law. Therefore, although there is no immediate loss of revenue, the accounting of those revenues as being temporary or time limited occurs immediately. The Revenue Estimating Conference met on October 16, 2015, and estimated that the bill has a recurring annual impact of $54.8 million to general revenue, $10.4 million to state trust funds, and $63.3 million to local government revenues.

According to DHSMV, passage of the bill would eliminate the need for the Annual Survey, Annual Red Light Camera Report, and the vendor approval process for the issuance of the Notices of Violation. This would also alleviate the workload related to handling red light camera disputes and for granting access and registration stops.[43]

The bill will also eliminate the need for hearings to dispute the issuance of red light camera notices of violation.[44]

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply because this bill diminishes their authority to raise revenue by repealing the authorization for traffic infraction detectors; however, an exception may apply since specific authority for traffic infraction detectors did not exist on February 1, 1989. Additionally, the bill also repeals the authority for DHSMV to install traffic infraction detectors.

2. Other:

Municipalities or counties may have contracts that provide for the use of traffic infraction detectors beyond July 1, 2019. To the extent that these contracts do not contain provisions regarding the termination of the contract upon the repeal of the authorization for traffic infraction detectors, there may be an impairment of contracts argument.

B. RULE-MAKING AUTHORITY:

While not in its rules, DHSMV indicates that the bill will require it to implement some procedure changes.[45]

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

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[42] DHSMV bill analysis of HB 4027. On file with the Economic Affairs Committee.
[43] *Id.*
[44] *Id.*
[45] *Id.*

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
2 An act relating to traffic infraction detectors;
3 repealing s. 316.003(87) and (91), F.S., relating to
4 the definitions of "traffic infraction detector" and
5 "local hearing officer"; repealing ss. 316.008(8),
6 316.0083, and 316.00831, F.S., relating to the
7 installation and use of traffic infraction detectors
8 to enforce specified provisions when a driver fails to
9 stop at a traffic signal, provisions that authorize
10 the Department of Highway Safety and Motor Vehicles, a
11 county, or a municipality to use such detectors, and
12 the distribution of penalties collected for specified
13 violations; repealing s. 316.07456, F.S., relating to
14 transitional implementation of such detectors;
15 repealing s. 316.0776, F.S., relating to placement and
16 installation of traffic infraction detectors;
17 repealing s. 318.15(3), F.S., relating to failure to
18 comply with a civil penalty; repealing s. 321.50,
19 F.S., relating to the authorization to use traffic
20 infraction detectors; amending ss. 28.37, 316.640,
21 316.650, 318.121, 318.14, 318.18, 320.03, and 322.27,
22 F.S., relating to distribution of proceeds,
23 enforcement by traffic infraction enforcement officers
24 using such detectors, procedures for disposition of
25 citations, preemption of additional fees or
26 surcharges, compliance, amount of penalties,

27 registration and renewal of license plates, and points
28 assessed for certain violations, to conform provisions
29 to changes made by the act; providing an effective
30 date.
31
32 Be It Enacted by the Legislature of the State of Florida:
33
34 Section 1. Subsections (87) and (91) of section 316.003,
35 Florida Statutes, are repealed.
36 Section 2. Subsection (8) of section 316.008, Florida
37 Statutes, is repealed.
38 Section 3. Section 316.0083, Florida Statutes, is
39 repealed.
40 Section 4. Section 316.00831, Florida Statutes, is
41 repealed.
42 Section 5. Section 316.07456, Florida Statutes, is
43 repealed.
44 Section 6. Section 316.0776, Florida Statutes, is
45 repealed.
46 Section 7. Subsection (3) of section 318.15, Florida
47 Statutes, is repealed.
48 Section 8. Section 321.50, Florida Statutes, is repealed.
49 Section 9. Subsection (5) of section 28.37, Florida
50 Statutes, is amended to read:
51 28.37 Fines, fees, service charges, and costs remitted to
52 the state.—

53 (5) Ten percent of all court-related fines collected by
54 the clerk, except for penalties or fines distributed to counties
55 or municipalities under ~~s. 316.0083(1)(b)3. or~~ s. 318.18(15)~~(a)~~,
56 shall be deposited into the clerk's Public Records Modernization
57 Trust Fund to be used exclusively for additional clerk court-
58 related operational needs and program enhancements.
59 Section 10. Paragraph (b) of subsection (1) and paragraph
60 (a) of subsection (5) of section 316.640, Florida Statutes, are
61 amended to read:
62 316.640 Enforcement.—The enforcement of the traffic laws
63 of this state is vested as follows:
64 (1) STATE.—
65 (b)1. The Department of Transportation has authority to
66 enforce on all the streets and highways of this state all laws
67 applicable within its authority.
68 2.a. The Department of Transportation shall develop
69 training and qualifications standards for toll enforcement
70 officers whose sole authority is to enforce the payment of tolls
71 pursuant to s. 316.1001. Nothing in this subparagraph shall be
72 construed to permit the carrying of firearms or other weapons,
73 nor shall a toll enforcement officer have arrest authority.
74 b. For the purpose of enforcing s. 316.1001, governmental
75 entities, as defined in s. 334.03, which own or operate a toll
76 facility may employ independent contractors or designate
77 employees as toll enforcement officers; however, any such toll
78 enforcement officer must successfully meet the training and

79 qualifications standards for toll enforcement officers
80 established by the Department of Transportation.
81 ~~3. For the purpose of enforcing s. 316.0083, the~~
82 ~~department may designate employees as traffic infraction~~
83 ~~enforcement officers. A traffic infraction enforcement officer~~
84 ~~must successfully complete instruction in traffic enforcement~~
85 ~~procedures and court presentation through the Selective Traffic~~
86 ~~Enforcement Program as approved by the Division of Criminal~~
87 ~~Justice Standards and Training of the Department of Law~~
88 ~~Enforcement, or through a similar program, but may not~~
89 ~~necessarily otherwise meet the uniform minimum standards~~
90 ~~established by the Criminal Justice Standards and Training~~
91 ~~Commission for law enforcement officers or auxiliary law~~
92 ~~enforcement officers under s. 943.13. This subparagraph does not~~
93 ~~authorize the carrying of firearms or other weapons by a traffic~~
94 ~~infraction enforcement officer and does not authorize a traffic~~
95 ~~infraction enforcement officer to make arrests. The department's~~
96 ~~traffic infraction enforcement officers must be physically~~
97 ~~located in the state.~~
98 (5)(a) Any sheriff's department or police department of a
99 municipality may employ, as a traffic infraction enforcement
100 officer, any individual who successfully completes instruction
101 in traffic enforcement procedures and court presentation through
102 the Selective Traffic Enforcement Program as approved by the
103 Division of Criminal Justice Standards and Training of the
104 Department of Law Enforcement, or through a similar program, but

105 who does not necessarily otherwise meet the uniform minimum
106 standards established by the Criminal Justice Standards and
107 Training Commission for law enforcement officers or auxiliary
108 law enforcement officers under s. 943.13. Any such traffic
109 infraction enforcement officer who observes the commission of a
110 traffic infraction or, in the case of a parking infraction, who
111 observes an illegally parked vehicle may issue a traffic
112 citation for the infraction when, based upon personal
113 investigation, he or she has reasonable and probable grounds to
114 believe that an offense has been committed which constitutes a
115 noncriminal traffic infraction as defined in s. 318.14. ~~In~~
116 ~~addition, any such traffic infraction enforcement officer may~~
117 ~~issue a traffic citation under s. 316.0083. For purposes of~~
118 ~~enforcing s. 316.0083, any sheriff's department or police~~
119 ~~department of a municipality may designate employees as traffic~~
120 ~~infraction enforcement officers.~~ The traffic infraction
121 enforcement officers must be physically located in the county of
122 the respective sheriff's or police department.
123 Section 11. Paragraphs (a) and (c) of subsection (3) of
124 section 316.650, Florida Statutes, are amended to read:
125 316.650 Traffic citations.—
126 (3)(a) Except for a traffic citation issued pursuant to s.
127 316.1001 ~~or s. 316.0083~~, each traffic enforcement officer, upon
128 issuing a traffic citation to an alleged violator of any
129 provision of the motor vehicle laws of this state or of any
130 traffic ordinance of any municipality or town, shall deposit the

131 original traffic citation or, in the case of a traffic
132 enforcement agency that has an automated citation issuance
133 system, the chief administrative officer shall provide by an
134 electronic transmission a replica of the citation data to a
135 court having jurisdiction over the alleged offense or with its
136 traffic violations bureau within 5 days after issuance to the
137 violator.
138 ~~(c) If a traffic citation is issued under s. 316.0083, the~~
139 ~~traffic infraction enforcement officer shall provide by~~
140 ~~electronic transmission a replica of the traffic citation data~~
141 ~~to the court having jurisdiction over the alleged offense or its~~
142 ~~traffic violations bureau within 5 days after the date of~~
143 ~~issuance of the traffic citation to the violator. If a hearing~~
144 ~~is requested, the traffic infraction enforcement officer shall~~
145 ~~provide a replica of the traffic notice of violation data to the~~
146 ~~clerk for the local hearing officer having jurisdiction over the~~
147 ~~alleged offense within 14 days.~~
148 Section 12. Section 318.121, Florida Statutes, is amended
149 to read:
150 318.121 Preemption of additional fees, fines, surcharges,
151 and costs.—Notwithstanding any general or special law, or
152 municipal or county ordinance, additional fees, fines,
153 surcharges, or costs other than the court costs and surcharges
154 assessed under s. 318.18(11), (13), (18), <u>and</u> (19)~~, and (22)~~ may
155 not be added to the civil traffic penalties assessed under this
156 chapter.

157 Section 13. Subsection (2) of section 318.14, Florida
158 Statutes, is amended to read:
159 318.14 Noncriminal traffic infractions; exception;
160 procedures.—
161 (2) Except as provided in s. 316.1001(2) ~~ss. 316.1001(2)~~
162 ~~and 316.0083~~, any person cited for a violation requiring a
163 mandatory hearing listed in s. 318.19 or any other criminal
164 traffic violation listed in chapter 316 must sign and accept a
165 citation indicating a promise to appear. The officer may
166 indicate on the traffic citation the time and location of the
167 scheduled hearing and must indicate the applicable civil penalty
168 established in s. 318.18. For all other infractions under this
169 section, except for infractions under s. 316.1001, the officer
170 must certify by electronic, electronic facsimile, or written
171 signature that the citation was delivered to the person cited.
172 This certification is prima facie evidence that the person cited
173 was served with the citation.
174 Section 14. Subsections (15) and (22) of section 318.18,
175 Florida Statutes, are amended to read:
176 318.18 Amount of penalties.—The penalties required for a
177 noncriminal disposition pursuant to s. 318.14 or a criminal
178 offense listed in s. 318.17 are as follows:
179 (15)~~(a)1.~~ One hundred and fifty-eight dollars for a
180 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
181 has failed to stop at a traffic signal ~~and when enforced by a~~
182 ~~law enforcement officer~~. Sixty dollars shall be distributed as

183 provided in s. 318.21, $30 shall be distributed to the General
184 Revenue Fund, $3 shall be remitted to the Department of Revenue
185 for deposit into the Brain and Spinal Cord Injury Trust Fund,
186 and the remaining $65 shall be remitted to the Department of
187 Revenue for deposit into the Emergency Medical Services Trust
188 Fund of the Department of Health.
189 ~~2. One hundred and fifty-eight dollars for a violation of~~
190 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
191 ~~stop at a traffic signal and when enforced by the department's~~
192 ~~traffic infraction enforcement officer. One hundred dollars~~
193 ~~shall be remitted to the Department of Revenue for deposit into~~
194 ~~the General Revenue Fund, $45 shall be distributed to the county~~
195 ~~for any violations occurring in any unincorporated areas of the~~
196 ~~county or to the municipality for any violations occurring in~~
197 ~~the incorporated boundaries of the municipality in which the~~
198 ~~infraction occurred, $10 shall be remitted to the Department of~~
199 ~~Revenue for deposit into the Department of Health Emergency~~
200 ~~Medical Services Trust Fund for distribution as provided in s.~~
201 ~~395.4036(1), and $3 shall be remitted to the Department of~~
202 ~~Revenue for deposit into the Brain and Spinal Cord Injury Trust~~
203 ~~Fund.~~
204 ~~3. One hundred and fifty-eight dollars for a violation of~~
205 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
206 ~~stop at a traffic signal and when enforced by a county's or~~
207 ~~municipality's traffic infraction enforcement officer. Seventy-~~
208 ~~five dollars shall be distributed to the county or municipality~~

209 ~~issuing the traffic citation, $70 shall be remitted to the~~
210 ~~Department of Revenue for deposit into the General Revenue Fund,~~
211 ~~$10 shall be remitted to the Department of Revenue for deposit~~
212 ~~into the Department of Health Emergency Medical Services Trust~~
213 ~~Fund for distribution as provided in s. 395.4036(1), and $3~~
214 ~~shall be remitted to the Department of Revenue for deposit into~~
215 ~~the Brain and Spinal Cord Injury Trust Fund.~~
216 ~~(b)~~ Amounts deposited into the Brain and Spinal Cord
217 Injury Trust Fund pursuant to this subsection shall be
218 distributed quarterly to the Miami Project to Cure Paralysis and
219 shall be used for brain and spinal cord research.
220 ~~(c) If a person who is mailed a notice of violation or~~
221 ~~cited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as~~
222 ~~enforced by a traffic infraction enforcement officer under s.~~
223 ~~316.0083, presents documentation from the appropriate~~
224 ~~governmental entity that the notice of violation or traffic~~
225 ~~citation was in error, the clerk of court or clerk to the local~~
226 ~~hearing officer may dismiss the case. The clerk of court or~~
227 ~~clerk to the local hearing officer may not charge for this~~
228 ~~service.~~
229 ~~(d) An individual may not receive a commission or per-~~
230 ~~ticket fee from any revenue collected from violations detected~~
231 ~~through the use of a traffic infraction detector. A manufacturer~~
232 ~~or vendor may not receive a fee or remuneration based upon the~~
233 ~~number of violations detected through the use of a traffic~~
234 ~~infraction detector.~~

235 ~~(e)~~ Funds deposited into the Department of Health
236 Emergency Medical Services Trust Fund under this subsection
237 shall be distributed as provided in s. 395.4036(1).
238 ~~(22) In addition to the penalty prescribed under s.~~
239 ~~316.0083 for violations enforced under s. 316.0083 which are~~
240 ~~upheld, the local hearing officer may also order the payment of~~
241 ~~county or municipal costs, not to exceed $250.~~
242 Section 15. Subsection (8) of section 320.03, Florida
243 Statutes, is amended to read:
244 320.03 Registration; duties of tax collectors;
245 International Registration Plan.—
246 (8) If the applicant's name appears on the list referred
247 to in s. 316.1001(4), s. 316.1967(6), ~~s. 318.15(3),~~ or s.
248 713.78(13), a license plate or revalidation sticker may not be
249 issued until that person's name no longer appears on the list or
250 until the person presents a receipt from the governmental entity
251 or the clerk of court that provided the data showing that the
252 fines outstanding have been paid. This subsection does not apply
253 to the owner of a leased vehicle if the vehicle is registered in
254 the name of the lessee of the vehicle. The tax collector and the
255 clerk of the court are each entitled to receive monthly, as
256 costs for implementing and administering this subsection, 10
257 percent of the civil penalties and fines recovered from such
258 persons. As used in this subsection, the term "civil penalties
259 and fines" does not include a wrecker operator's lien as
260 described in s. 713.78(13). If the tax collector has private tag

261 agents, such tag agents are entitled to receive a pro rata share
262 of the amount paid to the tax collector, based upon the
263 percentage of license plates and revalidation stickers issued by
264 the tag agent compared to the total issued within the county.
265 The authority of any private agent to issue license plates shall
266 be revoked, after notice and a hearing as provided in chapter
267 120, if he or she issues any license plate or revalidation
268 sticker contrary to the provisions of this subsection. This
269 section applies only to the annual renewal in the owner's birth
270 month of a motor vehicle registration and does not apply to the
271 transfer of a registration of a motor vehicle sold by a motor
272 vehicle dealer licensed under this chapter, except for the
273 transfer of registrations which includes the annual renewals.
274 This section does not affect the issuance of the title to a
275 motor vehicle, notwithstanding s. 319.23(8)(b).
276 Section 16. Paragraph (d) of subsection (3) of section
277 322.27, Florida Statutes, is amended to read:
278 322.27 Authority of department to suspend or revoke driver
279 license or identification card.—
280 (3) There is established a point system for evaluation of
281 convictions of violations of motor vehicle laws or ordinances,
282 and violations of applicable provisions of s. 403.413(6)(b) when
283 such violations involve the use of motor vehicles, for the
284 determination of the continuing qualification of any person to
285 operate a motor vehicle. The department is authorized to suspend
286 the license of any person upon showing of its records or other

287 good and sufficient evidence that the licensee has been
288 convicted of violation of motor vehicle laws or ordinances, or
289 applicable provisions of s. 403.413(6)(b), amounting to 12 or
290 more points as determined by the point system. The suspension
291 shall be for a period of not more than 1 year.
292 (d) The point system shall have as its basic element a
293 graduated scale of points assigning relative values to
294 convictions of the following violations:
295 1. Reckless driving, willful and wanton—4 points.
296 2. Leaving the scene of a crash resulting in property
297 damage of more than $50—6 points.
298 3. Unlawful speed, or unlawful use of a wireless
299 communications device, resulting in a crash—6 points.
300 4. Passing a stopped school bus—4 points.
301 5. Unlawful speed:
302 a. Not in excess of 15 miles per hour of lawful or posted
303 speed—3 points.
304 b. In excess of 15 miles per hour of lawful or posted
305 speed—4 points.
306 6. A violation of a traffic control signal device as
307 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
308 ~~However, no points shall be imposed for a violation of s.~~
309 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
310 ~~stop at a traffic signal and when enforced by a traffic~~
311 ~~infraction enforcement officer. In addition, a violation of s.~~
312 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~

313 ~~stop at a traffic signal and when enforced by a traffic~~
314 ~~infraction enforcement officer may not be used for purposes of~~
315 ~~setting motor vehicle insurance rates.~~
316 7. All other moving violations (including parking on a
317 highway outside the limits of a municipality)—3 points. However,
318 no points shall be imposed for a violation of s. 316.0741 or s.
319 316.2065(11); and points shall be imposed for a violation of s.
320 316.1001 only when imposed by the court after a hearing pursuant
321 to s. 318.14(5).
322 8. Any moving violation covered in this paragraph,
323 excluding unlawful speed and unlawful use of a wireless
324 communications device, resulting in a crash—4 points.
325 9. Any conviction under s. 403.413(6)(b)—3 points.
326 10. Any conviction under s. 316.0775(2)—4 points.
327 11. A moving violation covered in this paragraph which is
328 committed in conjunction with the unlawful use of a wireless
329 communications device within a school safety zone—2 points, in
330 addition to the points assigned for the moving violation.
331 Section 17. This act shall take effect July 1, 2019.

HB 4049

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4049 Scrutinized Companies
SPONSOR(S): Combee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	13 Y, 0 N	Moore	Williamson
2) Appropriations Committee		Delaney	Leznoff
3) State Affairs Committee			

SUMMARY ANALYSIS

The State Board of Administration (SBA) has responsibility for oversight of the Florida Retirement System (FRS) Pension Plan and FRS Investment Plan, which represents approximately $153.8 billion, or 87.1 percent, of the $176.5 billion in assets managed by the SBA. The SBA's ability to invest the FRS assets is governed by a "legal list" of the types of investments and the total percentage that may be invested in each type. Currently, the SBA may invest up to 35 percent of any of its funds in foreign corporate securities and obligations.

The Protecting Florida's Investment Act (PFIA) requires the SBA to identify and divest from assets in foreign companies doing business in Iran and Sudan. The PFIA requires the SBA to assemble and publish a list of "Scrutinized Companies" that have prohibited business operations in Sudan and Iran. Once placed on the list, the SBA and its investment managers are prohibited from acquiring those companies' securities and are required to divest those securities if the companies on the list do not cease the prohibited activities or take certain compensating actions involving petroleum or energy, oil or mineral extraction, power production, or military support activities.

The PFIA specifies that the SBA may no longer scrutinize companies with certain business operations in Iran, may no longer assemble the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, and must cease engagement, investment prohibitions, and divestment with respect to those companies upon the occurrence of certain actions by Congress or the President.

The bill repeals a provision requiring the SBA to cease scrutinizing and divesting of companies with certain business operations in Iran upon the occurrence of Congress or the President affirmatively and unambiguously declaring, by means including, but not limited to, legislation, executive order, or written certification from the President to Congress, that such mandatory divestment interferes with the conduct of United States foreign policy.

The bill does not appear to have a fiscal impact on the state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

State Board of Administration
The State Board of Administration (SBA or board) is established by Art. IV, s. 4(e) of the State Constitution and is composed of the Governor, the Chief Financial Officer, and the Attorney General. The SBA derives its powers to oversee state funds from Art. XII, s. 9 of the Constitution.

The SBA has responsibility for oversight of the Florida Retirement System (FRS) Pension Plan investments and the FRS Investment Plan,[1] which represent approximately $153.8 billion, or 87.1 percent, of the $176.5 billion in assets managed by the SBA, as of October 31, 2015.[2] The SBA also manages more than 30 other investment portfolios with combined assets of $22.9 billion, including the Florida Hurricane Catastrophe Fund, the Florida Lottery Fund, the Florida Pre-Paid College Plan, and various debt-service accounts for state bond issues.[3]

Investments
Investment decisions for the pension plan are made by fiduciaries hired by the state. Under Florida law, an SBA fiduciary charged with an investment decision must act as a prudent expert would under similar circumstances, taking into account all relevant substantive factors. A nine-member Investment Advisory Council provides recommendations on investment policy, strategy, and procedures.[4]

The SBA's ability to invest the FRS assets is governed by s. 215.47, F.S., which provides a "legal list" of the types of investments and the total percentage that may be invested in each type. Some "legal list" guidelines specific to the pension plan provide:

- No more than 80 percent of assets should be invested in domestic common stocks.
- No more than 75 percent of assets should be invested in internally managed common stocks.
- No more than 3 percent of equity assets should be invested in the equity securities of any one corporation, except to the extent a higher percentage of the same issue is included in a nationally recognized market index, based on market values, or except upon a specific finding by the board that such higher percentage is in the best interest of the fund.
- No more than 25 percent of assets should be invested in notes issued by FHA-insured or VA-guaranteed first mortgages on real property, or foreign government general obligations.
- No more than 35 percent of assets should be invested in foreign corporate or commercial securities or obligations.
- No more than 20 percent of assets should be invested in alternative investments.

State Sponsors of Terrorism
Countries that are determined by the United States Secretary of State to have repeatedly provided support for acts of international terrorism are designated as "State Sponsors of Terrorism" and are subject to sanctions under the Export Administration Act, the Arms Export Control Act, and the Foreign Assistance Act.[5] The four main categories of sanctions resulting from designations under these acts

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[1] Members in the FRS may elect to participate in the pension plan, which is a defined benefit plan, or the investment plan, which is a defined contribution plan.
[2] *See* State Board of Administration, *Performance Report to the Trustees*, October 31, 2015, *issued* December 15, 2015, p. 5-6, *available at* https://www.sbafla.com/fsb/Portals/Internet/Reports/20151031_Trustees_Performance_Reportrev.pdf.
[3] *Id.*
[4] Section 215.444, F.S.
[5] U.S. Department of State, *State Sponsors of Terrorism*, http://www.state.gov/j/ct/list/c14151.htm (last visited Jan. 21, 2016).

are: restrictions on U.S. foreign assistance, a ban on defense exports and sales, certain controls over exports of dual use items, and miscellaneous financial and other restrictions.[6]

The three countries currently designated by the U.S. Secretary of State as "State Sponsors of Terrorism" are Iran, Sudan, and Syria.[7]

Divestment of Securities

Divestment of securities is one method of applying economic pressures to companies, groups, or countries whose practices are not condoned by shareholders. Divestment may be used in conjunction with or in lieu of other sanctioning methods, such as economic embargoes and diplomatic and military activities. Alternatively, divestment may be used as a protective device if a particular investment carries a high level of risk to the performance of a fund.

Federal Divestment Laws

The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010[8] (CISADA) authorizes states to divest – within specified boundaries – from companies that invest in Iran. CISADA provides in pertinent part:

> Authority to Divest—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (d) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities in Iran described in subsection (c).

Section (c) of CISADA specifies that a person[9] engages in investment activities in Iran if the person:

- Has an investment of $20,000,000 or more in the energy sector of Iran, including in a person that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran; or
- Is a financial institution that extends $20,000,000 or more in credit to another person, for 45 days or more, if that person will use the credit for investment in the energy sector of Iran.

CISADA specifies that the authorization for a state or local government to divest ends 30 days after the President certifies to Congress that the government of Iran no longer satisfies the requirements for designation as a state sponsor of terrorism and has ceased the pursuit, acquisition, and development of certain weapons.[10]

Protecting Florida's Investment Act

In 2007, the Legislature unanimously passed the Protecting Florida's Investment Act (PFIA), which required the SBA to divest of companies with certain business operations in the countries of Sudan or Iran. The PFIA requires the SBA to assemble and publish a list of "Scrutinized Companies"[11] that have

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[6] *Id.*

[7] *Id.*

[8] 22 U.S.C. ss. 8501-8551.

[9] The term "person" includes corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals. 1 U.S.C. s. 1.

[10] *See* 22 U.S.C. s. 8551(a).

[11] Section 215.473(1)(t), F.S., defines "scrutinized company" as a company that meets any of the following criteria:

1. The company has business operations that involve contracts with or provision of supplies or services to the government of Sudan, companies in which the government of Sudan has any direct or indirect equity share, consortiums or projects commissioned by the government of Sudan, or companies involved in consortiums or projects commissioned by the government of Sudan , and:

a. More than 10 percent of the company's revenues or assets linked to Sudan involve oil-related activities or mineral-extraction activities; less than 75 percent of the company's revenues or assets linked to Sudan involve contracts with or provision of

prohibited business operations in Sudan or Iran. Once a company is placed on the list, the SBA and its investment managers are prohibited from acquiring that company's securities and are required to divest the company's securities if the company does not cease the prohibited activities or take certain compensating actions involving petroleum or energy, oil or mineral extraction, power production, or military support activities.

The PFIA specifies that the SBA may no longer scrutinize companies with certain business operations in Iran, may no longer assemble the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, and must cease engagement, investment prohibitions, and divestment with respect to those companies upon the occurrence of any of the following:

- The Congress or President of the United States affirmatively and unambiguously states, by means including, but not limited to, legislation, executive order, or written certification from the President to Congress, that the government of Iran has ceased to acquire weapons of mass destruction and support international terrorism;
- The United States revokes all sanctions imposed against the government of Iran; or
- The Congress or President of the United States affirmatively and unambiguously declares, by means including, but not limited to, legislation, executive order, or written certification from the President to Congress, that mandatory divestment of companies with business operations in Iran interferes with the conduct of United States foreign policy.

Effect of Proposed Changes

The bill repeals the provision requiring the SBA to cease scrutinizing and divesting of companies with certain business operations in Iran upon the occurrence of Congress or the President affirmatively and unambiguously declaring, by means including, but not limited to, legislation, executive order, or written certification from the President to Congress, that such mandatory divestment interferes with the conduct of United States foreign policy.

B. SECTION DIRECTORY:

Section 1 amends s. 215.471, F.S., relating to divesture by the SBA; Sudan; Iran.

Section 2 provides an effective date of July 1, 2016.

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oil-related or mineral-extracting products or services to the regional government of southern Sudan or a project or consortium created exclusively by that regional government; and the company has failed to take substantial action; or

b. More than 10 percent of the company's revenues or assets linked to Sudan involve power-production activities; less than 75 percent of the company's power-production activities include projects whose intent is to provide power or electricity to the marginalized populations of Sudan; and the company has failed to take substantial action.

2. The company is complicit in the Darfur genocide.

3. The company supplies military equipment within Sudan, unless it clearly shows that the military equipment cannot be used to facilitate offensive military actions in Sudan or the company implements rigorous and verifiable safeguards to prevent use of that equipment by forces actively participating in armed conflict. Examples of safeguards include post-sale tracking of such equipment by the company, certification from a reputable and objective third party that such equipment is not being used by a party participating in armed conflict in Sudan, or sale of such equipment solely to the regional government of southern Sudan or any internationally recognized peacekeeping force or humanitarian organization.

4. The company has business operations that involve contracts with or provision of supplies or services to the government of Iran, companies in which the government of Iran has any direct or indirect equity share, consortiums, or projects commissioned by the government of Iran, or companies involved in consortiums or projects commissioned by the government of Iran and:

a. More than 10 percent of the company's total revenues or assets are linked to Iran and involve oil-related activities or mineral-extraction activities; and the company has failed to take substantial action; or

b. The company has, with actual knowledge, on or after August 5, 1996, made an investment of $20 million or more, or any combination of investments of at least $10 million each, which in the aggregate equals or exceeds $20 million in any 12-month period, and which directly or significantly contributes to the enhancement of Iran's ability to develop the petroleum resources of Iran.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
   None.

2. Expenditures:
   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
   None.

2. Expenditures:
   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:
None.

D. FISCAL COMMENTS:
None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:
   Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:
   None.

B. RULE-MAKING AUTHORITY:
None.

C. DRAFTING ISSUES OR OTHER COMMENTS:
None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
2 An act relating to scrutinized companies; amending s.
3 215.473, F.S.; revising the conditions under which the
4 public fund may no longer scrutinize certain companies
5 with activities in the Iran petroleum energy sector;
6 providing an effective date.
7
8 Be It Enacted by the Legislature of the State of Florida:
9
10 Section 1. Paragraph (b) of subsection (5) of section
11 215.473, Florida Statutes, is amended to read:
12 215.473 Divestiture by the State Board of Administration;
13 Sudan; Iran.—
14 (5) EXPIRATION.—This section expires upon the occurrence
15 of all of the following:
16 (b) If any of the following occur, the public fund shall
17 no longer scrutinize companies according to subparagraph
18 (1)(u)4. and shall no longer assemble the Scrutinized Companies
19 with Activities in the Iran Petroleum Energy Sector List and
20 shall cease engagement, investment prohibitions, and divestment.
21 The public fund may reinvest in such companies if such companies
22 do not satisfy the criteria for inclusion in the Scrutinized
23 Companies with Activities in Sudan List:
24 1. The Congress or President of the United States
25 affirmatively and unambiguously states, by means including, but
26 not limited to, legislation, executive order, or written

27 certification from the President to Congress, that the
28 government of Iran has ceased to acquire weapons of mass
29 destruction and support international terrorism; or
30 2. The United States revokes all sanctions imposed against
31 the government of Iran~~; or~~
32 ~~3. The Congress or President of the United States~~
33 ~~affirmatively and unambiguously declares, by means including,~~
34 ~~but not limited to, legislation, executive order, or written~~
35 ~~certification from the President to Congress, that mandatory~~
36 ~~divestment of the type provided for in this section interferes~~
37 ~~with the conduct of United States foreign policy~~.
38 Section 2. This act shall take effect July 1, 2016.

HB 7107

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7107 PCB SAC 16-03 Public Employees
SPONSOR(S): State Affairs Committee, Caldwell
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: State Affairs Committee	10 Y, 8 N	Moore	Camechis
1) Appropriations Committee		Delaney	Leznoff

SUMMARY ANALYSIS

The Florida Retirement System (FRS) is a multiple-employer, contributory plan that provides retirement income benefits to 622,089 active members, 363,034 retired members and beneficiaries, and 38,058 members of the Deferred Retirement Option Program. It is the primary retirement plan for employees of the state and county government agencies, district school boards, state colleges, and universities. The FRS also serves as the retirement plan for participating employees of the 189 cities and 273 independent hospitals and special districts that have elected to join the system.

Members of the FRS have two plan options available for participation: the pension plan, which is a defined benefit plan, and the investment plan, which is a defined contribution plan. In addition to the two primary plans, some eligible members have the choice of participating in optional retirement plans, which include the Senior Management Service Optional Annuity Program (SMSOAP), the State Community College System Optional Retirement Program (SCCSORP), and the State University System Optional Retirement Program (SUSORP).

Effective July 1, 2016, the bill authorizes renewed membership in the investment plan for retirees of the investment plan, the SMSOAP, the SUSORP, or the SCCSORP. Such renewed member will be a renewed member of the appropriate membership class in the investment plan, unless employed in a position eligible for participation in the SUSORP or the SCCSORP, in which case the retiree will become a renewed member of the applicable optional retirement program.

Effective July 1, 2016, the bill establishes new survivor benefits for members of the investment plan who are killed in the line of duty. It provides the same survivor benefits to the spouse and children of such member as those currently provided for pension plan members who are killed in the line of duty. The bill also provides the survivor benefits for any member of the investment plan who has been killed in the line of duty since 2002, when members were first allowed to participate in the investment plan. It also provides a process for calculating the retroactive benefit.

Effective July 1, 2017, the bill changes the default from the pension plan to the investment plan for members who do not affirmatively choose a plan. The bill also extends the plan election period to the last business day of the eighth month after the month of hire.

The bill provides that a proper and legitimate state purpose is served by the bill, which includes providing benefits that are managed, administered, and funded in an actuarially sound manner. It also provides allocations for the survivor benefits authorized by the act and provides for adjustments to employer contribution rates in order to fund the proposed changes.

For the 2016-17 fiscal year (FY), the bill appropriates a recurring sum of $4.2 million from the General Revenue Fund and a recurring sum of $900 thousand from trust funds to Administered Funds in order to fund the increased employer contribution rates to be paid by state agencies, state universities, state colleges, and school districts. For FY 2016-17, the bill has a projected $3.6 million fiscal impact on counties and municipalities. *See* Fiscal Comments section for further discussion.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Florida Retirement System

The Florida Retirement System (FRS) was established in 1970 when the Legislature consolidated the Teachers' Retirement System, the State and County Officers and Employees' Retirement System, and the Highway Patrol Pension Fund. In 1972, the Judicial Retirement System was consolidated into the FRS, and in 2007, the Institute of Food and Agricultural Sciences Supplemental Retirement Program was consolidated under the Regular Class of the FRS as a closed group.[1]

The FRS is a multiple-employer, contributory plan[2] governed by the Florida Retirement System Act.[3] As of June 30, 2014, the FRS provides retirement income benefits to 622,089 active members,[4] 363,034 retired members and beneficiaries, and 38,058 members of the Deferred Retirement Option Program (DROP).[5] It is the primary retirement plan for employees of state and county government agencies, district school boards, state colleges, and universities. The FRS also serves as the retirement plan for participating employees of the 189 cities and 273 independent hospitals and special districts that have elected to join the system.[6]

The membership of the FRS is divided into five membership classes:[7]

- Regular Class[8] consists of 543,434 members (87.35 percent of the membership);
- Special Risk Class[9] includes 68,593 members (11.02 percent);
- Special Risk Administrative Support Class[10] has 84 members (.01 percent);
- Elected Officers' Class[11] has 2,187 members (0.35 percent); and
- Senior Management Service Class[12] has 7,791 members (1.25 percent).

Each class is funded separately based upon the costs attributable to the members of that class.

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[1] *Florida Retirement System Pension Plan And Other State Administered Systems Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2014*, at 29. A copy of the report can be found online at: http://www.dms.myflorida.com/workforce_operations/retirement/publications/annual_reports (last visited February 6, 2016) [hereinafter *Annual Report*].

[2] Prior to 1975, members of the FRS were required to make employee contributions of either 4 percent for Regular Class members or 6 percent for Special Risk Class members. Members were again required to contribute to the system after June 30, 2011.

[3] Chapter 121, F.S.

[4] As of June 30, 2014, the FRS Pension Plan, which is a defined benefit plan, had 512,364 members, and the investment plan, which is a defined contribution plan, had 109,725 members. *Annual Report*, *supra* note 1, at 112.

[5] *Id.*

[6] Florida Retirement System Participating Employers for Plan Year 2015-16, prepared by the Department of Management Services, Division of Retirement, Revised November 2015, at 8. A copy of the document can be found online at: https://www.rol.frs.state.fl.us/forms/part-emp.pdf (last visited February 6, 2016).

[7] Email from staff of the Division of Retirement dated February 12, 2015 (on file with the State Affairs Committee).

[8] The Regular Class is for all members who are not assigned to another class. Section 121.021(12), F.S.

[9] The Special Risk Class is for members employed as law enforcement officers, firefighters, correctional officers, probation officers, paramedics, and emergency technicians, among others. Section 121.0515, F.S.

[10] The Special Risk Administrative Support Class is for a special risk member who moved or was reassigned to a nonspecial risk law enforcement, firefighting, correctional, or emergency medical care administrative support position with the same agency, or who is subsequently employed in such a position under the FRS. Section 121.0515(8), F.S.

[11] The Elected Officers' Class is for elected state and county officers, and for those elected municipal or special district officers whose governing body has chosen Elected Officers' Class participation for its elected officers. Section 121.052, F.S.

[12] The Senior Management Service Class is for members who fill senior management level positions assigned by law to the Senior Management Service Class or authorized by law as eligible for Senior Management Service designation. Section 121.055, F.S.

Members of the FRS have two primary plan options available for participation:

- The pension plan, which is a defined benefit plan; and
- The investment plan, which is a defined contribution plan.

Certain members, as specified by law and position title, may, in lieu of FRS participation, participate in optional retirement plans.

FRS Investment Plan

In 2000, the Legislature created the Public Employee Optional Retirement Program (investment plan), a defined contribution plan offered to eligible employees as an alternative to the pension plan. The earliest that any member could participate in the investment plan was July 1, 2002.

The State Board of Administration (SBA) is primarily responsible for administering the investment plan.[13] The SBA is comprised of the Governor as chair, the Chief Financial Officer, and the Attorney General.[14]

A member vests immediately in all employee contributions paid to the investment plan.[15] With respect to the employer contributions, a member vests after completing one work year with an FRS employer.[16] Vested benefits are payable upon termination or death as a lump-sum distribution, direct rollover distribution, or periodic distribution.[17]

Benefits under the investment plan accrue in individual member accounts funded by both employee and employer contributions and investment earnings. Benefits are provided through employee-directed investments offered by approved investment providers. The amount of money contributed to each member's account varies by class as follows:

Membership Class	Percentage of Gross Compensation
Regular Class	6.30%
Special Risk Class	14.00%
Special Risk Administrative Support Class	7.95%
Elected Officers' Class	
• Justices and Judges	13.23%
• County Elected Officers	11.34%
• Others	9.38%
Senior Management Service Class	7.67%

FRS Pension Plan

The pension plan is a defined benefit plan that is administered by the secretary of the Department of Management Services (DMS) through the Division of Retirement (division).[18] Investment management is handled by the SBA.

Any member initially enrolled in the pension plan before July 1, 2011, vests in the pension plan after completing six years of service with an FRS employer.[19] For members initially enrolled on or after July

[13] Section 121.4501(8), F.S.
[14] Section 4(e), Art. IV, Fla. Const.
[15] Section 121.4501(6)(a), F.S.
[16] If a member terminates employment before vesting in the investment plan, the nonvested money is transferred from the member's account to the State Board of Administration (SBA) for deposit and investment by the SBA in its suspense account for up to five years. If the member is not reemployed as an eligible employee within five years, any nonvested accumulations transferred from a member's account to the SBA's suspense account are forfeited. Section 121.4501(6)(b) – (d), F.S.
[17] Section 121.591, F.S.
[18] Section 121.025, F.S.
[19] Section 121.021(45)(a), F.S.

1, 2011, the member vests in the pension plan after eight years of creditable service.[20] A member vests immediately in all employee contributions paid to the pension plan.

Benefits payable under the pension plan are calculated based on years of service x accrual rate x average final compensation.[21] The accrual rate varies by class as follows:

Membership Class	Accrual Rate
Regular Class	1.60%, 1.63%, 1.65%, 1.68%[22]
Special Risk Class	3.00%
Special Risk Administrative Support Class	1.60%, 1.63%, 1.65%, 1.68%[23]
Elected Officers' Class • Justices and Judges • Others	 3.33% 3.00%
Senior Management Service Class	2.00%

For most members of the pension plan, normal retirement occurs at the earliest attainment of 30 years of service or age 62.[24] For members in the Special Risk and Special Risk Administrative Support Classes, normal retirement is the earliest of 25 years of service or age 55.[25] Members initially enrolled in the pension plan on or after July 1, 2011, must complete 33 years of service or attain age 65, and members in the Special Risk and Special Risk Administrative Support Classes must complete 30 years of service or attain age 60.[26]

Default and Second Election

A new member has until the last business day of the fifth month following the member's month of hire to make a plan selection. If the member fails to make a selection, the member defaults to participation in the pension plan.[27]

After the initial election or default election to participate in either the pension plan or investment plan, a member has one opportunity, at the member's discretion and prior to termination or retirement, to choose to move from the pension plan to the investment plan or from the investment plan to the pension plan.[28]

Disability Benefits

Disability retirement benefits are provided for both in-line-of-duty disability and regular disability. Pension plan disability retirement benefits, which apply for investment plan members who qualify for disability,[29] compensate a member who is disabled in the line of duty up to 65 percent of the average monthly compensation as of the disability retirement date for Special Risk Class members. Other members may receive up to 42 percent of the member's average monthly compensation for disability retirement benefits. If a disability occurs other than in the line of duty, the monthly benefit may not be less than 25 percent of the average monthly compensation as of the disability retirement date. A member who qualifies for disability while enrolled in the investment plan may apply for benefits as if the employee were a member of the pension plan. If approved for retirement disability benefits, the member is transferred to the pension plan.[30]

[20] Section 121.021(45)(b), F.S.
[21] Section 121.091, F.S.
[22] Section 121.091(1)(a)1., F.S.
[23] Section 121.0515(8)(a), F.S.
[24] Section 121.021(29)(a)1., F.S.
[25] Section 121.021(29)(b)1., F.S.
[26] Sections 121.021(29)(a)2. and (b)2., F.S.
[27] Section 121.4501(4), F.S.
[28] Section 121.4501(4)(g), F.S.
[29] *See* s. 121.4501(16), F.S.
[30] Section 121.091(4)(f), F.S.

Death or Survivor Benefits

If the member is terminated by reason of death prior to becoming vested in the FRS, the member's beneficiary is only entitled to the member's accumulated contributions.[31] Under the pension plan, if the member has vested at the time of his or her death, the member's joint annuitant[32] is entitled to receive the optional form[33] of payment for the annuitant's lifetime.[34] If the designated beneficiary does not qualify as a joint annuitant, the member's beneficiary is only entitled to the return of the member's personal contributions, if any.[35] If the member dies in the line of duty, the surviving spouse of the member is entitled to receive a monthly benefit equal to one-half of the monthly salary being received by the member at the time of death for the rest of the surviving spouse's lifetime.[36] Members in the investment plan are not entitled to these death benefits; instead, the member's beneficiary is entitled to the balance of the member's investment plan account, provided the member has met the one-year vesting requirement.[37]

DROP

All membership classes in the FRS Pension Plan may participate in DROP, which allows a member to retire without terminating employment; a member who enters DROP may extend employment for an additional five years.[38] While in DROP, the member's retirement benefits accumulate and earn interest compounded monthly.[39]

Members in the FRS Investment Plan may not participate in DROP; investment plan members are considered retired from the FRS when the member takes a distribution from his or her account.[40]

Employment after Retirement

Section 121.091, F.S., governs the payment of benefits under the FRS. It requires a member of the FRS to terminate employment to begin receiving benefits, or begin participation in DROP to defer and accrue those benefits until termination from DROP. Termination occurs when a member ceases all employment relationships with her or his FRS employer.[41] Termination is void if any FRS-participating employer reemploys a member during a specified period of time.[42]

Subsection 121.091(9), F.S., governs employment after retirement. It allows reemployment of FRS retirees by a non-FRS employer and authorizes those retirees to continue receiving retirement benefits.[43]

An FRS retiree may be reemployed by an FRS employer provided certain requirements are met. A member who retired before July 1, 2010, may be reemployed by an FRS employer one calendar month

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[31] For purposes of disbursement of benefits, a member is considered retired as of the date of the death.

[32] A joint annuitant is considered to be the member's spouse, natural or legally adopted child who is either under age 25 or is physically or mentally disabled and incapable of self-support (regardless of age), or any person who is financially dependent upon the member for one-half or more of his or her support and is the member's parent, grandparent, or person for whom the member is the legal guardian. Section 121.021(28), F.S.

[33] Under the pension plan, a member has a choice of payment options. If the member dies prior to retirement, the member's joint annuitant is entitled to select either to receive the member's contributions or a reduced monthly benefit payment for life.

[34] Section 121.091(7)(b)1., F.S.

[35] Section 121.091(7)(b)2., F.S.

[36] Section 121.091(7)(d)1., F.S. If the surviving spouse dies, or if the member is not married, the monthly payment that would have otherwise gone to the surviving spouse must be paid for the use and benefit of the member's child or children that are under 18 years of age and unmarried until the 18th birthday of the member's youngest child. Section 121.091(7)(d)2. and 3., F.S.

[37] *See* s. 121.591(3)(b), F.S.

[38] Section 121.091(13)(a) and (b), F.S. Instructional personnel may extend employment for an additional eight years under certain circumstances.

[39] If DROP participation began prior to July 1, 2011, the effective annual interest rate was 6.5 percent. On or after July 1, 2011, the annual interest rate for DROP is 1.3 percent.

[40] *See* s. 121.4501(2)(k) and (4)(f), F.S.

[41] Section 121.021(39)(a), F.S.

[42] *Id.*

[43] Section 121.091(9)(a), F.S.

after retiring or after the member's DROP termination date. If the retiree is reemployed during months two through 12 after retiring or terminating DROP, the retiree may not receive her or his pension benefit until month 13. However, a retiree who retired before July 1, 2010, may be reemployed as instructional personnel on an annual contractual basis after one calendar month without having her or his retirement benefits disrupted.[44]

A member who retires on or after July 1, 2010, may not be reemployed by an FRS employer until month seven after retiring or after the member's DROP termination date. If the retiree is reemployed during months seven through 12 after retiring or terminating DROP, the retiree may not receive her or his pension benefit until month 13.[45] The reemployment exception for retirees reemployed as instructional personnel no longer applies to members who retire on or after July 1, 2010.

Renewed Membership

Retirees of the FRS Pension Plan or the FRS Investment Plan who were initially re-employed in covered employment by June 30, 2010, renewed their membership in the FRS (the member could choose to participate in either the pension plan or the investment plan) or other state-administered retirement system and earn service credit toward a subsequent retirement benefit. Renewed members are not eligible to participate in DROP or the Special Risk Class, and are not eligible for disability retirement. However, the surviving spouse and dependent child of a renewed member may qualify for survivor benefits.[46]

Currently, retirees initially reemployed in a regularly established position on or after July 1, 2010, are not eligible for renewed membership and will not earn creditable service toward a subsequent retirement benefit.[47] This restriction from renewed membership includes retirees of the FRS Pension Plan and the FRS Investment Plan, as well as members of an optional retirement program.

Health Insurance Subsidy

Upon the conclusion of DROP, or upon service retirement or disability retirement, a retiree is eligible to receive the Health Insurance Subsidy (HIS), which assists retired members in paying for the costs of health insurance.[48] Eligible retirees receive $5 per month for each year of creditable service used to calculate the retirement benefit. The HIS payment must be at least $30, but not more than $150 per month.[49]

Optional Retirement Programs

Eligible employees may choose to participate in one of three retirement programs instead of participating in the FRS:

- Members of the Senior Management Service Class may elect to enroll in the Senior Management Service Optional Annuity Program;[50]
- Members in specified positions in the State University System may elect to enroll in the State University System Optional Retirement Program;[51] and
- Members of a Florida College System institution may elect to enroll in the State Community College System Optional Retirement Program.[52]

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[44] Section 121.091(9)(b), F.S.
[45] Section 121.091(9)(c), .F.S.
[46] Section 121.122(1), F.S.
[47] Section 121.122(2), F.S.
[48] Sections 112.363(1) and (2), F.S.
[49] Section 112.363(3)(e), F.S.
[50] The Senior Management Service Optional Annuity Program (SMSOAP) was established in 1986 for members of the Senior Management Service Class. Employees in eligible positions may irrevocably elect to participate in the SMSOAP rather than the FRS. Section 121.055(6), F.S.
[51] Eligible participants of the State University System Optional Retirement Program (SUSORP) are automatically enrolled in the SUSORP. However, the member must execute a contract with a SUSORP provider within the first 90 days of employment or the employee will default into the pension plan. If the employee decides to remain in the SUSORP, the decision is irrevocable and the member must remain in the SUSORP as long as the member remains in a SUSORP-eligible position. Section 121.35, F.S.

Contribution Rates
FRS employers are responsible for contributing a set percentage of the member's monthly compensation to the division to be distributed into the FRS Contributions Clearing Trust Fund. The employer contribution rate is a blended contribution rate set by statute, which is the same percentage regardless of whether the member participates in the pension plan or the investment plan.[53] The rate is determined annually based on an actuarial study by DMS that calculates the necessary level of funding to support all of the benefit obligations under both FRS retirement plans.

The following are the current employer contribution rates for each class:[54]

Membership Class	Effective July 1, 2015
Regular Class	2.91%
Special Risk Class	11.35%
Special Risk Administrative Support Class	3.71%
Elected Officers' Class	
• Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	6.48%
• Justices and Judges	11.39%
• County Officers	8.48%
Senior Management Service Class	4.32%

Regardless of employee class, all employees contribute 3 percent of their compensation towards retirement.[55]

After employer and employee contributions are placed into the FRS Contributions Clearing Trust Fund, the allocations under the investment plan are transferred to third-party administrators to be placed in the employee's individual investment accounts, whereas contributions under the pension plan are transferred into the FRS Trust Fund.[56]

Effect of the Bill

Renewed Membership
Effective July 1, 2016, the bill allows for renewed membership for certain former participants of the investment plan, the Senior Management Service Optional Annuity Program, the State University System Optional Retirement Program (SUSORP), or the State Community College System Optional Retirement Program (SCCSORP). Such renewed member will be a renewed member of the appropriate membership class in the investment plan, unless employed in a position eligible for participation in the SUSORP or the SCCSORP, in which case the retiree will become a renewed member of the SUSORP or the SCCSORP, as applicable. To be eligible for renewed membership, the member must have retired from one of the four specified plans and must be employed in a regularly established position with a covered employer on or after July 1, 2016.

Such renewed member may not qualify for disability retirement benefits and must satisfy the vesting requirements of the specific plan. The bill prohibits certain funds from being paid into the renewed member's account for any employment in a regularly established position with a covered employer from

[52] If the member is eligible for participation in a State Community College System Optional Retirement Program, the member must elect to participate in the program within 90 days of employment. Unlike the other optional programs, an employee who elects to participate in this optional retirement program has one opportunity to transfer to the FRS. Section 1012.875, F.S.
[53] Section 121.70(1), F.S.
[54] Section 121.71(4), F.S.
[55] Section 121.71(3), F.S.
[56] *See* ss. 121.4503 and 121.72(1), F.S.

July 1, 2010, through June 30, 2016. A renewed member who is not receiving the maximum health insurance subsidy is entitled to earn additional credit toward the subsidy.

Line-of-Duty Death Benefits
The bill establishes line-of-duty death benefits for the investment plan. It provides survivor benefits to the spouse and children of members in the investment plan who are killed in the line of duty. The survivor benefits are the same as those currently provided for pension plan members who are killed in the line of duty, which is a monthly payment equal to one-half of the member's salary at the time of death. To receive the benefit, the spouse and children must elect to transfer the balance of the member's investment plan account to the survivor benefit account of the FRS Trust Fund. The line-of-duty death benefits supersede any other distribution that may have been provided by the member's designation of beneficiary.

The bill also provides survivor benefits for any member of the investment plan who has been killed in the line of duty since 2002, when members were first allowed to participate in the investment plan. For a member killed in the line of duty on or after July 1, 2002, but before July 1, 2016, the initial monthly benefit payable on or after July 1, 2016, will be equal to one-half the member's salary at the time of death, except that it will be:

- Actuarially reduced by the amount of the investment plan payout, if a payout was issued; and
- After the actuarial reduction, increased by the applicable cost-of-living adjustment that would have been payable if the survivor benefit payment had begun the month following the member's death. On each July 1 after the initial payment, the benefit will be increased by the applicable cost-of-living adjustment.

For Fiscal Year 2016-2017, upon notification from DMS that sufficient funds are not available to pay the survivor benefits, the bill directs the SBA to transfer funds from the Administrative Trust Fund to the survivor benefits account to ensure the timely payment of the benefits.

Default
For members initially enrolled in the FRS on or after July 1, 2017, the bill extends the plan election period from the last business day of the fifth month after the month of hire to the last business day of the eighth month after the month of hire to choose between participation in the investment plan or pension plan. If the member does not make a selection, the member will default to the investment plan instead of the pension plan. The bill maintains the member's second election option.

Important State Interest
The bill provides a statement of important state interest. It provides that a proper and legitimate state purpose is served by the bill, which includes providing benefits that are managed, administered, and funded in an actuarially sound manner.

B. SECTION DIRECTORY:

Section 1 amends s. 121.053, F.S., relating to participation in the Elected Officers' Class for retired members.

Section 2 amends s. 121.055, F.S., relating to the Senior Management Service Class.

Section 3 amends s. 121.091, F.S., relating to benefits payable under the FRS.

Section 4 amends s. 121.122, F.S., relating to renewed membership in the FRS.

Section 5 amends s. 121.4501, F.S., relating to the FRS Investment Plan.

Section 6 amends s. 121.571, F.S., relating to contributions.

Section 7 amends s. 121.591, F.S., relating to payment of benefits.

Section 8 creates s. 121.5912, F.S., relating to the survivor benefit retirement program.

Section 9 amends s. 121.71, F.S., relating to uniform rates.

Section 10 creates s. 121.735, F.S., relating to allocations for member line-of-duty death benefits.

Section 11 amends s. 121.74, F.S., relating to administrative and educational expenses.

Section 12 amends s. 121.75, F.S., relating to allocation for the pension plan.

Section 13 provides a mechanism to fund the survivor benefits account for Fiscal Year 2016-2017.

Section 14 requires employer contribution rates to be adjusted to fund changes made by the act.

Section 15 provides that the act fulfills an important state interest.

Section 16 provides an appropriation.

Section 17 provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   For the 2016-17 fiscal year (FY), the bill appropriates a recurring sum of $4.2 million from the General Revenue Fund and a recurring sum of $900 thousand from trust funds to Administered Funds in order to fund the increased employer contribution rates to be paid by state agencies, state universities, state colleges, and school districts. *See* Fiscal Comments for further discussion.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Death Benefits and Renewed Membership
The following table provides the projected (costs)/savings for FY 2016-17 (in millions):

	Death Benefits[57]		Renewed Membership		Total	
Employers Funded by State	GR	TF	GR	TF	GR	TF
State	(0.5)	(0.6)	(0.3)	(0.3)	(0.8)	(0.9)
School Boards	(1.1)		(1.6)		(2.7)	
Universities	(0.1)		(.3)		(0.4)	
State Colleges	(0.1)		(.2)		(0.3)	
Total	**(1.8)**	**(0.6)**	**(2.4)**	**(0.3)**	**(4.2)**	**(0.9)**

Employers Not Funded by State						
Counties	(2.5)		(0.6)		(3.1)	
Cities/Other	(.3)		(0.2)		(0.5)	
Grand Total	**(2.8)**		**(0.8)**		**(3.6)**	

Change in Default
The fiscal impact associated with changing the default from the pension plan to the investment plan is as follows:

- FY 2016-17 - No fiscal impact to the state or local governments
- FY 2017-18 - $50,000 impact to the General Revenue Fund, and $25,000 impact to local governments
- FY 2018-19 - $3,900,000 impact to the General Revenue Fund, and $1,500,000 impact to local governments[58]

Fiscal impacts for years, subsequent to FY 2016-17, will be imbedded in the recommended actuarial employer contribution rates determined in subsequent valuations and considered for funding by future legislatures.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   The mandates provision of Art. VII, s. 18, of the State Constitution may apply because this bill requires cities and counties to spend money or take an action that requires the expenditure of money; however, an exception applies as the Legislature has determined that this bill satisfies an important state interest. In addition, similarly situated persons are all required to comply.

2. Other:

   Actuarial Requirements

[57] The Milliman actuarial and consulting firm conducted an actuarial study to determine the cost of providing the line-of-duty death benefits created by the bill. The study was completed on January 19, 2016. A copy of the study is on file with the State Affairs Committee.
[58] The Milliman actuarial and consulting firm conducted an actuarial study to determine the cost associated with changing the default from the pension plan to the investment plan. The study was completed on March 6, 2015. A copy of the study is on file with the State Affairs Committee.

Article X, s. 14 of the State Constitution requires that benefit improvements under public pension plans in the State of Florida be concurrently funded on a sound actuarial basis, as set forth below:

> SECTION 14. State retirement systems benefit changes.--A governmental unit responsible for any retirement or pension system supported in whole or in part by public funds shall not after January 1, 1977, provide any increase in the benefits to the members or beneficiaries of such system unless such unit has made or concurrently makes provision for the funding of the increase in benefits on a sound actuarial basis.

Article X, s. 14 of the State Constitution is implemented by statute under part VII of ch. 112, F.S., the "Florida Protection of Public Employee Retirement Benefits Act" (Act). The Act establishes minimum standards for the operation and funding of public employee retirement systems and plans in the State of Florida. It prohibits the use of any procedure, methodology, or assumptions the effect of which is to transfer to future taxpayers any portion of the costs which may reasonably have been expected to be paid by the current taxpayers.

Contractual Obligations

Article I, s. 10 of the State Constitution prohibits any bill of attainder, ex post facto law, or law impairing the obligation of contracts from being passed by the Florida Legislature.

The Florida Statutes provide that the rights of members of the FRS are of a contractual nature, entered into between the member and the state, and such rights are legally enforceable as valid contractual rights and may not be abridged in any way.[59] This "preservation of rights" provision[60] was established by the Florida Legislature with an effective date of July 1, 1974.

The Florida Supreme Court has held that the Florida Legislature may only alter the benefits structure of the FRS prospectively.[61] The prospective application would only alter future benefits. Those benefits previously earned or accrued by the member under the previous benefit structure remain untouched, and the member continues to enjoy that level of benefit for the period of time up until the effective date of the proposed changes. Further, once the participating member reaches retirement status, the benefits under the terms of the FRS in effect at the time of the member's retirement vest.[62]

The Florida Supreme Court further held that the "preservation of rights" provision was not intended to bind future legislatures from prospectively altering benefits which accrue for future state service.[63] More recently, the Florida Supreme Court reaffirmed the previous holding, finding that the Legislature can alter the terms of the FRS, so long as the changes to the FRS are prospective.[64]

This bill does not change any benefits that a member earned prior to July 1, 2016.

B. RULE-MAKING AUTHORITY:

The bill authorizes the SBA and DMS to adopt any rules necessary to maintain the qualified status of the survivor benefit retirement program in the event that the Internal Revenue Service notifies them that the program will cause the FRS to be disqualified for tax purposes under the Internal Revenue Code.

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[59] Section 121.011(3)(d), F.S.

[60] The "preservation of rights" provision vests all rights and benefits already earned under the present retirement plan so the legislature may now only alter the benefits prospectively. *Florida Sheriffs Association v. Department of Administration, Division of Retirement*, 408 So. 2d 1033, 1037 (Fla. 1981).

[61] *Id.* at 1035.

[62] *Id.* at 1036.

[63] *Id.* at 1037.

[64] *Rick Scott, et al. v. George Williams, et al.*, 107 So. 3d 379 (Fla. 2013).

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
2 An act relating to public employees; amending s.
3 121.053, F.S.; authorizing renewed membership in the
4 Florida Retirement System for retirees who are
5 reemployed in a position eligible for the Elected
6 Officers' Class under certain circumstances; amending
7 s. 121.055, F.S.; providing for renewed membership in
8 the retirement system for retirees of the Senior
9 Management Service Optional Annuity Program who are
10 reemployed on or after a specified date; amending s.
11 121.091, F.S.; conforming a provision to changes made
12 by the act; amending s. 121.122, F.S.; requiring that
13 certain retirees who are reemployed on or after a
14 specified date be renewed members in the investment
15 plan; providing exceptions; specifying that creditable
16 service does not accrue for employment during a
17 specified period; prohibiting certain funds from being
18 paid into a renewed member's investment plan account
19 for a specified period of employment; requiring the
20 renewed member to satisfy vesting requirements;
21 prohibiting a renewed member from receiving specified
22 disability benefits; specifying limitations and
23 requirements; requiring the employer and the retiree
24 to make applicable contributions to the renewed
25 member's investment plan account; providing for the
26 transfer of contributions; authorizing a renewed

27 member to receive additional credit toward the health
28 insurance subsidy under certain circumstances;
29 prohibiting participation in the pension plan;
30 providing that a retiree reemployed on or after a
31 specified date in a regularly established position
32 eligible for the State University System Optional
33 Retirement Program or State Community College System
34 Optional Retirement Program is a renewed member of
35 that program; specifying limitations and requirements;
36 requiring the employer and the retiree to make
37 applicable contributions; amending s. 121.4501, F.S.;
38 revising definitions; revising a provision relating to
39 acknowledgement of an employee's election to
40 participate in the investment plan; enrolling certain
41 employees in the pension plan from their date of hire
42 until they are automatically enrolled in the
43 investment plan or timely elect enrollment in the
44 pension plan; providing certain members with a
45 specified time to choose participation in the pension
46 plan or the investment plan; conforming provisions to
47 changes made by the act; amending s. 121.571, F.S.;
48 conforming provisions to changes made by the act;
49 amending s. 121.591, F.S.; authorizing payment of
50 death benefits to the surviving spouse or surviving
51 children of a member in the investment plan;
52 establishing qualifications and eligibility

53 requirements for receipt of such benefits; prescribing
54 the method of calculating the benefit; specifying
55 circumstances under which benefit payments are
56 terminated; creating s. 121.5912, F.S.; providing
57 legislative intent; requiring the State Board of
58 Administration or the Division of Retirement of the
59 Department of Management Services to take certain
60 action upon receipt of notification of
61 disqualification from the Internal Revenue Service;
62 authorizing the state board and the department to
63 adopt rules; amending s. 121.71, F.S.; conforming
64 provisions to changes made by the act; creating s.
65 121.735, F.S.; providing for allocations for death
66 benefits authorized by the act; amending ss. 121.74
67 and 121.75, F.S.; conforming provisions to changes
68 made by the act; requiring the State Board of
69 Administration to transfer moneys to fund survivor
70 benefit payments under specified circumstances;
71 adjusting employer contribution rates in order to fund
72 changes made by the act; providing a directive to the
73 Division of Law Revision and Information; declaring
74 that the act fulfills an important state interest;
75 providing an appropriation; providing an effective
76 date.
77
78 Be It Enacted by the Legislature of the State of Florida:

79

80 Section 1. Paragraph (a) of subsection (3) and subsection
81 (5) of section 121.053, Florida Statutes, are amended to read:
82 121.053 Participation in the Elected Officers' Class for
83 retired members.—
84 (3) On or after July 1, 2010:
85 (a) A retiree of a state-administered retirement system
86 who is initially reemployed in ~~elected or appointed for the~~
87 ~~first time to~~ an elective office in a regularly established
88 position with a covered employer may not reenroll in the Florida
89 Retirement System, except as provided in s. 121.122.
90 (5) Any renewed member, as described in s. 121.122(1),
91 (3), (4), or (5) ~~subsection (1) or subsection (2)~~, who is not
92 receiving the maximum health insurance subsidy provided in s.
93 112.363 is entitled to earn additional credit toward the maximum
94 health insurance subsidy. Any additional subsidy due because of
95 such additional credit may be received only at the time of
96 payment of the second career retirement benefit. The total
97 health insurance subsidy received from initial and renewed
98 membership may not exceed the maximum allowed in s. 112.363.
99 Section 2. Paragraph (f) of subsection (1) and paragraph
100 (c) of subsection (6) of section 121.055, Florida Statutes, are
101 amended to read:
102 121.055 Senior Management Service Class.—There is hereby
103 established a separate class of membership within the Florida
104 Retirement System to be known as the "Senior Management Service

105 Class," which shall become effective February 1, 1987.
106 (1)
107 (f) Effective July 1, 1997:
108 1. Except as provided in subparagraph 3., an elected state
109 officer eligible for membership in the Elected Officers' Class
110 under s. 121.052(2)(a), (b), or (c) who elects membership in the
111 Senior Management Service Class under s. 121.052(3)(c) may,
112 within 6 months after assuming office or within 6 months after
113 this act becomes a law for serving elected state officers, elect
114 to participate in the Senior Management Service Optional Annuity
115 Program, as provided in subsection (6), in lieu of membership in
116 the Senior Management Service Class.
117 2. Except as provided in subparagraph 3., an elected
118 officer of a local agency employer eligible for membership in
119 the Elected Officers' Class under s. 121.052(2)(d) who elects
120 membership in the Senior Management Service Class under s.
121 121.052(3)(c) may, within 6 months after assuming office, or
122 within 6 months after this act becomes a law for serving elected
123 officers of a local agency employer, elect to withdraw from the
124 Florida Retirement System, as provided in subparagraph (b)2., in
125 lieu of membership in the Senior Management Service Class.
126 3. A retiree of a state-administered retirement system who
127 is initially reemployed in a regularly established position on
128 or after July 1, 2010, <u>through June 30, 2016,</u> as an elected
129 official eligible for the Elected Officers' Class may not be
130 enrolled in renewed membership in the Senior Management Service

131 Class or in the Senior Management Service Optional Annuity
132 Program as provided in subsection (6), and may not withdraw from
133 the Florida Retirement System as a renewed member as provided in
134 subparagraph (b)2., as applicable, in lieu of membership in the
135 Senior Management Service Class. Effective July 1, 2016, a
136 retiree of the Senior Management Service Optional Annuity
137 Program who is reemployed in a regularly established position
138 with a covered employer shall be enrolled as a renewed member as
139 provided in s. 121.122.
140 (6)
141 (c) Participation.—
142 1. An eligible employee who is employed on or before
143 February 1, 1987, may elect to participate in the optional
144 annuity program in lieu of participating in the Senior
145 Management Service Class. Such election shall ~~must~~ be made in
146 writing and filed with the department and the personnel officer
147 of the employer on or before May 1, 1987. An eligible employee
148 who is employed on or before February 1, 1987, and who fails to
149 make an election to participate in the optional annuity program
150 by May 1, 1987, is ~~shall be~~ deemed to have elected membership in
151 the Senior Management Service Class.
152 2. Except as provided in subparagraph 6., an employee who
153 becomes eligible to participate in the optional annuity program
154 by reason of initial employment commencing after February 1,
155 1987, may, within 90 days after the date of commencing
156 employment, elect to participate in the optional annuity

157 program. Such election shall ~~must~~ be made in writing and filed
158 with the personnel officer of the employer. An eligible employee
159 who does not within 90 days after commencing employment elect to
160 participate in the optional annuity program is ~~shall be~~ deemed
161 to have elected membership in the Senior Management Service
162 Class.
163 3. A person who is appointed to a position in the Senior
164 Management Service Class and who is a member of an existing
165 retirement system or the Special Risk or Special Risk
166 Administrative Support Classes of the Florida Retirement System
167 may elect to remain in such system or class in lieu of
168 participating in the Senior Management Service Class or optional
169 annuity program. Such election shall ~~must~~ be made in writing and
170 filed with the department and the personnel officer of the
171 employer within 90 days after such appointment. An eligible
172 employee who fails to make an election to participate in the
173 existing system, the Special Risk Class of the Florida
174 Retirement System, the Special Risk Administrative Support Class
175 of the Florida Retirement System, or the optional annuity
176 program is ~~shall be~~ deemed to have elected membership in the
177 Senior Management Service Class.
178 4. Except as provided in subparagraph 5., an employee's
179 election to participate in the optional annuity program is
180 irrevocable if the employee continues to be employed in an
181 eligible position and continues to meet the eligibility
182 requirements set forth in this paragraph.

183 5. Effective from July 1, 2002, through September 30,
184 2002, an active employee in a regularly established position who
185 has elected to participate in the Senior Management Service
186 Optional Annuity Program has one opportunity to choose to move
187 from the Senior Management Service Optional Annuity Program to
188 the Florida Retirement System Pension Plan.
189 a. The election shall ~~must~~ be made in writing and ~~must be~~
190 filed with the department and the personnel officer of the
191 employer before October 1, 2002, or, in the case of an active
192 employee who is on a leave of absence on July 1, 2002, within 90
193 days after the conclusion of the leave of absence. This election
194 is irrevocable.
195 b. The employee shall receive service credit under the
196 pension plan equal to his or her years of service under the
197 Senior Management Service Optional Annuity Program. The cost for
198 such credit is the amount representing the present value of that
199 employee's accumulated benefit obligation for the affected
200 period of service.
201 c. The employee shall ~~must~~ transfer the total accumulated
202 employer contributions and earnings on deposit in his or her
203 Senior Management Service Optional Annuity Program account. If
204 the transferred amount is not sufficient to pay the amount due,
205 the employee shall ~~must~~ pay a sum representing the remainder of
206 the amount due. The employee may not retain any employer
207 contributions or earnings from the Senior Management Service
208 Optional Annuity Program account.

209 6. A retiree of a state-administered retirement system who
210 is initially reemployed on or after July 1, 2010, may not renew
211 membership in the Senior Management Service Optional Annuity
212 Program. Effective July 1, 2016, a retiree of the Senior
213 Management Service Optional Annuity Program who is reemployed in
214 a regularly established position with a covered employer shall
215 be enrolled as a renewed member as provided in s. 121.122.
216 Section 3. Paragraph (c) of subsection (9) of section
217 121.091, Florida Statutes, is amended to read:
218 121.091 Benefits payable under the system.—Benefits may
219 not be paid under this section unless the member has terminated
220 employment as provided in s. 121.021(39)(a) or begun
221 participation in the Deferred Retirement Option Program as
222 provided in subsection (13), and a proper application has been
223 filed in the manner prescribed by the department. The department
224 may cancel an application for retirement benefits when the
225 member or beneficiary fails to timely provide the information
226 and documents required by this chapter and the department's
227 rules. The department shall adopt rules establishing procedures
228 for application for retirement benefits and for the cancellation
229 of such application when the required information or documents
230 are not received.
231 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—
232 (c) Any person whose retirement is effective on or after
233 July 1, 2010, or whose participation in the Deferred Retirement
234 Option Program terminates on or after July 1, 2010, who is

235 retired under this chapter, except under the disability
236 retirement provisions of subsection (4) or as provided in s.
237 121.053, may be reemployed by an employer that participates in a
238 state-administered retirement system and receive retirement
239 benefits and compensation from that employer. However, a person
240 may not be reemployed by an employer participating in the
241 Florida Retirement System before meeting the definition of
242 termination in s. 121.021 and may not receive both a salary from
243 the employer and retirement benefits for 6 calendar months after
244 meeting the definition of termination. However, a DROP
245 participant shall continue employment and receive a salary
246 during the period of participation in the Deferred Retirement
247 Option Program, as provided in subsection (13).
248 1. The reemployed retiree may not renew membership in the
249 Florida Retirement System, except as provided in s. 121.122.
250 2. The employer shall pay retirement contributions in an
251 amount equal to the unfunded actuarial liability portion of the
252 employer contribution that would be required for active members
253 of the Florida Retirement System in addition to the
254 contributions required by s. 121.76.
255 3. A retiree initially reemployed in violation of this
256 paragraph and an employer that employs or appoints such person
257 are jointly and severally liable for reimbursement of any
258 retirement benefits paid to the retirement trust fund from which
259 the benefits were paid, including the Florida Retirement System
260 Trust Fund and the Public Employee Optional Retirement Program

261 Trust Fund, as appropriate. The employer must have a written
262 statement from the employee that he or she is not retired from a
263 state-administered retirement system. Retirement benefits shall
264 remain suspended until repayment is made. Benefits suspended
265 beyond the end of the retiree's 6-month reemployment limitation
266 period shall apply toward the repayment of benefits received in
267 violation of this paragraph.
268 Section 4. Subsection (2) of section 121.122, Florida
269 Statutes, is amended, and subsections (3) through (5) are added
270 to that section, to read:
271 121.122 Renewed membership in system.—
272 (2) Except as otherwise provided in subsections (3)-(5), a
273 retiree of a state-administered retirement system who is
274 initially reemployed in a regularly established position on or
275 after July 1, 2010, may not be enrolled as a renewed member.
276 (3) A retiree of the investment plan, the State University
277 System Optional Retirement Program, the Senior Management
278 Service Optional Annuity Program, or the State Community College
279 System Optional Retirement Program who is reemployed with a
280 covered employer in a regularly established position on or after
281 July 1, 2016, shall be enrolled as a renewed member of the
282 investment plan unless employed in a position eligible for
283 participation in the State University System Optional Retirement
284 Program as provided in subsection (4) or the State Community
285 College System Optional Retirement Program as provided in
286 subsection (5). The renewed member must satisfy the vesting

287 requirements and other provisions of this chapter.
288 (a) A renewed member of the investment plan shall be
289 enrolled in one of the following membership classes:
290 1. In the Regular Class, if the position does not meet the
291 requirements for membership under s. 121.0515, s. 121.053, or s.
292 121.055.
293 2. In the Special Risk Class, if the position meets the
294 requirements of s. 121.0515.
295 3. In the Elected Officers' Class, if the position meets
296 the requirements of s. 121.053.
297 4. In the Senior Management Service Class, if the position
298 meets the requirements of s. 121.055.
299 (b) Creditable service, including credit toward the
300 retiree health insurance subsidy provided in s. 112.363, does
301 not accrue for a renewed member's employment in a regularly
302 established position with a covered employer from July 1, 2010,
303 through June 30, 2016.
304 (c) Employer and employee contributions, interest,
305 earnings, or any other funds may not be paid into a renewed
306 member's investment plan account for any employment in a
307 regularly established position with a covered employer on or
308 after July 1, 2010, through June 30, 2016, by the renewed member
309 or the employer on behalf of the renewed member.
310 (d) To be eligible to receive a retirement benefit, the
311 renewed member must satisfy the vesting requirements in s.
312 121.4501(6).

313 (e) The renewed member is ineligible to receive disability
314 benefits as provided in s. 121.091(4) or s. 121.591(2).
315 (f) The renewed member is subject to the limitations on
316 reemployment after retirement provided in s. 121.091(9), as
317 applicable.
318 (g) The renewed member must satisfy the requirements for
319 termination from employment provided in s. 121.021(39).
320 (h) Upon renewed membership or reemployment of a retiree,
321 the employer and the renewed member shall pay the applicable
322 employer and employee contributions required under ss. 112.363,
323 121.71, 121.74, and 121.76. The contributions are payable only
324 for employment and salary earned in a regularly established
325 position with a covered employer on or after July 1, 2016. The
326 employer and employee contributions shall be transferred to the
327 investment plan and placed in a default fund as designated by
328 the state board. The renewed member may move the contributions
329 once an account is activated in the investment plan.
330 (i) A renewed member who earns creditable service under
331 the investment plan and who is not receiving the maximum health
332 insurance subsidy provided in s. 112.363 is entitled to earn
333 additional credit toward the subsidy. Such credit may be earned
334 only for employment in a regularly established position with a
335 covered employer on or after July 1, 2016. Any additional
336 subsidy due because of additional credit may be received only at
337 the time of paying the second career retirement benefit. The
338 total health insurance subsidy received by a retiree receiving

339 benefits from initial and renewed membership may not exceed the
340 maximum allowed under s. 112.363.
341 (j) Notwithstanding s. 121.4501(4)(g), the renewed member
342 is not eligible to elect membership in the pension plan.
343 (4) A retiree of the investment plan, the State University
344 System Optional Retirement Program, the Senior Management
345 Service Optional Annuity Program, or the State Community College
346 System Optional Retirement Program who is reemployed on or after
347 July 1, 2016, in a regularly established position eligible for
348 participation in the State University System Optional Retirement
349 Program shall become a renewed member of the optional retirement
350 program. The renewed member must satisfy the vesting
351 requirements and other provisions of this chapter. Once
352 enrolled, a renewed member remains enrolled in the optional
353 retirement program while employed in an eligible position for
354 the optional retirement program. If employment in a different
355 covered position results in the renewed member's enrollment in
356 the investment plan, the renewed member is no longer eligible to
357 participate in the optional retirement program unless employed
358 in a mandatory position under s. 121.35.
359 (a) The renewed member is subject to the limitations on
360 reemployment after retirement provided in s. 121.091(9), as
361 applicable.
362 (b) The renewed member must satisfy the requirements for
363 termination from employment provided in s. 121.021(39).
364 (c) Upon renewed membership or reemployment of a retiree,

365 the employer and the renewed member shall pay the applicable
366 employer and employee contributions required under s. 121.35.
367 (d) Employer and employee contributions, interest,
368 earnings, or any other funds may not be paid into a renewed
369 member's optional retirement program account for any employment
370 in a regularly stablished position with a covered employer on or
371 after July 1, 2010, through June 30, 2016, by the renewed member
372 or the employer on behalf of the renewed member.
373 (e) Notwithstanding s. 121.4501(4)(g), the renewed member
374 is not eligible to elect membership in the pension plan.
375 (5) A retiree of the investment plan, the State University
376 System Optional Retirement Program, the Senior Management
377 Service Optional Annuity Program, or the State Community College
378 System Optional Retirement Program who is reemployed on or after
379 July 1, 2016, in a regularly established position eligible for
380 participation in the State Community College System Optional
381 Retirement Program shall become a renewed member of the optional
382 retirement program. The renewed member must satisfy the
383 eligibility requirements of this chapter and s. 1012.875 for the
384 optional retirement program. Once enrolled, a renewed member
385 remains enrolled in the optional retirement program while
386 employed in an eligible position for the optional retirement
387 program. If employment in a different covered position results
388 in the renewed member's enrollment in the investment plan, the
389 renewed member is no longer eligible to participate in the
390 optional retirement program.

391 (a) The renewed member is subject to the limitations on
392 reemployment after retirement provided in s. 121.091(9), as
393 applicable.
394 (b) The renewed member must satisfy the requirements for
395 termination from employment provided in s. 121.021(39).
396 (c) Upon renewed membership or reemployment of a retiree,
397 the employer and the renewed member shall pay the applicable
398 employer and employee contributions required under ss.
399 121.051(2)(c) and 1012.875.
400 (d) Employer and employee contributions, interest,
401 earnings, or any other funds may not be paid into a renewed
402 member's optional retirement program account for any employment
403 in a regularly established position with a covered employer on
404 or after July 1, 2010, through June 30, 2016, by the renewed
405 member or the employer on behalf of the renewed member.
406 (e) Notwithstanding s. 121.4501(4)(g), the renewed member
407 is not eligible to elect membership in the pension plan.
408 Section 5. Paragraphs (e) and (i) of subsection (2),
409 paragraph (b) of subsection (3), subsection (4), paragraph (c)
410 of subsection (5), and paragraphs (a) and (h) of subsection (10)
411 of section 121.4501, Florida Statutes, are amended to read:
412 121.4501 Florida Retirement System Investment Plan.—
413 (2) DEFINITIONS.—As used in this part, the term:
414 (e) "Eligible employee" means an officer or employee, as
415 defined in s. 121.021, who:
416 1. Is a member of, or is eligible for membership in, the

417 Florida Retirement System, including any renewed member of the
418 Florida Retirement System initially enrolled before July 1,
419 2010; ~~or~~
420 2. Participates in, or is eligible to participate in, the
421 Senior Management Service Optional Annuity Program as
422 established under s. 121.055(6), the State Community College
423 System Optional Retirement Program as established under s.
424 121.051(2)(c), or the State University System Optional
425 Retirement Program established under s. 121.35; or
426 3. Is a retired member of the investment plan, the State
427 University System Optional Retirement Program, the Senior
428 Management Service Optional Annuity Program, or the State
429 Community College System Optional Retirement Program who is
430 reemployed in a regularly established position on or after July
431 1, 2016, and enrolled as a renewed member as provided in s.
432 121.122.
433
434 The term does not include any member participating in the
435 Deferred Retirement Option Program established under s.
436 121.091(13), a retiree of the pension plan who is reemployed in
437 a regularly established position on or after July 1, 2010, a
438 retiree of a state-administered retirement system initially
439 reemployed in a regularly established position on or after July
440 1, 2010, through June 30, 2016, or a mandatory participant of
441 the State University System Optional Retirement Program
442 established under s. 121.35.

443 (i) "Member" or "employee" means an eligible employee who
444 enrolls in, or who defaults into, the investment plan as
445 provided in subsection (4), a terminated Deferred Retirement
446 Option Program member as described in subsection (21), or a
447 beneficiary or alternate payee of a member or employee.
448 (3) RETIREMENT SERVICE CREDIT; TRANSFER OF BENEFITS.—
449 (b) Notwithstanding paragraph (a), an eligible employee
450 who elects to participate in, or who defaults into, the
451 investment plan and establishes one or more individual member
452 accounts may elect to transfer to the investment plan a sum
453 representing the present value of the employee's accumulated
454 benefit obligation under the pension plan, except as provided in
455 paragraph (4)(b). Upon transfer, all service credit earned under
456 the pension plan is nullified for purposes of entitlement to a
457 future benefit under the pension plan. A member may not transfer
458 the accumulated benefit obligation balance from the pension plan
459 after the time period for enrolling in the investment plan has
460 expired.
461 1. For purposes of this subsection, the present value of
462 the member's accumulated benefit obligation is based upon the
463 member's estimated creditable service and estimated average
464 final compensation under the pension plan, subject to
465 recomputation under subparagraph 2. For state employees, initial
466 estimates shall be based upon creditable service and average
467 final compensation as of midnight on June 30, 2002; for district
468 school board employees, initial estimates shall be based upon

469 creditable service and average final compensation as of midnight
470 on September 30, 2002; and for local government employees,
471 initial estimates shall be based upon creditable service and
472 average final compensation as of midnight on December 31, 2002.
473 The dates specified are the "estimate date" for these employees.
474 The actuarial present value of the employee's accumulated
475 benefit obligation shall be based on the following:
476 a. The discount rate and other relevant actuarial
477 assumptions used to value the Florida Retirement System Trust
478 Fund at the time the amount to be transferred is determined,
479 consistent with the factors provided in sub-subparagraphs b. and
480 c.
481 b. A benefit commencement age, based on the member's
482 estimated creditable service as of the estimate date.
483 c. Except as provided under sub-subparagraph d., for a
484 member initially enrolled:
485 (I) Before July 1, 2011, the benefit commencement age is
486 the younger of the following, but may not be younger than the
487 member's age as of the estimate date:
488 (A) Age 62; or
489 (B) The age the member would attain if the member
490 completed 30 years of service with an employer, assuming the
491 member worked continuously from the estimate date, and
492 disregarding any vesting requirement that would otherwise apply
493 under the pension plan.
494 (II) On or after July 1, 2011, the benefit commencement

495 age is the younger of the following, but may not be younger than
496 the member's age as of the estimate date:
497 (A) Age 65; or
498 (B) The age the member would attain if the member
499 completed 33 years of service with an employer, assuming the
500 member worked continuously from the estimate date, and
501 disregarding any vesting requirement that would otherwise apply
502 under the pension plan.
503 d. For members of the Special Risk Class and for members
504 of the Special Risk Administrative Support Class entitled to
505 retain the special risk normal retirement date:
506 (I) Initially enrolled before July 1, 2011, the benefit
507 commencement age is the younger of the following, but may not be
508 younger than the member's age as of the estimate date:
509 (A) Age 55; or
510 (B) The age the member would attain if the member
511 completed 25 years of service with an employer, assuming the
512 member worked continuously from the estimate date, and
513 disregarding any vesting requirement that would otherwise apply
514 under the pension plan.
515 (II) Initially enrolled on or after July 1, 2011, the
516 benefit commencement age is the younger of the following, but
517 may not be younger than the member's age as of the estimate
518 date:
519 (A) Age 60; or
520 (B) The age the member would attain if the member

521 completed 30 years of service with an employer, assuming the
522 member worked continuously from the estimate date, and
523 disregarding any vesting requirement that would otherwise apply
524 under the pension plan.
525 e. The calculation must disregard vesting requirements and
526 early retirement reduction factors that would otherwise apply
527 under the pension plan.
528 2. For each member who elects to transfer moneys from the
529 pension plan to his or her account in the investment plan, the
530 division shall recompute the amount transferred under
531 subparagraph 1. within 60 days after the actual transfer of
532 funds based upon the member's actual creditable service and
533 actual final average compensation as of the initial date of
534 participation in the investment plan. If the recomputed amount
535 differs from the amount transferred by $10 or more, the division
536 shall:
537 a. Transfer, or cause to be transferred, from the Florida
538 Retirement System Trust Fund to the member's account the excess,
539 if any, of the recomputed amount over the previously transferred
540 amount together with interest from the initial date of transfer
541 to the date of transfer under this subparagraph, based upon the
542 effective annual interest equal to the assumed return on the
543 actuarial investment which was used in the most recent actuarial
544 valuation of the system, compounded annually.
545 b. Transfer, or cause to be transferred, from the member's
546 account to the Florida Retirement System Trust Fund the excess,

547 if any, of the previously transferred amount over the recomputed
548 amount, together with interest from the initial date of transfer
549 to the date of transfer under this subparagraph, based upon 6
550 percent effective annual interest, compounded annually, pro rata
551 based on the member's allocation plan.
552 3. If contribution adjustments are made as a result of
553 employer errors or corrections, including plan corrections,
554 following recomputation of the amount transferred under
555 subparagraph 1., the member is entitled to the additional
556 contributions or is responsible for returning any excess
557 contributions resulting from the correction. However, a ~~any~~
558 return of such erroneous excess pretax contribution by the plan
559 must be made within the period allowed by the Internal Revenue
560 Service. The present value of the member's accumulated benefit
561 obligation may ~~shall~~ not be recalculated.
562 4. As directed by the member, the state board shall
563 transfer or cause to be transferred the appropriate amounts to
564 the designated accounts within 30 days after the effective date
565 of the member's participation in the investment plan unless the
566 major financial markets for securities available for a transfer
567 are seriously disrupted by an unforeseen event that causes the
568 suspension of trading on a ~~any~~ national securities exchange in
569 the country where the securities were issued. In that event, the
570 30-day period may be extended by a resolution of the state
571 board. Transfers are not commissionable or subject to other fees
572 and may be in the form of securities or cash, as determined by

573 the state board. Such securities are valued as of the date of
574 receipt in the member's account.
575 5. If the state board or the division receives
576 notification from the United States Internal Revenue Service
577 that this paragraph or any portion of this paragraph will cause
578 the retirement system, or a portion thereof, to be disqualified
579 for tax purposes under the Internal Revenue Code, the portion
580 that will cause the disqualification does not apply. Upon such
581 notice, the state board and the division shall notify the
582 presiding officers of the Legislature.
583 (4) PARTICIPATION; ENROLLMENT.—
584 (a)1. Effective June 1, 2002, through February 28, 2003, a
585 90-day election period was provided to each eligible employee
586 participating in the Florida Retirement System, preceded by a
587 90-day education period, permitting each eligible employee to
588 elect membership in the investment plan. An employee who failed
589 to elect the investment plan during the election period remained
590 in the pension plan. An eligible employee who was employed in a
591 regularly established position during the election period was
592 granted the option to make one subsequent election, as provided
593 in paragraph (f). With respect to an eligible employee who did
594 not participate in the initial election period or who is
595 initially employed in a regularly established position after the
596 close of the initial election period but before July 1, 2017, ~~on~~
597 ~~June 1, 2002, by a state employer:~~
598 ~~a. Any such employee may elect to participate in the~~

599 ~~investment plan in lieu of retaining his or her membership in~~
600 ~~the pension plan. The election must be made in writing or by~~
601 ~~electronic means and must be filed with the third-party~~
602 ~~administrator by August 31, 2002, or, in the case of an active~~
603 ~~employee who is on a leave of absence on April 1, 2002, by the~~
604 ~~last business day of the 5th month following the month the leave~~
605 ~~of absence concludes. This election is irrevocable, except as~~
606 ~~provided in paragraph (g). Upon making such election, the~~
607 ~~employee shall be enrolled as a member of the investment plan,~~
608 ~~the employee's membership in the Florida Retirement System is~~
609 ~~governed by the provisions of this part, and the employee's~~
610 ~~membership in the pension plan terminates. The employee's~~
611 ~~enrollment in the investment plan is effective the first day of~~
612 ~~the month for which a full month's employer contribution is made~~
613 ~~to the investment plan.~~
614 ~~b. Any such employee who fails to elect to participate in~~
615 ~~the investment plan within the prescribed time period is deemed~~
616 ~~to have elected to retain membership in the pension plan, and~~
617 ~~the employee's option to elect to participate in the investment~~
618 ~~plan is forfeited.~~
619 ~~2. With respect to employees who become eligible to~~
620 ~~participate in the investment plan by reason of employment in a~~
621 ~~regularly established position with a state employer commencing~~
622 ~~after April 1, 2002:~~
623 ~~a. Any~~ such employee shall, by default, be enrolled in the
624 pension plan at the commencement of employment~~,~~ and may, by the

625 last business day of the 5th month following the employee's
626 month of hire, elect to participate in the investment plan. The
627 employee's election must be made in writing or by electronic
628 means and must be filed with the third-party administrator. The
629 election to participate in the investment plan is irrevocable,
630 except as provided in paragraph (f) ~~(g)~~.
631 a.~~b.~~ If the employee files such election within the
632 prescribed time period, enrollment in the investment plan is
633 effective on the first day of employment. The retirement
634 contributions paid through the month of the employee plan change
635 shall be transferred to the investment program, and, effective
636 the first day of the next month, the employer and employee must
637 pay the applicable contributions based on the employee
638 membership class in the program.
639 b.~~c.~~ An employee who fails to elect to participate in the
640 investment plan within the prescribed time period is deemed to
641 have elected to retain membership in the pension plan, and the
642 employee's option to elect to participate in the investment plan
643 is forfeited.
644 2.~~3.~~ With respect to employees who become eligible to
645 participate in the investment plan pursuant to s.
646 121.051(2)(c)3. or s. 121.35(3)(i), the employee may elect to
647 participate in the investment plan in lieu of retaining his or
648 her membership in the State Community College System Optional
649 Retirement Program or the State University System Optional
650 Retirement Program. The election must be made in writing or by

651 electronic means and must be filed with the third-party
652 administrator. This election is irrevocable, except as provided
653 in paragraph (f) ~~(g)~~. Upon making such election, the employee
654 shall be enrolled as a member in the investment plan, the
655 employee's membership in the Florida Retirement System is
656 governed by the provisions of this part, and the employee's
657 participation in the State Community College System Optional
658 Retirement Program or the State University System Optional
659 Retirement Program terminates. The employee's enrollment in the
660 investment plan is effective on the first day of the month for
661 which a full month's employer and employee contribution is made
662 to the investment plan.
663 (b)1. With respect to employees who become eligible to
664 participate in the investment plan by reason of employment in a
665 regularly established position commencing on or after July 1,
666 2017, or who did not complete an election window before July 1,
667 2017, any such employee shall be enrolled in the pension plan at
668 the commencement of employment and may, by the last business day
669 of the 8th month following the employee's month of hire, elect
670 to participate in the pension plan or the investment plan.
671 Eligible employees may make a plan election only if they are
672 earning service credit in an employer-employee relationship
673 consistent with s. 121.021(17)(b), excluding leaves of absence
674 without pay.
675 2. The employee's election must be made in writing or by
676 electronic means and must be filed with the third-party

677 administrator. The election to participate in the pension plan
678 or investment plan is irrevocable, except as provided in
679 paragraph (f).
680 3. If the employee fails to make an election of the
681 pension plan or investment plan within 8 months following the
682 month of hire, the employee is deemed to have elected the
683 investment plan and shall default into the investment plan
684 retroactively to the employee's date of employment. The
685 employee's option to participate in the pension plan is
686 forfeited, except as provided in paragraph (f).
687 4. The amount of the employee and employer contributions
688 paid through the date of default to the investment plan shall be
689 transferred to the investment plan and shall be placed in a
690 default fund as designated by the State Board of Administration.
691 The employee may move the contributions once an account is
692 activated in the investment plan.
693 5. Effective the first day of the month after an eligible
694 employee makes a plan election of the pension plan or investment
695 plan, or the first day of the month after default to the
696 investment plan, the employee and employer shall pay the
697 applicable contributions based on the employee membership class
698 in the program.
699 ~~4. For purposes of this paragraph, "state employer" means~~
700 ~~any agency, board, branch, commission, community college,~~
701 ~~department, institution, institution of higher education, or~~
702 ~~water management district of the state, which participates in~~

703 ~~the Florida Retirement System for the benefit of certain~~
704 ~~employees.~~
705 ~~(b)1. With respect to an eligible employee who is employed~~
706 ~~in a regularly established position on September 1, 2002, by a~~
707 ~~district school board employer:~~
708 ~~a. Any such employee may elect to participate in the~~
709 ~~investment plan in lieu of retaining his or her membership in~~
710 ~~the pension plan. The election must be made in writing or by~~
711 ~~electronic means and must be filed with the third-party~~
712 ~~administrator by November 30, or, in the case of an active~~
713 ~~employee who is on a leave of absence on July 1, 2002, by the~~
714 ~~last business day of the 5th month following the month the leave~~
715 ~~of absence concludes. This election is irrevocable, except as~~
716 ~~provided in paragraph (g). Upon making such election, the~~
717 ~~employee shall be enrolled as a member of the investment plan,~~
718 ~~the employee's membership in the Florida Retirement System is~~
719 ~~governed by the provisions of this part, and the employee's~~
720 ~~membership in the pension plan terminates. The employee's~~
721 ~~enrollment in the investment plan is effective the first day of~~
722 ~~the month for which a full month's employer contribution is made~~
723 ~~to the investment program.~~
724 ~~b. Any such employee who fails to elect to participate in~~
725 ~~the investment plan within the prescribed time period is deemed~~
726 ~~to have elected to retain membership in the pension plan, and~~
727 ~~the employee's option to elect to participate in the investment~~
728 ~~plan is forfeited.~~

729 ~~2. With respect to employees who become eligible to~~
730 ~~participate in the investment plan by reason of employment in a~~
731 ~~regularly established position with a district school board~~
732 ~~employer commencing after July 1, 2002:~~
733 ~~a. Any such employee shall, by default, be enrolled in the~~
734 ~~pension plan at the commencement of employment, and may, by the~~
735 ~~last business day of the 5th month following the employee's~~
736 ~~month of hire, elect to participate in the investment plan. The~~
737 ~~employee's election must be made in writing or by electronic~~
738 ~~means and must be filed with the third-party administrator. The~~
739 ~~election to participate in the investment plan is irrevocable,~~
740 ~~except as provided in paragraph (g).~~
741 ~~b. If the employee files such election within the~~
742 ~~prescribed time period, enrollment in the investment plan is~~
743 ~~effective on the first day of employment. The employer~~
744 ~~retirement contributions paid through the month of the employee~~
745 ~~plan change shall be transferred to the investment plan, and,~~
746 ~~effective the first day of the next month, the employer shall~~
747 ~~pay the applicable contributions based on the employee~~
748 ~~membership class in the investment plan.~~
749 ~~c. Any such employee who fails to elect to participate in~~
750 ~~the investment plan within the prescribed time period is deemed~~
751 ~~to have elected to retain membership in the pension plan, and~~
752 ~~the employee's option to elect to participate in the investment~~
753 ~~plan is forfeited.~~
754 ~~3. For purposes of this paragraph, "district school board~~

755 ~~employer" means any district school board that participates in~~
756 ~~the Florida Retirement System for the benefit of certain~~
757 ~~employees, or a charter school or charter technical career~~
758 ~~center that participates in the Florida Retirement System as~~
759 ~~provided in s. 121.051(2)(d).~~
760 ~~(c)1. With respect to an eligible employee who is employed~~
761 ~~in a regularly established position on December 1, 2002, by a~~
762 ~~local employer:~~
763 ~~a. Any such employee may elect to participate in the~~
764 ~~investment plan in lieu of retaining his or her membership in~~
765 ~~the pension plan. The election must be made in writing or by~~
766 ~~electronic means and must be filed with the third-party~~
767 ~~administrator by February 28, 2003, or, in the case of an active~~
768 ~~employee who is on a leave of absence on October 1, 2002, by the~~
769 ~~last business day of the 5th month following the month the leave~~
770 ~~of absence concludes. This election is irrevocable, except as~~
771 ~~provided in paragraph (g). Upon making such election, the~~
772 ~~employee shall be enrolled as a participant of the investment~~
773 ~~plan, the employee's membership in the Florida Retirement System~~
774 ~~is governed by the provisions of this part, and the employee's~~
775 ~~membership in the pension plan terminates. The employee's~~
776 ~~enrollment in the investment plan is effective the first day of~~
777 ~~the month for which a full month's employer contribution is made~~
778 ~~to the investment plan.~~
779 ~~b. Any such employee who fails to elect to participate in~~
780 ~~the investment plan within the prescribed time period is deemed~~

781 ~~to have elected to retain membership in the pension plan, and~~
782 ~~the employee's option to elect to participate in the investment~~
783 ~~plan is forfeited.~~
784 ~~2. With respect to employees who become eligible to~~
785 ~~participate in the investment plan by reason of employment in a~~
786 ~~regularly established position with a local employer commencing~~
787 ~~after October 1, 2002:~~
788 ~~a. Any such employee shall, by default, be enrolled in the~~
789 ~~pension plan at the commencement of employment, and may, by the~~
790 ~~last business day of the 5th month following the employee's~~
791 ~~month of hire, elect to participate in the investment plan. The~~
792 ~~employee's election must be made in writing or by electronic~~
793 ~~means and must be filed with the third-party administrator. The~~
794 ~~election to participate in the investment plan is irrevocable,~~
795 ~~except as provided in paragraph (g).~~
796 ~~b. If the employee files such election within the~~
797 ~~prescribed time period, enrollment in the investment plan is~~
798 ~~effective on the first day of employment. The employer~~
799 ~~retirement contributions paid through the month of the employee~~
800 ~~plan change shall be transferred to the investment plan, and,~~
801 ~~effective the first day of the next month, the employer shall~~
802 ~~pay the applicable contributions based on the employee~~
803 ~~membership class in the investment plan.~~
804 ~~c. Any such employee who fails to elect to participate in~~
805 ~~the investment plan within the prescribed time period is deemed~~
806 ~~to have elected to retain membership in the pension plan, and~~

807 ~~the employee's option to elect to participate in the investment~~
808 ~~plan is forfeited.~~
809 ~~3. For purposes of this paragraph, "local employer" means~~
810 ~~any employer not included in paragraph (a) or paragraph (b).~~
811 (c) ~~(d)~~ Contributions available for self-direction by a
812 member who has not selected one or more specific investment
813 products shall be allocated as prescribed by the state board.
814 The third-party administrator shall notify the member at least
815 quarterly that the member should take an affirmative action to
816 make an asset allocation among the investment products.
817 (d) ~~(e)~~ On or after July 1, 2011, a member of the pension
818 plan who obtains a refund of employee contributions retains his
819 or her prior plan choice upon return to employment in a
820 regularly established position with a participating employer.
821 (e)1. ~~(f)~~ A member of the investment plan who takes a
822 distribution of any contributions from his or her investment
823 plan account is considered a retiree. A retiree who is initially
824 reemployed in a regularly established position on or after July
825 1, 2010, but before July 1, 2016, is not eligible for ~~to be~~
826 ~~enrolled in~~ renewed membership, except as provided in s.
827 121.122.
828 2. A retiree who is reemployed on or after July 1, 2016,
829 shall be enrolled as a renewed member as provided in s. 121.122.
830 (f) ~~(g)~~ After the period during which an eligible employee
831 had the choice to elect the pension plan or the investment plan,
832 or the month following the receipt of the eligible employee's

833 plan election, if sooner, the employee shall have one
834 opportunity, at the employee's discretion, to choose to move
835 from the pension plan to the investment plan or from the
836 investment plan to the pension plan. Eligible employees may
837 elect to move between plans only if they are earning service
838 credit in an employer-employee relationship consistent with s.
839 121.021(17)(b), excluding leaves of absence without pay.
840 Effective July 1, 2005, such elections are effective on the
841 first day of the month following the receipt of the election by
842 the third-party administrator and are not subject to the
843 requirements regarding an employer-employee relationship or
844 receipt of contributions for the eligible employee in the
845 effective month, except when the election is received by the
846 third-party administrator. This paragraph is contingent upon
847 approval by the Internal Revenue Service.
848 1. If the employee chooses to move to the investment plan,
849 the provisions of subsection (3) govern the transfer.
850 2. If the employee chooses to move to the pension plan,
851 the employee must transfer from his or her investment plan
852 account, and from other employee moneys as necessary, a sum
853 representing the present value of that employee's accumulated
854 benefit obligation immediately following the time of such
855 movement, determined assuming that attained service equals the
856 sum of service in the pension plan and service in the investment
857 plan. Benefit commencement occurs on the first date the employee
858 is eligible for unreduced benefits, using the discount rate and

859 other relevant actuarial assumptions that were used to value the
860 pension plan liabilities in the most recent actuarial valuation.
861 For any employee who, at the time of the second election,
862 already maintains an accrued benefit amount in the pension plan,
863 the then-present value of the accrued benefit is deemed part of
864 the required transfer amount. The division must ensure that the
865 transfer sum is prepared using a formula and methodology
866 certified by an enrolled actuary. A refund of any employee
867 contributions or additional member payments made which exceed
868 the employee contributions that would have accrued had the
869 member remained in the pension plan and not transferred to the
870 investment plan is not permitted.
871 3. Notwithstanding subparagraph 2., an employee who
872 chooses to move to the pension plan and who became eligible to
873 participate in the investment plan by reason of employment in a
874 regularly established position with a state employer after June
875 1, 2002; a district school board employer after September 1,
876 2002; or a local employer after December 1, 2002, must transfer
877 from his or her investment plan account, and from other employee
878 moneys as necessary, a sum representing the employee's actuarial
879 accrued liability. A refund of any employee contributions or
880 additional member ~~participant~~ payments made which exceed the
881 employee contributions that would have accrued had the member
882 remained in the pension plan and not transferred to the
883 investment plan is not permitted.
884 4. An employee's ability to transfer from the pension plan

885 to the investment plan pursuant to paragraphs (a) and (b) ~~(a)-~~
886 ~~(d)~~, and the ability of a current employee to have an option to
887 later transfer back into the pension plan under subparagraph 2.,
888 shall be deemed a significant system amendment. Pursuant to s.
889 121.031(4), any resulting unfunded liability arising from actual
890 original transfers from the pension plan to the investment plan
891 must be amortized within 30 plan years as a separate unfunded
892 actuarial base independent of the reserve stabilization
893 mechanism defined in s. 121.031(3)(f). For the first 25 years, a
894 direct amortization payment may not be calculated for this base.
895 During this 25-year period, the separate base shall be used to
896 offset the impact of employees exercising their second program
897 election under this paragraph. The actuarial funded status of
898 the pension plan will not be affected by such second program
899 elections in any significant manner, after due recognition of
900 the separate unfunded actuarial base. Following the initial 25-
901 year period, any remaining balance of the original separate base
902 shall be amortized over the remaining 5 years of the required
903 30-year amortization period.
904 5. If the employee chooses to transfer from the investment
905 plan to the pension plan and retains an excess account balance
906 in the investment plan after satisfying the buy-in requirements
907 under this paragraph, the excess may not be distributed until
908 the member retires from the pension plan. The excess account
909 balance may be rolled over to the pension plan and used to
910 purchase service credit or upgrade creditable service in the

911 pension plan.
912 (5) CONTRIBUTIONS.—
913 (c) The state board, acting as plan fiduciary, must ensure
914 that all plan assets are held in a trust, pursuant to s. 401 of
915 the Internal Revenue Code. The fiduciary must ensure that such
916 contributions are allocated as follows:
917 1. The employer and employee contribution portion
918 earmarked for member accounts shall be used to purchase
919 interests in the appropriate investment vehicles as specified by
920 the member, or in accordance with paragraph (4)(c) ~~(4)(d)~~.
921 2. The employer contribution portion earmarked for
922 administrative and educational expenses shall be transferred to
923 the State Board of Administration Administrative ~~Florida~~
924 ~~Retirement System Investment Plan~~ Trust Fund.
925 3. The employer contribution portion earmarked for
926 disability benefits and line-of-duty death benefits shall be
927 transferred to the Florida Retirement System Trust Fund.
928 (10) EDUCATION COMPONENT.—
929 (a) The state board, in coordination with the department,
930 shall provide for an education component for eligible employees
931 ~~system members~~ in a manner consistent with ~~the provisions of~~
932 this subsection ~~section~~. ~~The education component must be~~
933 ~~available to eligible employees at least 90 days prior to the~~
934 ~~beginning date of the election period for the employees of the~~
935 ~~respective types of employers.~~
936 ~~(b) Pursuant to subsection (8), all Florida Retirement~~

937 ~~System employers have an obligation to regularly communicate the~~
938 ~~existence of the two Florida Retirement System plans and the~~
939 ~~plan choice in the natural course of administering their~~
940 ~~personnel functions, using the educational materials supplied by~~
941 ~~the state board and the Department of Management Services.~~
942 Section 6. Subsection (2) of section 121.571, Florida
943 Statutes, is amended to read:
944 121.571 Contributions.—Contributions to the Florida
945 Retirement System Investment Plan shall be made as follows:
946 (2) CONTRIBUTION RATES GENERALLY.—Contributions to fund
947 the retirement, ~~and~~ disability, and line-of-duty death benefits
948 provided under this part must be based on the uniform
949 contribution rates established by s. 121.71 and on the
950 membership class or subclass of the member. Such contributions
951 must be allocated as provided in ss. 121.72, ~~and~~ 121.73, and
952 121.735.
953 Section 7. Subsection (3) of section 121.591, Florida
954 Statutes, is amended, subsection (4) of that section is
955 renumbered as subsection (5), and a new subsection (4) is added
956 to that section, to read:
957 121.591 Payment of benefits.—Benefits may not be paid
958 under the Florida Retirement System Investment Plan unless the
959 member has terminated employment as provided in s.
960 121.021(39)(a) or is deceased and a proper application has been
961 filed as prescribed by the state board or the department.
962 Benefits, including employee contributions, are not payable

963 under the investment plan for employee hardships, unforeseeable
964 emergencies, loans, medical expenses, educational expenses,
965 purchase of a principal residence, payments necessary to prevent
966 eviction or foreclosure on an employee's principal residence, or
967 any other reason except a requested distribution for retirement,
968 a mandatory de minimis distribution authorized by the
969 administrator, or a required minimum distribution provided
970 pursuant to the Internal Revenue Code. The state board or
971 department, as appropriate, may cancel an application for
972 retirement benefits if the member or beneficiary fails to timely
973 provide the information and documents required by this chapter
974 and the rules of the state board and department. In accordance
975 with their respective responsibilities, the state board and the
976 department shall adopt rules establishing procedures for
977 application for retirement benefits and for the cancellation of
978 such application if the required information or documents are
979 not received. The state board and the department, as
980 appropriate, are authorized to cash out a de minimis account of
981 a member who has been terminated from Florida Retirement System
982 covered employment for a minimum of 6 calendar months. A de
983 minimis account is an account containing employer and employee
984 contributions and accumulated earnings of not more than $5,000
985 made under the provisions of this chapter. Such cash-out must be
986 a complete lump-sum liquidation of the account balance, subject
987 to the provisions of the Internal Revenue Code, or a lump-sum
988 direct rollover distribution paid directly to the custodian of

989 an eligible retirement plan, as defined by the Internal Revenue
990 Code, on behalf of the member. Any nonvested accumulations and
991 associated service credit, including amounts transferred to the
992 suspense account of the Florida Retirement System Investment
993 Plan Trust Fund authorized under s. 121.4501(6), shall be
994 forfeited upon payment of any vested benefit to a member or
995 beneficiary, except for de minimis distributions or minimum
996 required distributions as provided under this section. If any
997 financial instrument issued for the payment of retirement
998 benefits under this section is not presented for payment within
999 180 days after the last day of the month in which it was
1000 originally issued, the third-party administrator or other duly
1001 authorized agent of the state board shall cancel the instrument
1002 and credit the amount of the instrument to the suspense account
1003 of the Florida Retirement System Investment Plan Trust Fund
1004 authorized under s. 121.4501(6). Any amounts transferred to the
1005 suspense account are payable upon a proper application, not to
1006 include earnings thereon, as provided in this section, within 10
1007 years after the last day of the month in which the instrument
1008 was originally issued, after which time such amounts and any
1009 earnings attributable to employer contributions shall be
1010 forfeited. Any forfeited amounts are assets of the trust fund
1011 and are not subject to chapter 717.
1012 (3) DEATH BENEFITS.—Under the Florida Retirement System
1013 Investment Plan:
1014 (a) Survivor benefits are payable in accordance with the

1015 following terms and conditions, except as provided in subsection
1016 (4):
1017 1. To the extent vested, benefits are payable only to a
1018 member's beneficiary or beneficiaries as designated by the
1019 member as provided in s. 121.4501(20).
1020 2. Benefits shall be paid by the third-party administrator
1021 or designated approved providers in accordance with the law, the
1022 contracts, and any applicable state board rule or policy.
1023 3. To receive benefits, the member must be deceased.
1024 (b) Except as provided in subsection (4), in the event of
1025 a member's death, all vested accumulations as described in s.
1026 121.4501(6), less withholding taxes remitted to the Internal
1027 Revenue Service, shall be distributed, as provided in paragraph
1028 (c) or as described in s. 121.4501(20), as if the member retired
1029 on the date of death. No other death benefits are available for
1030 survivors of members, except for benefits, or coverage for
1031 benefits, as are otherwise provided by law or separately
1032 provided by the employer, at the employer's discretion.
1033 (c) Except as provided in subsection (4), upon receipt by
1034 the third-party administrator of a properly executed application
1035 for distribution of benefits, the total accumulated benefit is
1036 payable by the third-party administrator to the member's
1037 surviving beneficiary or beneficiaries, as:
1038 1. A lump-sum distribution payable to the beneficiary or
1039 beneficiaries, or to the deceased member's estate;
1040 2. An eligible rollover distribution, if permitted, on

1041 behalf of the surviving spouse of a deceased member, whereby all
1042 accrued benefits, plus interest and investment earnings, are
1043 paid from the deceased member's account directly to the
1044 custodian of an eligible retirement plan, as described in s.
1045 402(c)(8)(B) of the Internal Revenue Code, on behalf of the
1046 surviving spouse; or
1047 3. A partial lump-sum payment whereby a portion of the
1048 accrued benefit is paid to the deceased member's surviving
1049 spouse or other designated beneficiaries, less withholding taxes
1050 remitted to the Internal Revenue Service, and the remaining
1051 amount is transferred directly to the custodian of an eligible
1052 retirement plan, if permitted, as described in s. 402(c)(8)(B)
1053 of the Internal Revenue Code, on behalf of the surviving spouse.
1054 The proportions must be specified by the member or the surviving
1055 beneficiary.
1056
1057 This paragraph does not abrogate other applicable provisions of
1058 state or federal law providing for payment of death benefits.
1059 (4) LINE-OF-DUTY DEATH BENEFITS FOR INVESTMENT PLAN
1060 MEMBERS.—Benefits are provided under this subsection to the
1061 spouse and child or children of members in the investment plan
1062 when such members are killed in the line of duty and are payable
1063 in lieu of the benefits that would otherwise be payable under
1064 subsection (1) or subsection (3). Benefits provided by this
1065 subsection supersede any other distribution that may have been
1066 provided by the member's designation of beneficiary. Such

1067 benefits must be funded from employer contributions made under
1068 s. 121.571, transferred employee contributions and funds
1069 accumulated pursuant to paragraph (a), and interest and earnings
1070 thereon.
1071 (a) Transfer of funds.—To qualify to receive monthly
1072 benefits under this subsection:
1073 1. All moneys accumulated in the member's account,
1074 including vested and nonvested accumulations as described in s.
1075 121.4501(6), must be transferred from such individual accounts
1076 to the division for deposit in the survivor benefit account of
1077 the Florida Retirement System Trust Fund.
1078 2. Moneys in the survivor benefit account must be
1079 accounted for separately. Earnings must be credited on an annual
1080 basis for amounts held in the survivor benefit account of the
1081 Florida Retirement System Trust Fund based on actual earnings of
1082 the trust fund.
1083 3. If the member has retained retirement credit earned
1084 under the pension plan as provided in s. 121.4501(3), a sum
1085 representing the actuarial present value of such credit within
1086 the Florida Retirement System Trust Fund shall be transferred by
1087 the division from the pension plan to the survivor benefit
1088 retirement program as implemented under this subsection and
1089 shall be deposited in the survivor benefit account of the trust
1090 fund.
1091 (b) Survivor retirement; entitlement.—An investment plan
1092 member who is killed in the line of duty on or after July 1,

1093 2002, regardless of length of creditable service, may receive
1094 survivor benefits in accordance with s. 121.091(7)(d). Such
1095 benefits must be calculated as provided in paragraph (e) and be
1096 provided to:
1097 1. The surviving spouse for the spouse's lifetime; or
1098 2. If there is no surviving spouse or the surviving spouse
1099 dies, the member's child or children under 18 years of age and
1100 unmarried until the 18th birthday of the member's youngest
1101 child.
1102 (c) Survivor benefit retirement effective date.—The
1103 effective retirement date for the surviving spouse or eligible
1104 child or children of an investment plan member who is killed in
1105 the line of duty shall be:
1106 1. The first day of the month following the member's
1107 death, if the member is killed on or after July 1, 2016; or
1108 2. July 1, 2016, if the member is killed in the line of
1109 duty on or after July 1, 2002, but before July 1, 2016, and the
1110 application is received before July 1, 2016, or the first day of
1111 the month following receipt of the application.
1112 (d) Line-of-duty death benefit.—
1113 1. The following individuals are eligible to receive a
1114 retirement benefit under s. 121.091(7)(d) if the member's
1115 account balance is surrendered and an application is received
1116 and approved:
1117 a. The surviving spouse.
1118 b. If there is no surviving spouse or the surviving spouse

1119 dies, the member's child or children under 18 years of age and
1120 unmarried until the 18th birthday of the member's youngest
1121 child.
1122 2. Such surviving spouse or such child or children shall
1123 receive a monthly survivor benefit that begins accruing on the
1124 first day of the month of survivor benefit retirement, as
1125 approved by the division, and is payable on the last day of that
1126 month and each month thereafter during the surviving spouse's
1127 lifetime or on behalf of the unmarried child or children of the
1128 member until the 18th birthday of the youngest child. Survivor
1129 benefits must be paid out of the survivor benefit account of the
1130 Florida Retirement System Trust Fund established under this
1131 subsection.
1132 (e) Computation of survivor benefit retirement benefit.—
1133 1. For a member killed in the line of duty on or after
1134 July 1, 2016, the amount of each monthly payment must be
1135 calculated as provided under s. 121.091(7)(d).
1136 2. For a member killed in the line of duty on or after
1137 July 1, 2002, but before July 1, 2016, the initial benefit
1138 payable on or after July 1, 2016, shall be equal to the benefit
1139 provided under s. 121.091(7)(d), except that it shall be:
1140 a. Actuarially reduced by the amount of the investment
1141 plan account payout if a payout was provided to the beneficiary;
1142 and
1143 b. After the actuarial reduction, increased by the
1144 applicable cost-of-living adjustment that would have been

1145 payable if the survivor benefit payment had begun the month
1146 following the member's death. On each July 1 thereafter, the
1147 survivor benefit payment shall be increased by the applicable
1148 cost-of-living adjustment.
1149 (f) Death of surviving spouse or children.—
1150 1. Upon the death of a surviving spouse, the monthly
1151 benefits shall be paid through the last day of the month of
1152 death and shall terminate or be paid on behalf of the unmarried
1153 child or children until the 18th birthday of the youngest child.
1154 2. If the surviving spouse dies and the benefits are being
1155 paid on behalf of the member's unmarried child or children as
1156 provided in subparagraph 1., benefits shall be paid until the
1157 last day of the month the youngest child reaches his or her 18th
1158 birthday.
1159 Section 8. Section 121.5912, Florida Statutes, is created
1160 to read:
1161 121.5912 Survivor benefit retirement program; qualified
1162 status; rulemaking authority.—It is the intent of the
1163 Legislature that the survivor benefit retirement program for
1164 members of the Florida Retirement System Investment Plan meet
1165 all applicable requirements for a qualified plan. If the state
1166 board or the division receives notification from the Internal
1167 Revenue Service that this program or any portion of this program
1168 will cause the retirement system, or any portion thereof, to be
1169 disqualified for tax purposes under the Internal Revenue Code,
1170 the portion that will cause the disqualification does not apply.

1171 Upon such notice, the state board or the division shall notify
1172 the presiding officers of the Legislature. The state board and
1173 the department may adopt any rules necessary to maintain the
1174 qualified status of the survivor benefit retirement program.
1175 Section 9. Subsection (1) of section 121.71, Florida
1176 Statutes, is amended to read:
1177 121.71 Uniform rates; process; calculations; levy.—
1178 (1) In conducting the system actuarial study required
1179 under s. 121.031, the actuary shall follow all requirements
1180 specified to determine, by Florida Retirement System employee
1181 membership class, the dollar contribution amounts necessary for
1182 the next fiscal year for the pension plan. In addition, the
1183 actuary shall determine, by Florida Retirement System membership
1184 class, based on an estimate for the next fiscal year of the
1185 gross compensation of employees participating in the investment
1186 plan, the dollar contribution amounts necessary to make the
1187 allocations required under ss. 121.72, ~~and~~ 121.73, and 121.735.
1188 For each employee membership class and subclass, the actuarial
1189 study must establish a uniform rate necessary to fund the
1190 benefit obligations under both Florida Retirement System
1191 retirement plans by dividing the sum of total dollars required
1192 by the estimated gross compensation of members in both plans.
1193 Section 10. Section 121.735, Florida Statutes, is created
1194 to read:
1195 121.735 Allocations for member line-of-duty death
1196 benefits; percentage amounts.—

1197 (1) The allocations established in subsection (3) shall be
1198 used to provide line-of-duty death benefit coverage for the
1199 surviving spouses and children of members in the investment plan
1200 and shall be transferred monthly by the division from the
1201 Florida Retirement System Contributions Clearing Trust Fund to
1202 the survivor benefit account of the Florida Retirement System
1203 Trust Fund.
1204 (2) Such allocations are stated as a percentage of each
1205 investment plan member's gross compensation for the calendar
1206 month. Any change in a contribution percentage is effective the
1207 first day of the month for which retirement contributions may be
1208 made on or after the beginning date of the change. Contribution
1209 percentages may be modified by general law.
1210 (3) Effective July 1, 2016, allocations from the Florida
1211 Retirement System Contributions Clearing Trust Fund to provide
1212 line-of-duty death benefits for the surviving spouses and
1213 children of members in the investment plan and to offset the
1214 costs of administering said coverage are as follows:
1215

Membership Class	Percentage of Gross Compensation
1217	
1218	
Regular Class	0.06%

1219
Special Risk Class 0.46%
1220
Special Risk
Administrative
Support Class 0.04%
1221
Elected Officers' Class—
Legislators, Governor,
Lieutenant Governor,
Cabinet Officers,
State Attorneys,
Public Defenders 0.17%
1222
Elected Officers' Class—
Justices, Judges 0.14%
1223
Elected Officers' Class—
County Elected Officers 0.23%
1224
Senior Management Service Class 0.06%
1225
1226 Section 11. Section 121.74, Florida Statutes, is amended
1227 to read:
1228 121.74 Administrative and educational expenses.—In
1229 addition to contributions required to fund member accounts under

1230 s. ~~ss.~~ 121.71 ~~and 121.73~~, effective July 1, 2010, through June
1231 30, 2014, employers participating in the Florida Retirement
1232 System shall contribute an employer assessment amount equal to
1233 0.03 percent of the payroll reported for each class or subclass
1234 of Florida Retirement System membership. Effective July 1, 2014,
1235 the employer assessment is 0.04 percent of the payroll reported
1236 for each class or subclass of membership. The amount assessed
1237 shall be transferred by the division ~~of Retirement~~ from the
1238 Florida Retirement System Contributions Clearing Trust Fund to
1239 the State Board of Administration's Administrative Trust Fund to
1240 offset the costs of administering the investment plan and the
1241 costs of providing educational services to members of the
1242 Florida Retirement System. Approval of the trustees is required
1243 before the expenditure of these funds. Payments for third-party
1244 administrative or educational expenses shall be made only
1245 pursuant to the terms of the approved contracts for such
1246 services.
1247 Section 12. Section 121.75, Florida Statutes, is amended
1248 to read:
1249 121.75 Allocation for pension plan.—After making the
1250 transfers required pursuant to ss. 121.71, 121.72, 121.73,
1251 121.735, and 121.74, the monthly balance of funds in the Florida
1252 Retirement System Contributions Clearing Trust Fund shall be
1253 transferred to the Florida Retirement System Trust Fund to pay
1254 the costs of providing pension plan benefits and plan
1255 administrative costs under the pension plan.

1256 Section 13. For the 2016-2017 fiscal year only, upon
1257 notification by the Department of Management Services that
1258 sufficient funds are not available to make survivor benefit
1259 payments authorized by this act, the State Board of
1260 Administration shall transfer, to the extent necessary, moneys
1261 in the Administrative Trust Fund to the survivor benefits
1262 account in the Florida Retirement System Trust Fund to ensure
1263 the timely payment of survivor benefits.
1264 Section 14. (1) In order to fund the benefit changes
1265 provided in this act, the required employer contribution rates
1266 for members of the Florida Retirement System established in s.
1267 121.71(4), Florida Statutes, are adjusted as follows:
1268 (a) The Regular Class is increased by 0.01 percentage
1269 points.
1270 (b) The Special Risk Class is increased by 0.07 percentage
1271 points.
1272 (c) The Special Risk Administrative Support Class is
1273 increased by 0.02 percentage points.
1274 (d) The Elected Officers' Class—Legislators, Governor,
1275 Lieutenant Governor, Cabinet Officers, State Attorneys, Public
1276 Defenders is increased by 0.05 percentage points.
1277 (e) The Elected Officers' Class—Justices, Judges is
1278 increased by 0.02 percentage points.
1279 (f) The Elected Officers' Class—County Elected Officers is
1280 increased by 0.07 percentage points.
1281 (g) The Senior Management Service Class is increased by

1282 0.01 percentage points.
1283 (2) The adjustments provided in subsection (1) are in
1284 addition to any other changes to such contribution rates that
1285 may be enacted into law to take effect on July 1, 2016. The
1286 Division of Law Revision and Information is directed to adjust
1287 accordingly the contribution rates provided in s. 121.71,
1288 Florida Statutes.
1289 Section 15. The Legislature finds that a proper and
1290 legitimate state purpose is served when employees and retirees
1291 of the state and its political subdivisions, and the dependents,
1292 survivors, and beneficiaries of such employees and retirees, are
1293 extended the basic protections afforded by governmental
1294 retirement systems. These persons must be provided benefits that
1295 are fair and adequate and that are managed, administered, and
1296 funded in an actuarially sound manner, as required by s. 14,
1297 Article X of the State Constitution and part VII of chapter 112,
1298 Florida Statutes. Therefore, the Legislature determines and
1299 declares that this act fulfills an important state interest.
1300 Section 16. For the 2016-2017 fiscal year, the recurring
1301 sums of $4,249,000 from the General Revenue Fund and $564,000
1302 from trust funds are appropriated to Administered Funds in order
1303 to fund the increased employer contribution rates to be paid
1304 under this act by state agencies, state universities, state
1305 colleges, and school districts.
1306 Section 17. This act shall take effect July 1, 2016.

APPROPRIATIONS COMMITTEE

Tuesday, February 16, 2016
3:00 PM – 6:00 PM
212 Knott Building

Meeting Packet

Addendum A

Steve Crisafulli
Speaker

Richard Corcoran
Chair

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	____	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Miller offered the following:
3
4 **Amendment (with title amendment)**
5 Remove lines 100-651 and insert:
6 Section 1. Subsection (36) of section 420.503, Florida
7 Statutes, is amended to read:
8 420.503 Definitions.—As used in this part, the term:
9 (36) "Service provider," except as otherwise defined in s.
10 420.512(5), means a law firm, investment bank, certified public
11 accounting firm, auditor, trustee bank, credit underwriter,
12 homeowner loan servicer, or any other provider of services to
13 the corporation which offers to perform or performs services to
14 the corporation or other provider for fees in excess of $35,000
15 ~~$25,000~~ in the aggregate during any fiscal year of the
16 corporation. The term includes the agents, officers, principals,
17 and professional employees of the service provider.

18 Section 2. Paragraphs (a) and (b) of subsection (22) of
19 section 420.507, Florida Statutes, are amended, paragraphs (d)
20 through (i) are redesignated as paragraphs (e) through (j),
21 respectively, a new paragraph (d) is added to that subsection,
22 and subsection (35) of that section is amended, to read:
23 420.507 Powers of the corporation.—The corporation shall
24 have all the powers necessary or convenient to carry out and
25 effectuate the purposes and provisions of this part, including
26 the following powers which are in addition to all other powers
27 granted by other provisions of this part:
28 (22) To develop and administer the State Apartment
29 Incentive Loan Program. In developing and administering that
30 program, the corporation may:
31 (a) Make first, second, and other subordinated mortgage
32 loans including variable or fixed rate loans subject to
33 contingent interest for all State Apartment Incentive Loans
34 provided in this chapter based upon available cash flow of the
35 projects. The corporation shall make loans exceeding 25 percent
36 of project cost only to nonprofit organizations and public
37 bodies that are able to secure grants, donations of land, or
38 contributions from other sources and to projects meeting the
39 criteria of subparagraph 1. Mortgage loans shall be made
40 available at the following rates of interest:
41 1. Zero to 3 percent interest for sponsors of projects
42 that set aside at least 80 percent of their total units for
43 residents qualifying as farmworkers, commercial fishing workers,

44 the homeless as defined in s. 420.621, or persons with special
45 needs as defined in s. 420.0004(13) over the life of the loan.
46 2. Zero to 3 percent interest based on the pro rata share
47 of units set aside for homeless residents or persons with
48 special needs if the total of such units is less than 80 percent
49 of the units in the borrower's project.
50 3. One to 9 percent interest for sponsors of projects
51 targeted at populations other than farmworkers, commercial
52 fishing workers, persons who are ~~the~~ homeless, or persons with
53 special needs.
54 (b) Make loans exceeding 25 percent of project cost when
55 the project serves extremely-low-income persons or projects as
56 provided in paragraph (d).
57 (d) In any county or rural area of a county that does not
58 have existing units set aside for persons who are homeless,
59 forgive indebtedness for loans provided to create permanent
60 rental housing units for persons who are homeless, as defined in
61 s. 420.621(5), or for persons residing in time-limited
62 transitional housing or institutions as a result of a lack of
63 permanent, affordable housing. Such developments must be
64 supported by a local homeless assistance continuum of care
65 developed under s. 420.624; be developed by nonprofit
66 applicants; be small properties as defined by corporation rule;
67 and be projects in the local housing assistance continuum of
68 care plan recognized by the State Office on Homelessness.

69 (35) To preclude from further participation in any of the
70 corporation's programs~~, for a period of up to 2 years,~~ any
71 applicant or affiliate of an applicant that ~~which~~ has made a
72 material misrepresentation or engaged in fraudulent actions in
73 connection with any application for a corporation program.
74 Section 3. Subsections (1) and (3), paragraphs (b), (f),
75 and (k) of subsection (6), and subsection (10) of section
76 420.5087, Florida Statutes, are amended to read:
77 420.5087 State Apartment Incentive Loan Program.—There is
78 hereby created the State Apartment Incentive Loan Program for
79 the purpose of providing first, second, or other subordinated
80 mortgage loans or loan guarantees to sponsors, including for-
81 profit, nonprofit, and public entities, to provide housing
82 affordable to very-low-income persons.
83 (1) Program funds shall be made available through a
84 competitive solicitation process ~~distributed over successive 3-~~
85 ~~year periods~~ in a manner that meets the need and demand for
86 very-low-income housing throughout the state. That need and
87 demand must be determined by using the most recent statewide
88 low-income rental housing market studies conducted every 3 years
89 ~~available at the beginning of each 3-year period~~. However, at
90 least 10 percent of the program funds, as calculated on an
91 annual basis, ~~distributed during a 3-year period~~ must be made
92 available ~~allocated~~ to each of the following categories of
93 counties~~,~~ as determined by using the population statistics

94 published in the most recent edition of the Florida Statistical
95 Abstract:
96 (a) Counties that have a population of 825,000 or more.
97 (b) Counties that have a population of more than 100,000
98 but fewer ~~less~~ than 825,000.
99 (c) Counties that have a population of 100,000 or fewer
100 ~~less~~.
101
102 Any increase in funding required to reach the 10-percent minimum
103 shall be taken from the county category that has the largest
104 portion of the funding ~~allocation~~. The corporation shall adopt
105 rules that ~~which~~ establish an equitable process for distributing
106 any portion of the 10 percent of program funds made available
107 ~~allocated~~ to the county categories specified in this subsection
108 which remains unallocated ~~at the end of a 3-year period~~.
109 Counties that have a population of 100,000 or fewer ~~less~~ shall
110 be given preference under these rules.
111 (3) During the first 6 months of loan or loan guarantee
112 availability, program funds shall be made available ~~reserved~~ for
113 use by sponsors who provide the housing set-aside required in
114 subsection (2) for the tenant groups designated in this
115 subsection. The ~~reservation of~~ funds made available to each of
116 these groups shall be determined using the most recent statewide
117 very-low-income rental housing market study available at the
118 time of publication of each notice of fund availability required
119 by paragraph (6)(b). The ~~reservation of~~ funds made available

120 within each notice of fund availability to the tenant groups in
121 paragraphs (b)-(e) ~~(a), (b), and (e)~~ may not be less than 10
122 percent of the funds available at that time. Any increase in
123 funding required to reach the required ~~10 percent~~ minimum must
124 be taken from the tenant group that would receive ~~has~~ the
125 largest percentage of available funds in accordance with the
126 study ~~reservation~~. The ~~reservation of~~ funds made available
127 within each notice of fund availability to the tenant group in
128 paragraph (a) ~~(c)~~ may not be less than 5 percent of the funds
129 available at that time. ~~The reservation of funds within each~~
130 ~~notice of fund availability to the tenant group in paragraph (d)~~
131 ~~may not be more than 10 percent of the funds available at that~~
132 ~~time.~~ The tenant groups are:
133 (a) Commercial fishing workers and farmworkers;
134 (b) Families;
135 (c) Persons who are homeless;
136 (d) Persons with special needs; and
137 (e) Elderly persons. Ten percent of the amount made
138 available ~~reserved~~ for the elderly shall ~~be reserved to~~ provide
139 loans to sponsors of housing for the elderly for the purpose of
140 making building preservation, health, or sanitation repairs or
141 improvements that ~~which~~ are required by federal, state, or local
142 regulation or code, or lifesafety or security-related repairs or
143 improvements to such housing. Such a loan may not exceed
144 $750,000 per housing community for the elderly. In order to
145 receive the loan, the sponsor of the housing community must make

146 a commitment to match at least 5 percent of the loan amount to
147 pay the cost of such repair or improvement. The corporation
148 shall establish the rate of interest on the loan, which may not
149 exceed 3 percent, and the term of the loan, which may not exceed
150 15 years; however, if the lien of the corporation's encumbrance
151 is subordinate to the lien of another mortgagee, then the term
152 may be made coterminous with the longest term of the superior
153 lien. The term of the loan shall be based on a credit analysis
154 of the applicant. The corporation may forgive indebtedness for a
155 share of the loan attributable to the units in a project
156 reserved for extremely-low-income elderly by nonprofit
157 organizations, as defined in s. 420.0004(5), where the project
158 has provided affordable housing to the elderly for 15 years or
159 more. The corporation shall establish, by rule, the procedure
160 and criteria for receiving, evaluating, and competitively
161 ranking all applications for loans under this paragraph. A loan
162 application must include evidence of the first mortgagee's
163 having reviewed and approved the sponsor's intent to apply for a
164 loan. A nonprofit organization or sponsor may not use the
165 proceeds of the loan to pay for administrative costs, routine
166 maintenance, or new construction.
167 (6) On all state apartment incentive loans, except loans
168 made to housing communities for the elderly to provide for
169 lifesafety, building preservation, health, sanitation, or
170 security-related repairs or improvements, the following
171 provisions shall apply:

172 (b) The corporation shall publish a notice of fund
173 availability in a publication of general circulation throughout
174 the state. Such notice shall be published at least 60 days
175 before ~~prior to~~ the application deadline and shall provide
176 notice of the availability ~~temporary reservations~~ of funds
177 established in subsection (3).
178 (f) The review committee established by corporation rule
179 pursuant to this subsection shall make recommendations to the
180 board of directors of the corporation regarding program
181 participation under the State Apartment Incentive Loan Program.
182 The corporation board shall make the final decisions regarding
183 which applicants shall become program participants based on the
184 scores received in the competitive process, further review of
185 applications, and the recommendations of the review committee.
186 The corporation board shall approve or reject applications for
187 loans and shall determine the tentative loan amount available to
188 each applicant selected for participation in the program. The
189 actual loan amount shall be determined pursuant to rule adopted
190 pursuant to s. 420.507(22)(i) ~~420.507(22)(h)~~.
191 (k) Rent controls shall ~~not be allowed on any project~~
192 ~~except as required in conjunction with the issuance of tax-~~
193 ~~exempt bonds or federal low-income housing tax credits and~~
194 ~~except when the sponsor has committed to set aside units for~~
195 ~~extremely low-income persons, in which case rents shall~~ be set
196 ~~restricted~~ at the income set-aside levels committed to by the

197 sponsor at the ~~level~~ applicable income limitations established
198 by the corporation for federal low-income tax credits.
199 ~~(10)(a) Notwithstanding subsection (3), for the 2015-2016~~
200 ~~fiscal year, the reservation of funds for the tenant groups~~
201 ~~within each notice of fund availability shall be:~~
202 ~~1. Not less than 10 percent of the funds available at that~~
203 ~~time for the following tenant groups:~~
204 ~~a. Families;~~
205 ~~b. Persons who are homeless;~~
206 ~~c. Persons with special needs; and~~
207 ~~d. Elderly persons.~~
208 ~~2. Not less than 5 percent of the funds available at that~~
209 ~~time for the commercial fishing workers and farmworkers tenant~~
210 ~~group.~~
211 ~~(b) This subsection expires July 1, 2016.~~
212 Section 4. Subsection (5) of section 420.511, Florida
213 Statutes, is amended to read:
214 420.511 Strategic business plan; long-range program plan;
215 annual report; audited financial statements.—
216 (5) The Auditor General shall conduct an operational audit
217 of the accounts and records of the corporation and provide a
218 written report on the audit to the President of the Senate and
219 the Speaker of the House of Representatives by December 1, 2016.
220 ~~Both the corporation's business plan and annual report must~~
221 ~~recognize the different fiscal periods under which the~~

222 ~~corporation, the state, the Federal Government, and local~~
223 ~~governments operate.~~
224 Section 5. Paragraphs (a) and (b) of subsection (3) and
225 subsections (4), (5), and (6) of section 420.622, Florida
226 Statutes, are amended, and paragraph (p) is added to subsection
227 (3) of that section, to read:
228 420.622 State Office on Homelessness; Council on
229 Homelessness.—
230 (3) The State Office on Homelessness, pursuant to the
231 policies set by the council and subject to the availability of
232 funding, shall:
233 (a) Coordinate among state, local, and private agencies
234 and providers to produce a statewide consolidated inventory
235 ~~program and financial plan~~ for the state's entire system of
236 homeless programs which incorporates regionally developed plans.
237 Such programs include, but are not limited to:
238 1. Programs authorized under the Stewart B. McKinney
239 Homeless Assistance Act of 1987, 42 U.S.C. ss. 11371 et seq.,
240 and carried out under funds awarded to this state; and
241 2. Programs, components thereof, or activities that assist
242 persons who are homeless or at risk for homelessness.
243 (b) Collect, maintain, and make available information
244 concerning persons who are homeless or at risk for homelessness,
245 including demographics information, current services and
246 resources available, the cost and availability of services and
247 programs, and the met and unmet needs of this population. All

248 entities that receive state funding must provide access to all
249 data they maintain in summary form, with no individual
250 identifying information, to assist the council in providing this
251 information. The State Office on Homelessness, in consultation
252 with the local homeless continuum of care designated lead
253 agencies and the Council on Homelessness, shall develop the
254 system and process of data collection from all lead agencies for
255 the purpose of analyzing trends and assessing impacts in the
256 statewide homeless delivery system. Any statewide homelessness
257 survey and database system must comply with all state and
258 federal statutory and regulatory confidentiality requirements
259 ~~council shall explore the potential of creating a statewide~~
260 ~~Management Information System (MIS), encouraging the future~~
261 ~~participation of any bodies that are receiving awards or grants~~
262 ~~from the state, if such a system were adopted, enacted, and~~
263 ~~accepted by the state~~.
264 (p) Provide support to managing entities, as defined in s.
265 394.9082(2), to address the needs of individuals experiencing
266 homelessness within the managing entities' geographic services
267 area.
268 (4) The State Office on Homelessness, with the concurrence
269 of the Council on Homelessness, shall ~~may~~ accept and administer
270 moneys appropriated to it to provide annual "Challenge Grants"
271 to lead agencies of homeless assistance continuums of care
272 designated by the State Office on Homelessness pursuant to s.
273 420.624. The department shall establish varying levels of grant

274 awards up to $500,000 per lead agency. ~~Award levels shall be~~
275 ~~based upon the total population within the continuum of care~~
276 ~~catchment area and reflect the differing degrees of homelessness~~
277 ~~in the catchment planning areas.~~ The department, in consultation
278 with the Council on Homelessness, shall specify a grant award
279 level in the notice of the solicitation of grant applications.
280 (a) To qualify for the grant, a lead agency must develop
281 and implement a local homeless assistance continuum of care plan
282 for its designated catchment area. The continuum of care plan
283 must implement a coordinated assessment or central intake system
284 to screen, assess, and refer persons seeking assistance to the
285 appropriate service provider. The lead agency shall also
286 document the commitment of local government and private
287 organizations to provide matching funds or in-kind support in an
288 amount equal to the grant requested. Expenditures of leveraged
289 funds or resources, including third-party cash or in-kind
290 contributions, are permitted only for eligible activities
291 committed on one project which have not been used as leverage or
292 match for any other project or program and must be certified
293 through a written commitment.
294 (b) Preference must be given to those lead agencies that
295 have demonstrated the ability of their continuum of care to
296 provide quality services to persons who are homeless ~~persons~~ and
297 the ability to leverage federal homeless-assistance funding
298 under the Stewart B. McKinney Act with local government funding

299 and private funding for the provision of services to persons who
300 are homeless ~~persons~~.
301 (c) Preference must be given to lead agencies in catchment
302 areas with the greatest need for the provision of housing and
303 services to persons who are ~~the~~ homeless~~,~~ relative to the
304 population of the catchment area.
305 (d) The grant may be used to fund any of the housing,
306 program, or service needs included in the local homeless
307 assistance continuum of care plan. The lead agency may allocate
308 the grant to programs, services, or housing providers that
309 implement the local homeless assistance continuum care plan. The
310 lead agency may provide subgrants to a local agency to implement
311 programs or services or provide housing identified for funding
312 in the lead agency's application to the department. A lead
313 agency may spend a maximum of 8 percent of its funding on
314 administrative costs.
315 (e) The lead agency shall submit a final report to the
316 department documenting the outcomes achieved by the grant in
317 enabling persons who are homeless to return to permanent housing
318 thereby ending such person's episode of homelessness.
319 (5) The State Office on Homelessness, with the concurrence
320 of the Council on Homelessness, may administer moneys
321 appropriated to it to provide homeless housing assistance grants
322 annually to lead agencies for local homeless assistance
323 continuum of care, as recognized by the State Office on
324 Homelessness, to acquire, construct, or rehabilitate

325 transitional or permanent housing units for persons who are
326 homeless ~~persons~~. These moneys shall consist of any sums that
327 the state may appropriate, as well as money received from
328 donations, gifts, bequests, or otherwise from any public or
329 private source, which are intended to acquire, construct, or
330 rehabilitate transitional or permanent housing units for persons
331 who are homeless ~~persons~~.
332 (a) Grant applicants shall be ranked competitively.
333 Preference must be given to applicants who leverage additional
334 private funds and public funds, particularly federal funds
335 designated for the acquisition, construction, or rehabilitation
336 of transitional or permanent housing for persons who are
337 homeless ~~persons~~; who acquire, build, or rehabilitate the
338 greatest number of units; or ~~and~~ who acquire, build, or
339 rehabilitate in catchment areas having the greatest need for
340 housing for persons who are ~~the~~ homeless relative to the
341 population of the catchment area.
342 (b) Funding for any particular project may not exceed
343 $750,000.
344 (c) Projects must reserve, for a minimum of 10 years, the
345 number of units acquired, constructed, or rehabilitated through
346 homeless housing assistance grant funding to serve persons who
347 are homeless at the time they assume tenancy.
348 (d) No more than two grants may be awarded annually in any
349 given local homeless assistance continuum of care catchment
350 area.

351 (e) A project may not be funded which is not included in
352 the local homeless assistance continuum of care plan, as
353 recognized by the State Office on Homelessness, for the
354 catchment area in which the project is located.
355 (f) The maximum percentage of funds that the State Office
356 on Homelessness and each applicant may spend on administrative
357 costs is 5 percent.
358 (6) The State Office on Homelessness, in conjunction with
359 the Council on Homelessness, shall establish performance
360 measures and specific objectives by which it may ~~to~~ evaluate the
361 ~~effective~~ performance and outcomes of lead agencies that receive
362 grant funds. Any funding through the State Office on
363 Homelessness shall be distributed to lead agencies based on
364 their overall performance and their achievement of specified
365 objectives. Each lead agency for which grants are made under
366 this section shall provide the State Office on Homelessness a
367 thorough evaluation of the effectiveness of the program in
368 achieving its stated purpose. In evaluating the performance of
369 the lead agencies, the State Office on Homelessness shall base
370 its criteria upon the program objectives, goals, and priorities
371 that were set forth by the lead agencies in their proposals for
372 funding. Such criteria may include, but not be limited to, the
373 number of persons or households that are no longer homeless, the
374 rate of recidivism to homelessness, and the number of persons
375 who obtain gainful employment ~~homeless individuals provided~~
376 ~~shelter, food, counseling, and job training~~.

377 Section 6. Paragraph (k) is added to subsection (1) of
378 section 420.623, Florida Statutes, to read:
379 420.623 Local coalitions for the homeless.—
380 (1) ESTABLISHMENT.—The department shall establish local
381 coalitions to plan, network, coordinate, and monitor the
382 delivery of services to the homeless. Appropriate local groups
383 and organizations involved in providing services for the
384 homeless and interested business groups and associations shall
385 be given an opportunity to participate in such coalitions,
386 including, but not limited to:
387 (k) Managing entities as defined in s. 394.9082(2).
388 Section 7. Subsections (3), (7), and (8) of section
389 420.624, Florida Statutes, are amended to read:
390 420.624 Local homeless assistance continuum of care.—
391 (3) Communities or regions seeking to implement a local
392 homeless assistance continuum of care are encouraged to develop
393 and annually update a written plan that includes a vision for
394 the continuum of care, an assessment of the supply of and demand
395 for housing and services for the homeless population, and
396 specific strategies and processes for providing the components
397 of the continuum of care. The State Office on Homelessness, in
398 conjunction with the Council on Homelessness, shall include in
399 the plan a methodology for assessing performance and outcomes.
400 The State Office on Homelessness shall supply a standardized
401 format for written plans, including the reporting of data.

402 (7) The components of a continuum of care plan should
403 include:
404 (a) Outreach, intake, and assessment procedures in order
405 to identify the service and housing needs of an individual or
406 family and to link them with appropriate housing, services,
407 resources, and opportunities;
408 (b) Emergency shelter, in order to provide a safe, decent
409 alternative to living in the streets;
410 (c) Transitional housing;
411 (d) Supportive services, designed to assist with the
412 development of the skills necessary to secure and retain
413 permanent housing;
414 (e) Permanent supportive housing;
415 (f) Rapid ReHousing, as specified in s. 420.6265;
416 (g) ~~(f)~~ Permanent housing;
417 (h) ~~(g)~~ Linkages and referral mechanisms among all
418 components to facilitate the movement of individuals and
419 families toward permanent housing and self-sufficiency;
420 (i) ~~(h)~~ Services and resources to prevent housed persons
421 from becoming or returning to homelessness; and
422 (j) ~~(i)~~ An ongoing planning mechanism to address the needs
423 of all subgroups of the homeless population, including, but not
424 limited to:
425 1. Single adult males;
426 2. Single adult females;
427 3. Families with children;

428 4. Families with no children;
429 5. Unaccompanied children and youth;
430 6. Elderly persons;
431 7. Persons with drug or alcohol addictions;
432 8. Persons with mental illness;
433 9. Persons with dual or multiple physical or mental
434 disorders;
435 10. Victims of domestic violence; and
436 11. Persons living with HIV/AIDS.
437 (8) Continuum of care plans must promote participation by
438 all interested individuals and organizations and may not exclude
439 individuals and organizations on the basis of race, color,
440 national origin, sex, handicap, familial status, or religion.
441 Faith-based organizations must be encouraged to participate. To
442 the extent possible, these components shall ~~should~~ be
443 coordinated and integrated with other mainstream health, social
444 services, and employment programs for which homeless populations
445 may be eligible, including Medicaid, State Children's Health
446 Insurance Program, Temporary Assistance for Needy Families, Food
447 Assistance Program, and services funded through the Mental
448 Health and Substance Abuse Block Grant, the Workforce Investment
449 Act, and the welfare-to-work grant program.
450 Section 8. Section 420.6265, Florida Statutes, is created
451 to read:
452 420.6265 Rapid ReHousing.—
453 (1) LEGISLATIVE FINDINGS AND INTENT.—

454 (a) The Legislature finds that Rapid ReHousing is a
455 strategy of using temporary financial assistance and case
456 management to quickly move an individual or family out of
457 homelessness and into permanent housing.
458 (b) The Legislature also finds that public and private
459 solutions to homelessness in the past have focused on providing
460 individuals and families who are experiencing homelessness with
461 emergency shelter, transitional housing, or a combination of
462 both. While emergency shelter and transitional housing programs
463 may provide critical access to services for individuals and
464 families in crisis, the programs often fail to address their
465 long-term needs.
466 (c) The Legislature further finds that most households
467 become homeless as a result of a financial crisis that prevents
468 individuals and families from paying rent or a domestic conflict
469 that results in one family member being ejected or leaving
470 without resources or a plan for housing.
471 (d) The Legislature further finds that Rapid ReHousing is
472 an alternative approach to the current system of emergency
473 shelter or transitional housing which tends to reduce the length
474 of time a person is homeless and has proven to be cost
475 effective.
476 (e) It is therefore the intent of the Legislature to
477 encourage homeless continuums of care to adopt the Rapid
478 ReHousing approach to preventing homelessness for individuals

479 and families who do not require the intense level of supports
480 provided in the permanent supportive housing model.
481 (2) RAPID REHOUSING METHODOLOGY.—
482 (a) The Rapid ReHousing response to homelessness differs
483 from traditional approaches to addressing homelessness by
484 focusing on each individual's or family's barriers to housing.
485 By using this response, communities can significantly reduce the
486 amount of time that individuals and families are homeless and
487 prevent further episodes of homelessness.
488 (b) In Rapid ReHousing, an individual or family is
489 identified as being homeless, temporary assistance is provided
490 to allow the individual or family to obtain permanent housing as
491 quickly as possible, and, if needed, assistance is provided to
492 allow the individual or family to retain housing.
493 (c) The objective of Rapid ReHousing is to provide
494 assistance for as short a term as possible so that the
495 individual or family receiving assistance does not develop a
496 dependency on the assistance.
497 Section 9. Subsections (16), (25), and (26) of section
498 420.9071, Florida Statutes, are amended to read:
499 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
500 term:
501 (16) "Local housing incentive strategies" means local
502 regulatory reform or incentive programs to encourage or
503 facilitate affordable housing production, which include, at a
504 minimum, assurance that permits ~~as defined in s. 163.3164~~ for

505 affordable housing projects are expedited to a greater degree
506 than other projects, as provided in s. 163.3177(6)(f)3.; an
507 ongoing process for review of local policies, ordinances,
508 regulations, and plan provisions that increase the cost of
509 housing prior to their adoption; and a schedule for implementing
510 the incentive strategies. Local housing incentive strategies may
511 also include other regulatory reforms, such as those enumerated
512 in s. 420.9076 or those recommended by the affordable housing
513 advisory committee in its triennial evaluation of the
514 implementation of affordable housing incentives, and adopted by
515 the local governing body.
516 (25) "Recaptured funds" means funds that are recouped by a
517 county or eligible municipality in accordance with the recapture
518 provisions of its local housing assistance plan pursuant to s.
519 420.9075(5)(i) ~~420.9075(5)(h)~~ from eligible persons or eligible
520 sponsors, which funds were not used for assistance to an
521 eligible household for an eligible activity, when there is a
522 default on the terms of a grant award or loan award.
523 (26) "Rent subsidies" means ongoing monthly rental
524 assistance. ~~The term does not include initial assistance to~~
525 ~~tenants, such as grants or loans for security and utility~~
526 ~~deposits.~~
527 Section 10. Paragraph (b) of subsection (3) and subsection
528 (7) of section 420.9072, Florida Statutes, are amended to read:
529 420.9072 State Housing Initiatives Partnership Program.—
530 The State Housing Initiatives Partnership Program is created for

531 the purpose of providing funds to counties and eligible
532 municipalities as an incentive for the creation of local housing
533 partnerships, to expand production of and preserve affordable
534 housing, to further the housing element of the local government
535 comprehensive plan specific to affordable housing, and to
536 increase housing-related employment.
537 (3)
538 (b) Within 45 ~~30~~ days after receiving a plan, the review
539 committee shall review the plan and either approve it or
540 identify inconsistencies with the requirements of the program.
541 The corporation shall assist a local government in revising its
542 plan if it initially proves to be inconsistent with program
543 requirements. A plan that is revised by the local government to
544 achieve consistency with program requirements shall be reviewed
545 within 45 ~~30~~ days after submission. The deadlines for submitting
546 original and revised plans shall be established by corporation
547 rule; however, the corporation shall not require submission of a
548 new local housing assistance plan to implement amendments to
549 this act until the currently effective plan expires.
550 (7)(a) A county or an eligible municipality must expend
551 its portion of the local housing distribution only to implement
552 a local housing assistance plan or as provided in this
553 subsection.
554 (b) A county or an eligible municipality may not expend
555 its portion of the local housing distribution to provide ongoing
556 rent subsidies, except for:

557 1.~~; however, this does not prohibit the use of funds for~~
558 Security and utility deposit assistance.
559 2. Eviction prevention not to exceed 6 months' rent.
560 3. A rent subsidy program for very-low-income households
561 with at least one adult who is a person with special needs, as
562 defined in s. 420.0004, or a person who is homeless, as defined
563 in s. 420.621. The period of rental assistance may not exceed 12
564 months for any eligible household.
565 Section 11. Paragraph (a) of subsection (2), paragraph (e)
566 of subsection (4), and paragraph (b) of subsection (13) of
567 section 420.9075, Florida Statutes, are amended, paragraph (f)
568 is added to subsection (3), paragraphs (b) through (l) of
569 subsection (5) are redesignated as paragraphs (c) through (m),
570 respectively, a new paragraph (b) is added to that subsection,
571 present paragraph (l) of that subsection is amended, and
572 paragraph (i) is added to subsection (10) of that section, to
573 read:
574 420.9075 Local housing assistance plans; partnerships.—
575 (2)(a) Each county and each eligible municipality
576 participating in the State Housing Initiatives Partnership
577 Program shall encourage the involvement of appropriate public
578 sector and private sector entities as partners in order to
579 combine resources to reduce housing costs for the targeted
580 population. This partnership process should involve:
581 1. Lending institutions.
582 2. Housing builders and developers.

583 3. Nonprofit and other community-based housing and service
584 organizations.
585 4. Providers of professional services relating to
586 affordable housing.
587 5. Advocates for low-income persons, including, but not
588 limited to, persons who are homeless ~~people~~, the elderly, and
589 migrant farmworkers.
590 6. Real estate professionals.
591 7. Other persons or entities who can assist in providing
592 housing or related support services.
593 8. Lead agencies of local homeless assistance continuums
594 of care.
595 9. Managing entities as defined in s. 394.9082(2).
596 (3)
597 (f) Each county and eligible municipality is encouraged to
598 develop a strategy within its local housing assistance plan that
599 provides program funds for reducing homelessness.
600 (4) Each local housing assistance plan is governed by the
601 following criteria and administrative procedures:
602 (e) The staff or entity that has administrative authority
603 for implementing a local housing assistance plan assisting
604 rental developments shall annually monitor and determine tenant
605 eligibility or, to the extent another governmental entity or
606 corporation program provides periodic ~~the same~~ monitoring and
607 determination, a municipality, county, or local housing
608 financing authority may rely on such monitoring and

609 determination of tenant eligibility. However, any loan or grant
610 in the original amount of $10,000 ~~$3,000~~ or less is ~~shall~~ not ~~be~~
611 subject to these annual monitoring and determination of tenant
612 eligibility requirements.
613 (5) The following criteria apply to awards made to
614 eligible sponsors or eligible persons for the purpose of
615 providing eligible housing:
616 (b) Up to 25 percent of the funds made available in each
617 county and eligible municipality from the local housing
618 distribution may be reserved for rental housing for eligible
619 persons or for the purposes listed in s. 420.9072(7)(b).
620 (m) ~~(1)~~ Funds from the local housing distribution not used
621 to meet the criteria established in paragraph (a) or paragraph
622 (c) ~~(b)~~ or not used for the administration of a local housing
623 assistance plan must be used for housing production and finance
624 activities, including, but not limited to, financing
625 preconstruction activities or the purchase of existing units,
626 providing rental housing, and providing home ownership training
627 to prospective home buyers and owners of homes assisted through
628 the local housing assistance plan.
629 1. Notwithstanding the provisions of paragraphs (a) and
630 (c) ~~(b)~~, program income as defined in s. 420.9071(24) may also
631 be used to fund activities described in this paragraph.
632 2. When preconstruction due-diligence activities conducted
633 as part of a preservation strategy show that preservation of the
634 units is not feasible and will not result in the production of

635 an eligible unit, such costs shall be deemed a program expense
636 rather than an administrative expense if such program expenses
637 do not exceed 3 percent of the annual local housing
638 distribution.
639 3. If both an award under the local housing assistance
640 plan and federal low-income housing tax credits are used to
641 assist a project and there is a conflict between the criteria
642 prescribed in this subsection and the requirements of s. 42 of
643 the Internal Revenue Code of 1986, as amended, the county or
644 eligible municipality may resolve the conflict by giving
645 precedence to the requirements of s. 42 of the Internal Revenue
646 Code of 1986, as amended, in lieu of following the criteria
647 prescribed in this subsection with the exception of paragraphs
648 (a) and (f) ~~(e) of this subsection~~.
649 4. Each county and each eligible municipality may award
650 funds as a grant for construction, rehabilitation, or repair as
651 part of disaster recovery or emergency repairs or to remedy
652 accessibility or health and safety deficiencies. Any other
653 grants must be approved as part of the local housing assistance
654 plan.
655 (10) Each county or eligible municipality shall submit to
656 the corporation by September 15 of each year a report of its
657 affordable housing programs and accomplishments through June 30
658 immediately preceding submittal of the report. The report shall
659 be certified as accurate and complete by the local government's
660 chief elected official or his or her designee. Transmittal of

661 the annual report by a county's or eligible municipality's chief
662 elected official, or his or her designee, certifies that the
663 local housing incentive strategies, or, if applicable, the local
664 housing incentive plan, have been implemented or are in the
665 process of being implemented pursuant to the adopted schedule
666 for implementation. The report must include, but is not limited
667 to:
668 (i) A description of efforts to reduce homelessness.
669 (13)
670 (b) If, as a result of its review of the annual report,
671 the corporation determines that a county or eligible
672 municipality has failed to implement a local housing incentive
673 strategy, or, if applicable, a local housing incentive plan, it
674 shall send a notice of termination of the local government's
675 share of the local housing distribution by certified mail to the
676 affected county or eligible municipality.
677 1. The notice must specify a date of termination of the
678 funding if the affected county or eligible municipality does not
679 implement the plan or strategy and provide for a local response.
680 A county or eligible municipality shall respond to the
681 corporation within 30 days after receipt of the notice of
682 termination.
683 2. The corporation shall consider the local response that
684 extenuating circumstances precluded implementation and grant an
685 extension to the timeframe for implementation. Such an extension
686 shall be made in the form of an extension agreement that

687 provides a timeframe for implementation. The chief elected
688 official of a county or eligible municipality or his or her
689 designee shall have the authority to enter into the agreement on
690 behalf of the local government.
691 3. If the county or the eligible municipality has not
692 implemented the incentive strategy or entered into an extension
693 agreement by the termination date specified in the notice, the
694 local housing distribution share terminates, and any uncommitted
695 local housing distribution funds held by the affected county or
696 eligible municipality in its local housing assistance trust fund
697 shall be transferred to the Local Government Housing Trust Fund
698 to the credit of the corporation to administer.
699 4.a. If the affected local government fails to meet the
700 timeframes specified in the agreement, the corporation shall
701 terminate funds. The corporation shall send a notice of
702 termination of the local government's share of the local housing
703 distribution by certified mail to the affected local government.
704 The notice shall specify the termination date, and any
705 uncommitted funds held by the affected local government shall be
706 transferred to the Local Government Housing Trust Fund to the
707 credit of the corporation to administer.
708 b. If the corporation terminates funds to a county, but an
709 eligible municipality receiving a local housing distribution
710 pursuant to an interlocal agreement maintains compliance with
711 program requirements, the corporation shall thereafter
712 distribute directly to the participating eligible municipality

713 its share calculated in the manner provided in ss. ~~s.~~ 420.9072
714 and 420.9073.
715 c. Any county or eligible municipality whose local
716 distribution share has been terminated may subsequently elect to
717 receive directly its local distribution share by adopting the
718 ordinance, resolution, and local housing assistance plan in the
719 manner and according to the procedures provided in ss. 420.907-
720 420.9079.
721 Section 12. Subsection (2), paragraph (a) of subsection
722 (4), and paragraph (b) of subsection (7) of section 420.9076,
723 Florida Statutes, are amended to read:
724 420.9076 Adoption of affordable housing incentive
725 strategies; committees.—
726 (2) The governing board of a county or municipality shall
727 appoint the members of the affordable housing advisory committee
728 ~~by resolution~~. Pursuant to the terms of any interlocal
729 agreement, a county and municipality may create and jointly
730 appoint an advisory committee ~~to prepare a joint plan~~. The local
731 action ~~ordinance~~ adopted pursuant to s. 420.9072 which creates
732 the advisory committee and appoints ~~or the resolution appointing~~
733 the advisory committee members must name at least 8 but not more
734 than ~~provide for~~ 11 committee members and specify their terms.
735 The committee must consist of one representative from at least
736 six of the following categories ~~include~~:

737 (a) A ~~One~~ citizen who is actively engaged in the
738 residential home building industry in connection with affordable
739 housing.
740 (b) A ~~One~~ citizen who is actively engaged in the banking
741 or mortgage banking industry in connection with affordable
742 housing.
743 (c) A ~~One~~ citizen who is a representative of those areas
744 of labor actively engaged in home building in connection with
745 affordable housing.
746 (d) A ~~One~~ citizen who is actively engaged as an advocate
747 for low-income persons in connection with affordable housing.
748 (e) A ~~One~~ citizen who is actively engaged as a for-profit
749 provider of affordable housing.
750 (f) A ~~One~~ citizen who is actively engaged as a not-for-
751 profit provider of affordable housing.
752 (g) A ~~One~~ citizen who is actively engaged as a real estate
753 professional in connection with affordable housing.
754 (h) A ~~One~~ citizen who actively serves on the local
755 planning agency pursuant to s. 163.3174. If the local planning
756 agency is comprised of the governing board of the county or
757 municipality, the governing board may appoint a designee who is
758 knowledgeable in the local planning process.
759 (i) A ~~One~~ citizen who resides within the jurisdiction of
760 the local governing body making the appointments.
761 (j) A ~~One~~ citizen who represents employers within the
762 jurisdiction.

763 (k) A ~~One~~ citizen who represents essential services
764 personnel, as defined in the local housing assistance plan.
765
766 ~~If a county or eligible municipality whether due to its small~~
767 ~~size, the presence of a conflict of interest by prospective~~
768 ~~appointees, or other reasonable factor, is unable to appoint a~~
769 ~~citizen actively engaged in these activities in connection with~~
770 ~~affordable housing, a citizen engaged in the activity without~~
771 ~~regard to affordable housing may be appointed. Local governments~~
772 ~~that receive the minimum allocation under the State Housing~~
773 ~~Initiatives Partnership Program may elect to appoint an~~
774 ~~affordable housing advisory committee with fewer than 11~~
775 ~~representatives if they are unable to find representatives who~~
776 ~~meet the criteria of paragraphs (a)-(k).~~
777 (4) Triennially, the advisory committee shall review the
778 established policies and procedures, ordinances, land
779 development regulations, and adopted local government
780 comprehensive plan of the appointing local government and shall
781 recommend specific actions or initiatives to encourage or
782 facilitate affordable housing while protecting the ability of
783 the property to appreciate in value. The recommendations may
784 include the modification or repeal of existing policies,
785 procedures, ordinances, regulations, or plan provisions; the
786 creation of exceptions applicable to affordable housing; or the
787 adoption of new policies, procedures, regulations, ordinances,
788 or plan provisions, including recommendations to amend the local

789 government comprehensive plan and corresponding regulations,
790 ordinances, and other policies. At a minimum, each advisory
791 committee shall submit a report to the local governing body that
792 includes recommendations on, and triennially thereafter
793 evaluates the implementation of, affordable housing incentives
794 in the following areas:
795 (a) The processing of approvals of development orders or
796 permits~~, as defined in s. 163.3164,~~ for affordable housing
797 projects is expedited to a greater degree than other projects,
798 as provided in s. 163.3177(6)(f)3.
799
800 The advisory committee recommendations may also include other
801 affordable housing incentives identified by the advisory
802 committee. Local governments that receive the minimum allocation
803 under the State Housing Initiatives Partnership Program shall
804 perform the initial review but may elect to not perform the
805 triennial review.
806 (7) The governing board of the county or the eligible
807 municipality shall notify the corporation by certified mail of
808 its adoption of an amendment of its local housing assistance
809 plan to incorporate local housing incentive strategies. The
810 notice must include a copy of the approved amended plan.
811 (b) If a county fails to timely adopt an amended local
812 housing assistance plan to incorporate local housing incentive
813 strategies but an eligible municipality receiving a local
814 housing distribution pursuant to an interlocal agreement within

815 the county does timely adopt an amended local housing assistance
816 plan to incorporate local housing incentive strategies, the
817 corporation, after issuance ~~receipt~~ of a notice of termination,
818 shall thereafter distribute directly to the participating
819 eligible municipality its share calculated in the manner
820 provided in s. 420.9073 ~~420.9072~~.
821 Section 13. Section 420.9089, Florida Statutes, is created
822 to read:
823 420.9089 National Housing Trust Fund.—The Legislature
824 finds that more funding for housing to assist individuals and
825 families who are experiencing homelessness or who are at risk of
826 homelessness is needed and encourages the state entity
827 designated to administer funds made available to the state from
828 the National Housing Trust Fund to propose an allocation plan
829 that includes strategies to reduce homelessness and the risk of
830 homelessness in this state. These strategies shall be in
831 addition to strategies developed under s.
832
833 ----------
834 **T I T L E A M E N D M E N T**
835 Remove lines 3-82 and insert:
836 420.503, F.S.; revising the definition of the term
837 "service provider"; amending s. 420.507, F.S.;
838 revising and providing powers of the Florida Housing
839 Finance Corporation relating to the State Apartment
840 Incentive Loan Program; amending s. 420.5087, F.S.;

841 requiring program funds to be made available through a
842 competitive solicitation process; revising
843 requirements for the distribution of funds; revising
844 requirements related to state apartment incentive
845 loans; deleting obsolete provisions; amending s.
846 420.511, F.S.; revising requirements related to the
847 corporation's business plan and annual report;
848 amending s. 420.622, F.S.; revising duties of the
849 State Office on Homelessness; requiring that the
850 office, in conjunction with the Council on
851 Homelessness and specified local agencies, develop a
852 system and process of data collection for specified
853 purposes; requiring the office to provide support for
854 managing entities for certain purposes; requiring the
855 office to accept and administer moneys appropriated to
856 it to provide annual challenge grants to certain lead
857 agencies of homeless assistance continuums of care;
858 removing the requirement that levels of grant awards
859 be based upon the total population within the
860 continuum of care catchment area and reflect the
861 differing degrees of homelessness in the respective
862 areas; allowing expenditures of leveraged funds or
863 resources only for eligible activities subject to
864 certain requirements; providing that preference for a
865 grant award must be given to those lead agencies that
866 have demonstrated the ability to leverage specified

867 federal homeless-assistance funding with local
868 government funding and private funding, for the
869 provision of services to individuals experiencing
870 homelessness; revising preference conditions relating
871 to grant applicants; requiring the office, in
872 conjunction with the Council on Homelessness, to
873 establish specific objectives by which it may evaluate
874 the outcomes of certain lead agencies; requiring that
875 any funding through the State Office on Homelessness
876 be distributed to lead agencies based on their
877 performance and achievement of specified objectives;
878 revising the factors that may be included as criteria
879 for evaluating the performance of lead agencies;
880 amending s. 420.623, F.S.; requiring that managing
881 entities be given an opportunity to participate in
882 local coalitions for the homeless; amending s.
883 420.624, F.S.; revising requirements for the local
884 homeless assistance continuum of care plan; providing
885 that the components of a continuum of care plan should
886 include Rapid ReHousing; requiring that specified
887 components of a continuum of care plan be coordinated
888 and integrated with other specified services and
889 programs; creating s. 420.6265, F.S.; providing
890 legislative findings and intent relating to Rapid
891 ReHousing; providing a Rapid ReHousing methodology;
892 amending s. 420.9071, F.S.; revising definitions;

893 conforming a cross-reference; amending s. 420.9072,
894 F.S.; revising the amount of time in which the State
895 Housing Initiatives Partnership Program must review a
896 local government comprehensive plan; prohibiting a
897 county or an eligible municipality from expending its
898 portion of the local housing distribution to provide
899 ongoing rent subsidies; providing exceptions; amending
900 s. 420.9075, F.S.; providing that a certain
901 partnership process of the State Housing Initiatives
902 Partnership Program should involve lead agencies of
903 local homeless assistance continuums of care and
904 managing entities; encouraging counties and eligible
905 municipalities to develop a strategy within their
906 local housing assistance plans which provides program
907 funds for reducing homelessness; revising requirements
908 for local housing assistance plans; revising the
909 criteria that apply to awards made to sponsors or
910 persons for the purpose of providing housing;
911 requiring that a specified report submitted by
912 counties and municipalities include a description of
913 efforts to reduce homelessness; revising requirements
914 for the distribution of funds to a municipality
915 pursuant to an interlocal agreement; amending s.
916 420.9076, F.S.; revising requirements for county or
917 municipality affordable housing advisory committees;
918 revising reporting requirements;

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Nuñez offered the following:
3
4 **Amendment**
5 Remove line 1301 and insert:
6 sums of $4,249,000 from the General Revenue Fund and $900,000