

By Senator Bullard

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1 A bill to be entitled
2 An act relating to recreational marijuana; amending s.
3 20.165, F.S.; renaming the Division of Alcoholic
4 Beverages and Tobacco of the Department of Business
5 and Professional Regulation; amending s. 561.025,
6 F.S.; renaming the Alcoholic Beverage and Tobacco
7 Trust Fund; specifying distribution of funds;
8 providing a directive to the Division of Law Revision
9 and Information; creating ch. 566, F.S., relating to
10 recreational marijuana; providing definitions relating
11 to an excise tax on recreational marijuana; imposing
12 an excise tax on recreational marijuana; providing for
13 inflation adjustments to the tax rate; providing for
14 collection of the tax; providing for distribution of
15 tax revenues; requiring an annual report concerning
16 tax revenues; providing definitions relating to
17 regulation of recreational marijuana; prohibiting the
18 use of false identification by persons under 21 years
19 of age for specified activities relating to
20 recreational marijuana; exempting certain activities
21 involving marijuana from use and possession offenses;
22 authorizing persons age 21 and over to engage in
23 certain activities involving personal use of marijuana
24 in limited amounts; providing limits on where persons
25 may engage in specified activities; providing
26 noncriminal penalties; providing for alternative
27 sentencing; providing for licensure of marijuana
28 establishments that may engage in the manufacture,
29 possession, or purchase of marijuana, marijuana

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30 products, and marijuana accessories or sell marijuana,
31 marijuana products, or marijuana accessories to a
32 consumer; specifying duties of the Division of
33 Alcoholic Beverages, Marijuana, and Tobacco; providing
34 for enforcement of regulatory provisions; authorizing
35 agreements with other entities for certain enforcement
36 activities; requiring an annual report; providing for
37 licensing of marijuana establishments; providing for
38 license fees; providing for a license process;
39 providing reasons that prohibit issuance or renewal of
40 a license; providing limits on the number of retail
41 marijuana stores in localities based on population;
42 providing standards for prospective licensees;
43 providing restrictions on the location of marijuana
44 establishments; prohibiting certain activities by
45 marijuana establishments; providing procedures when a
46 marijuana establishment's license expires; authorizing
47 localities to prohibit one or more types of marijuana
48 establishments through local ordinance; authorizing
49 localities to specify an entity within the locality to
50 be responsible for processing applications for a
51 license to operate a marijuana establishment;
52 providing for submission of applications to localities
53 if the division has not issued establishment licenses
54 by a specified date; specifying duties of the Attorney
55 General concerning federal subpoenas; providing an
56 exemption from specified provisions for marijuana
57 research; specifying that the chapter does not apply
58 to employer drug policies or operating under the

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59 influence laws; specifying that the chapter does not
60 allow persons under 21 years of age to engage in
61 activities permitted therein; providing that the
62 rights of property owners are not affected; requiring
63 rulemaking by the division; specifying that conduct
64 allowed by the chapter may not be considered the basis
65 for the finding of a lack of good moral character as
66 that term is used in law; providing for emergency
67 rulemaking; amending s. 500.03, F.S.; providing that
68 marijuana establishments that sell food containing
69 marijuana are considered food service establishments
70 for the purposes of specified regulations; creating s.
71 500.105, F.S.; specifying that food products
72 containing marijuana which are prepared in permitted
73 food establishments and sold by licensed retail
74 marijuana stores are not considered adulterated;
75 amending s. 562.13, F.S.; prohibiting marijuana
76 establishments from employing persons under 18 years
77 of age; amending s. 569.0073, F.S.; exempting licensed
78 marijuana establishments from specified provisions
79 regulating the sale of pipes and smoking devices;
80 amending ss. 893.13 and 893.135, F.S.; providing that
81 conduct authorized under ch. 566, F.S., is not
82 prohibited by specified controlled substance
83 prohibitions; providing effective dates.

84
85 Be It Enacted by the Legislature of the State of Florida:

86
87 Section 1. Paragraph (b) of subsection (2) of section

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88 20.165, Florida Statutes, is amended to read:

89 20.165 Department of Business and Professional Regulation.-
90 There is created a Department of Business and Professional
91 Regulation.

92 (2) The following divisions of the Department of Business
93 and Professional Regulation are established:

94 (b) Division of Alcoholic Beverages, Marijuana, and
95 Tobacco.

96 Section 2. Section 561.025, Florida Statutes, is amended to
97 read:

98 561.025 Alcoholic Beverage, Marijuana, and Tobacco Trust
99 Fund.—There is created within the State Treasury the Alcoholic
100 Beverage, Marijuana, and Tobacco Trust Fund. All funds collected
101 by the division under ss. 210.15, 210.40, or under s. 569.003
102 and the Beverage Law with the exception of state funds collected
103 pursuant to ss. 563.05, 564.06, and 565.12 shall be deposited in
104 the State Treasury to the credit of the trust fund,
105 notwithstanding any other provision of law to the contrary. In
106 addition, funds collected by the division under chapter 566
107 shall be deposited into the trust fund, except that funds from
108 the excise tax in s. 566.012 shall be deposited as provided in
109 s. 566.013. Moneys deposited to the credit of the trust fund
110 shall be used to operate the division and to provide a
111 proportionate share of the operation of the office of the
112 secretary and the Division of Administration of the Department
113 of Business and Professional Regulation; except that:

114 (1) The revenue transfer provisions of ss. 561.32 and
115 561.342(1) and (2) shall continue in full force and effect, and
116 the division shall cause such revenue to be returned to the

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117 municipality or county in the manner provided for in s. 561.32
118 or s. 561.342(1) and (2).~~;~~ and

119 (2) Ten percent of the revenues derived from retail tobacco
120 products dealer permit fees collected under s. 569.003 shall be
121 transferred to the Department of Education to provide for
122 teacher training and for research and evaluation to reduce and
123 prevent the use of tobacco products by children.

124 (3) Until January 1, 2023, an amount equal to 5 percent of
125 the revenues received by the division during the previous month
126 pursuant to the tax imposed by s. 566.012 shall be transferred
127 to the Department of Health to be used to provide grants for the
128 purpose of producing peer-reviewed research on marijuana's
129 beneficial uses and safety.

130 Section 3. The Division of Law Revision and Information is
131 directed to prepare a reviser's bill for the 2015 Regular
132 Session of the Legislature to redesignate the Division of
133 Alcoholic Beverages and Tobacco of the Department of Business
134 and Professional Regulation as the "Division of Alcoholic
135 Beverages, Marijuana, and Tobacco" and the Alcoholic Beverage
136 and Tobacco Trust Fund as the "Alcoholic Beverage, Marijuana,
137 and Tobacco Trust Fund," respectively, wherever those terms
138 appear in the Florida Statutes.

139 Section 4. Chapter 566, Florida Statutes, consisting of
140 sections 566.011 through 566.042, is created to read:

141 CHAPTER 566

142 RECREATIONAL MARIJUANA

143 PART I

144 EXCISE TAX

145 566.011 Definitions.—As used in this part, the term:

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146 (1) "Department" means the Department of Business and
147 Professional Regulation.

148 (2) "Division" means the Division of Alcoholic Beverages,
149 Marijuana, and Tobacco of the department.

150 (3) "Marijuana" means all parts of the plant of the genus
151 cannabis, whether growing or not, the seeds thereof, the resin
152 extracted from any part of the plant, and every compound,
153 manufacture, salt, derivative, mixture, or preparation of the
154 plant, its seeds, or its resin, including marijuana concentrate.
155 The term does not include industrial hemp, fiber produced from
156 the stalks, oil, cake made from the seeds of the plant,
157 sterilized seed of the plant which is incapable of germination,
158 or the weight of any ingredient combined with marijuana to
159 prepare topical or oral administrations, food, drink, or any
160 other product.

161 (4) "Marijuana cultivation facility" means an entity
162 licensed to cultivate, prepare, and package and sell marijuana
163 to retail marijuana stores, to marijuana product manufacturing
164 facilities, and to other marijuana cultivation facilities, but
165 not to consumers.

166 (5) "Marijuana establishment" means a marijuana cultivation
167 facility, marijuana testing facility, marijuana product
168 manufacturing facility, or retail marijuana store.

169 (6) "Marijuana product manufacturing facility" means an
170 entity licensed to:

171 (a) Purchase marijuana;

172 (b) Manufacture, prepare, and package marijuana products;

173 or

174 (c) Sell marijuana and marijuana products to other

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175 marijuana product manufacturing facilities and to retail
176 marijuana stores, but not to consumers.

177 (7) "Marijuana products" means concentrated marijuana and
178 products that consist of marijuana and other ingredients and
179 that are intended for use or consumption, including, but not
180 limited to, edible products, ointments, and tinctures.

181 (8) "Marijuana testing facility" means an entity licensed
182 to analyze and certify the safety and potency of marijuana.

183 (9) "Retail marijuana store" means an entity licensed to
184 purchase marijuana from a marijuana cultivation facility and
185 marijuana products from a marijuana product manufacturing
186 facility and to sell marijuana and marijuana products to
187 consumers.

188 566.012 Excise tax on marijuana.-

189 (1) An excise tax is imposed on the sale or transfer of
190 marijuana from a marijuana cultivation facility to a retail
191 marijuana store or marijuana product manufacturing facility.
192 Each marijuana cultivation facility shall pay an excise tax at
193 the rate of \$50 per ounce, or proportionate part thereof, on
194 marijuana that is sold or transferred from a marijuana
195 cultivation facility pursuant to part II.

196 (2) The excise tax rate under subsection (1) shall be
197 adjusted annually for inflation.

198 (a) Beginning in 2016, on or about February 15 of each
199 year, the department shall calculate the adjusted excise tax
200 rates by multiplying the rates in effect on the calculation date
201 by an inflation index computed as provided in paragraph (b). The
202 adjusted rates must be rounded to the nearest cent and become
203 effective on the first day of July immediately after the

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204 calculation. The division shall publish the annually adjusted
205 excise tax rates and shall provide all necessary forms and
206 reports.

207 (b) The inflation index is the Consumer Price Index for All
208 Urban Consumers, U.S. City Average, or successor reports, as
209 reported by the United States Department of Labor, Bureau of
210 Labor Statistics, for the calendar year ending on December 31
211 immediately before the calculation date, divided by the Consumer
212 Price Index for the previous calendar year. The inflation index
213 may not be less than one.

214 (c)1. A marijuana cultivation facility subject to the
215 licensing requirements of s. 566.036 shall file, on or before
216 the last day of each month, a return on a form prescribed and
217 furnished by the division together with payment of the tax due
218 under this part. The return must report all marijuana products
219 held, purchased, manufactured, brought in, or caused to be
220 brought in from outside the state or shipped or transported to a
221 retail marijuana store or marijuana product manufacturing
222 facility within the state during the previous calendar month. A
223 marijuana cultivation facility shall keep a complete and
224 accurate record at its principal place of business to
225 substantiate all receipts and sales of marijuana products.

226 2. The return must include further information as the
227 division may prescribe. Tax previously paid on marijuana
228 products that are returned to a marijuana establishment because
229 the product has become unfit for use, sale, or consumption and
230 for marijuana products that are returned to a marijuana
231 cultivation facility and that are subsequently destroyed by the
232 marijuana cultivation facility may be taken as a credit on a

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233 subsequent return. The division may either witness the
234 destruction of the product or may accept another form of proof
235 that the product has been destroyed by the marijuana cultivation
236 facility.

237 3. A person who is not a marijuana cultivation facility
238 licensed pursuant to s. 566.034 who imports, receives, or
239 otherwise acquires marijuana products for use or consumption in
240 the state from a person other than a licensed marijuana
241 cultivation facility shall file, on or before the last day of
242 the month after each month in which marijuana products were
243 acquired, a return on a form prescribed by the division together
244 with payment of the tax imposed by this part at the rate
245 provided in subsection (1). The return must report the quantity
246 of marijuana products imported, received, or otherwise acquired
247 from a person other than a licensed marijuana cultivation
248 facility during the previous calendar month and additional
249 information that the division may require.

250 (d) If a marijuana cultivation facility fails to make tax
251 payments as required by this section, the division may revoke
252 the marijuana cultivation facility's license.

253 566.013 Distribution of revenues.—Revenues derived from the
254 tax imposed by this part must be credited to the General Revenue
255 Fund. On or before the last day of each month, the Chief
256 Financial Officer shall transfer 15 percent of the revenue
257 received by the division during the preceding month pursuant to
258 the tax imposed by s. 566.012 to the Alcoholic Beverage,
259 Marijuana, and Tobacco Trust Fund established under s. 561.025.
260 On or before the last day of each month, the Chief Financial
261 Officer shall transfer the remainder of the revenues to the

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262 General Revenue Fund.

263 566.014 Annual report.—The division shall report annually
264 beginning January 30, 2016, the amount of tax revenue collected
265 pursuant to s. 566.012 and the amount distributed pursuant to s.
266 561.025(3) to the appropriations committees of each house of the
267 Legislature.

268 PART II

269 MARIJUANA REGULATION

270 566.031 Definitions.—As used in this part, the term:

271 (1) "Consumer" means a person 21 years of age or older who
272 purchases marijuana or marijuana products for personal use by
273 persons 21 years of age or older, but not for resale to others.

274 (2) "Department" has the same meaning as provided in s.
275 566.011.

276 (3) "Division" has the same meaning as provided in s.
277 566.011.

278 (4) "Licensee" means any individual, partnership,
279 corporation, firm, association, or other legal entity holding a
280 marijuana establishment license within the state.

281 (5) "Locality" means a municipality or, in reference to a
282 location in the unorganized territory, the county in which that
283 locality is located.

284 (6) "Marijuana" has the same meaning as provided in s.
285 566.011.

286 (7) "Marijuana accessories" means equipment, products, or
287 materials of any kind which are used, intended, or designed for
288 use in planting, propagating, cultivating, growing, harvesting,
289 composting, manufacturing, compounding, converting, producing,
290 processing, preparing, testing, analyzing, packaging,

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291 repackaging, storing, vaporizing, or containing marijuana or for
292 ingesting, inhaling, or otherwise introducing marijuana into the
293 human body.

294 (8) "Marijuana cultivation facility" has the same meaning
295 as provided in s. 566.011.

296 (9) "Marijuana establishment" has the same meaning as
297 provided in s. 566.011.

298 (10) "Marijuana product manufacturing facility" has the
299 same meaning as provided in s. 566.011.

300 (11) "Marijuana testing facility" has the same meaning as
301 provided in s. 566.011.

302 (12) "Minor" means a person under 21 years of age.

303 (13) "Retail marijuana store" has the same meaning as
304 provided in s. 566.011.

305 (14) "Seedling" means a marijuana plant that has no
306 flowers, is less than 12 inches in height, and is less than 12
307 inches in diameter.

308 566.0311 False identification.—

309 (1) A minor may not present or offer to a marijuana
310 establishment or the marijuana establishment's agent or employee
311 any written or oral evidence of age which is false, fraudulent,
312 or not actually the minor's own for the purpose of:

313 (a) Ordering, purchasing, or attempting to purchase or
314 otherwise procuring or attempting to procure marijuana; or

315 (b) Gaining access to marijuana.

316 (2)(a) A minor who violates subsection (2) commits:

317 1. For a first offense, a noncriminal violation subject to
318 a civil penalty of at least \$200 and not more than \$400.

319 2. For a second offense, a noncriminal violation subject to

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320 a civil penalty of at least \$300 and not more than \$600, which
321 may be suspended only as provided in paragraph (b).

322 3. For a third or subsequent offense, a noncriminal
323 violation subject to a civil penalty of \$600, which may be
324 suspended only as provided in paragraph (b).

325

326 When a minor is adjudged to have committed a first offense under
327 subsection (1), the judge shall inform that minor that the
328 noncriminal penalties for the second and subsequent offenses are
329 mandatory and may be suspended only as provided in paragraph
330 (b). Failure to inform the minor that subsequent noncriminal
331 penalties are mandatory is not a ground for suspension of any
332 subsequent civil penalty.

333 (b) A judge, as an alternative to or in addition to the
334 noncriminal penalties specified in paragraph (a), may assign the
335 minor to perform specified work for the benefit of the state,
336 the municipality, or other public entity or a charitable
337 institution for no more than 40 hours for each violation.

338 566.032 Exemption from criminal and noncriminal penalties,
339 seizure, or forfeiture.—Notwithstanding chapter 893 or any other
340 provision of law, and except as provided in this part, the
341 actions specified in this part are legal under the laws of this
342 state and do not constitute a civil or criminal offense under
343 the laws of this state or the law of any political subdivision
344 within this state or serve as a basis for seizure or forfeiture
345 of assets under state law.

346 566.033 Personal use of marijuana.—

347 (1) A person who is 21 years of age or older may:

348 (a) Use, possess, or transport marijuana accessories and up

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349 to 2 1/2 ounces of marijuana.

350 (b) Transfer or furnish, without remuneration, up to 2 1/2
351 ounces of marijuana and up to six seedlings to a person who is
352 21 years of age or older.

353 (c) Possess, grow, cultivate, process, or transport up to
354 six marijuana plants, including seedlings, and possess the
355 marijuana produced by the marijuana plants on the premises where
356 the plants were grown.

357 (d) Purchase up to 2 1/2 ounces of marijuana, up to six
358 seedlings, and marijuana accessories from a retail marijuana
359 store.

360 (2) The following apply to the cultivation of marijuana for
361 personal use by a person who is 21 years of age or older:

362 (a) A person may cultivate up to six marijuana plants,
363 including seedlings, at that person's place of residence, on
364 property owned by that person, or on another person's property
365 with permission of the owner of the other property.

366 (b) A person who elects to cultivate marijuana shall take
367 reasonable precautions to ensure the plants are secure from
368 unauthorized access or access by a person under 21 years of age.
369 Reasonable precautions include, but are not limited to,
370 cultivating marijuana in a fully enclosed secure outdoor area,
371 locked closet, or locked room inaccessible to persons under 21
372 years of age.

373 (3) A person may smoke or ingest marijuana in a nonpublic
374 place, including a private residence.

375 (a) This subsection does not permit a person to consume
376 marijuana in a manner that endangers others.

377 (b) The prohibitions and limitations on smoking tobacco

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378 products in specified areas in part II of chapter 386 apply to
379 marijuana.

380 (c) A person who smokes marijuana in a public place other
381 than as governed by part II of chapter 386 commits a noncriminal
382 violation subject to a civil penalty of \$100.

383 566.034 Marijuana establishments.—

384 (1) A marijuana establishment may engage in the
385 manufacture, possession, or purchase of marijuana, marijuana
386 products, or marijuana accessories and sell marijuana, marijuana
387 products, or marijuana accessories to a consumer as described in
388 this section.

389 (a) A retail marijuana store may:

390 1. Possess, display, or transport marijuana, marijuana
391 products, or marijuana accessories.

392 2. Purchase marijuana from a marijuana cultivation
393 facility.

394 3. Purchase marijuana or marijuana products from a
395 marijuana product manufacturing facility.

396 4. Sell marijuana, marijuana products, or marijuana
397 accessories to consumers.

398 (b) A marijuana cultivation facility may:

399 1. Cultivate, harvest, process, package, transport,
400 display, or possess marijuana.

401 2. Deliver or transfer marijuana to a marijuana testing
402 facility.

403 3. Sell marijuana to another marijuana cultivation
404 facility, a marijuana product manufacturing facility, or a
405 retail marijuana store.

406 4. Purchase marijuana from another marijuana cultivation

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407 facility.

408 (c) A marijuana product manufacturing facility may:

409 1. Package, process, transport, manufacture, display, or
410 possess marijuana or marijuana products.

411 2. Deliver or transfer marijuana or marijuana products to a
412 marijuana testing facility.

413 3. Sell marijuana or marijuana products to a retail
414 marijuana store or marijuana product manufacturing facility.

415 4. Purchase marijuana from a marijuana cultivation
416 facility.

417 5. Purchase marijuana or marijuana products from a
418 marijuana product manufacturing facility.

419 (d) A marijuana testing facility may possess, cultivate,
420 process, repackage, store, transport, display, transfer, or
421 deliver marijuana or marijuana products.

422
423 A marijuana establishment may lease or otherwise allow the use
424 of property owned, occupied, or controlled by a person,
425 corporation, or other entity for any of the activities conducted
426 lawfully in accordance with this subsection.

427 (2) This section does not prevent the imposition of
428 penalties for violating this chapter or state or local rules
429 adopted pursuant to this chapter.

430 566.035 Duties of the division.—The division shall:

431 (1) Enforce the laws and rules relating to the
432 manufacturing, processing, labeling, storing, transporting,
433 testing, and selling of marijuana by marijuana establishments
434 and administer those laws relating to licensing and the
435 collection of taxes.

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436 (2) Adopt rules consistent with this chapter for the
437 administration and enforcement of laws regulating and licensing
438 marijuana establishments.

439 (3) If determined necessary by the division, enter into a
440 memorandum of understanding with the Department of Law
441 Enforcement, a county sheriff, or other state or municipal law
442 enforcement agency to perform inspections of marijuana
443 establishments.

444 (4) Issue licenses for a marijuana cultivation facility,
445 marijuana testing facility, marijuana product manufacturing
446 facility, and retail marijuana store.

447 (5) Prevent the sale of marijuana by licensees to minors
448 and intoxicated persons.

449 (6) Ensure that licensees have access to the provisions of
450 this chapter and other laws and rules governing marijuana in
451 accordance with this section.

452 (7) Post on the department's publicly accessible website
453 this chapter and all rules adopted under this chapter. The
454 division shall notify all licensees of changes in the law and
455 rules through a publicly accessible website posting within 90
456 days after adjournment of each session of the Legislature. The
457 division shall update the posting on the department's publicly
458 accessible website to reflect new laws and rules before the
459 effective date of the laws and rules.

460 (8) Certify monthly to the Chief Financial Officer a
461 complete statement of revenues and expenses for licenses issued
462 and for revenues collected by the division and submit an annual
463 report that includes a complete statement of the revenues and
464 expenses for the division to the Governor, the Speaker of the

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465 House of Representatives, and the President of the Senate.

466 (9) Suspend or revoke the license of a licensee in
467 accordance with rules adopted by the division. A marijuana
468 establishment with a license that is suspended or revoked
469 pursuant to this subsection may:

470 (a) Continue to possess marijuana during the time its
471 license is suspended, but may not dispense, transfer, or sell
472 marijuana. If the marijuana establishment is a marijuana
473 cultivation facility, it may continue to cultivate marijuana
474 plants during the time its license is suspended. Marijuana may
475 not be removed from the licensed premises except as authorized
476 by the division and only for the purpose of destruction.

477 (b) Possess marijuana for up to 7 days after revocation of
478 its license, during which time the marijuana establishment shall
479 dispose of its inventory of marijuana in accordance with
480 division rules.

481 (10) Beginning January 15, 2016, and annually thereafter,
482 report to the committees of each house of the Legislature having
483 jurisdiction over marijuana regulation. The report must include,
484 but is not limited to, all rules adopted by the division and
485 statistics regarding the number of marijuana establishment
486 applications received, the number of applicants licensed, and
487 the licensing fees collected within the previous year.

488 566.036 Licensing of marijuana establishments.-

489 (1) An applicant for a marijuana establishment license
490 shall file an application on the form prescribed by the division
491 for the type of marijuana establishment license sought, along
492 with the application fee, not to exceed \$5,000, as set by rule.
493 An applicant may apply for and be granted more than one type of

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494 marijuana establishment license, except that a person licensed
495 as a marijuana testing facility may not hold another marijuana
496 establishment license. The division shall begin accepting and
497 processing applications on August 1, 2015.

498 (2) Upon receiving an application for a marijuana
499 establishment license, the division shall immediately forward a
500 copy of the application and 50 percent of the license
501 application fee to the locality in which the applicant desires
502 to operate.

503 (3) The division shall issue or renew a license to operate
504 a marijuana establishment to an applicant who meets the
505 requirements of the division as set forth in rule and in
506 subsection (9) within 90 days after the date of receipt of the
507 application unless:

508 (a) The division finds the applicant is not in compliance
509 with this section or rules adopted by the division;

510 (b) The division is notified by the relevant locality that
511 the applicant is not in compliance with an ordinance, rule, or
512 regulation in effect at the time of application; or

513 (c) The number of marijuana establishments allowed in the
514 locality has been limited pursuant to s. 566.037 or is limited
515 by subsection (5) and the division has already licensed the
516 maximum number of marijuana establishments allowed in the
517 locality for the category of license that is sought.

518 (4) The following shall control when more than one
519 application is received by the division for establishment of a
520 marijuana establishment in the same locality:

521 (a) If a greater number of applications are received from
522 qualified applicants to operate a marijuana establishment in a

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523 locality than are allowed under the limits enacted by the
524 locality pursuant to s. 566.037 or pursuant to subsection (5),
525 the division shall solicit and consider input from the locality
526 regarding the locality's preference or preferences for
527 licensure. Within 90 days after the date that the first
528 application is received, the division may issue the maximum
529 number of applicable licenses for each type of marijuana
530 establishment license application received.

531 (b) In a competitive application process to determine which
532 applicants will receive licenses for a marijuana establishment,
533 the division shall give preference to an applicant who has at
534 least 1 year of previous experience in operating another
535 business in this state in compliance with state law.

536 (c) The division may not grant a license for a marijuana
537 establishment to an applicant who has already received a license
538 to operate the same type of marijuana establishment if doing so
539 would prevent another qualified applicant from receiving a
540 license.

541 (5) Unless the locality has prohibited retail marijuana
542 stores or has enacted a lower limit on the number of retail
543 marijuana stores, the division shall license no more than:

544 (a) One retail marijuana store per each 5,000 persons in a
545 locality with a population of more than 20,000.

546 (b) Two retail marijuana stores in a locality with a
547 population of at least 5,001 but less than 20,000.

548 (c) One retail marijuana store in a locality with a
549 population of at least 2,000 but less than 5,001.

550
551 The division may license one retail marijuana store in a

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552 locality where the population is less than 2,000 if the
553 municipality or county commissioners for the locality has not
554 prohibited retail marijuana stores. The division may grant a
555 locality's request to allow additional marijuana stores. The
556 division may consider the impact of seasonal population or
557 tourism and other related information provided by the locality
558 requesting an additional marijuana establishment location.

559 (6) Upon denial of an application, the division shall
560 notify the applicant in writing of the specific reason for its
561 denial.

562 (7) All licenses under this part are valid for 1 year from
563 the date of issuance.

564 (8) A prospective licensee as a marijuana establishment:

565 (a) May not have been convicted of a disqualifying drug
566 offense. For purposes of this section, "disqualifying drug
567 offense" means a conviction for a violation of a state or
568 federal controlled substance law which is a crime punishable by
569 imprisonment for 1 year or more. It does not include an offense
570 for which the sentence, including any term of probation,
571 incarceration, or supervised release, was completed 10 or more
572 years before application for licensure or an offense that
573 consisted of conduct that would be permitted under this part.

574 (b) May not have had a previous license revoked for a
575 marijuana establishment.

576 (c) If the applicant is a corporation, may not be issued a
577 license if any of the principal officers of the corporation
578 would be personally ineligible under paragraph (a) or paragraph
579 (b).

580 (9) A marijuana establishment:

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581 (a) May not be located within 500 feet of the property line
582 of a preexisting public or private school. The distance must be
583 measured from the main entrance of the marijuana establishment
584 to the main entrance of the school by the ordinary course of
585 travel.

586 (b) Shall implement appropriate security measures,
587 consistent with rules issued by the division, which are designed
588 to prevent:

589 1. Unauthorized entrance into areas containing marijuana.

590 2. The theft of marijuana located on the premises or in
591 transit to or from the premises by the licensee.

592 3. Tampering with or adulteration of the marijuana
593 products.

594 4. Unauthorized access to marijuana or marijuana
595 accessories.

596 5. Access to marijuana by or sales of marijuana to minors.

597 (c) Shall prepare and maintain documents that include
598 procedures for the oversight of all aspects of operations and
599 procedures to ensure accurate recordkeeping.

600 (d) Shall make available for inspection its license at the
601 premises to which that license applies. A licensee may not
602 refuse a representative of the division the right at any time to
603 inspect the entire licensed premises or to audit the books and
604 records of the licensee.

605 (e) May not sell marijuana to a minor or to a visibly
606 intoxicated person.

607 (f) If the licensee is a retail marijuana store, may not
608 allow a minor to enter or remain on the premises unless the
609 minor is an employee of the division, a law enforcement officer,

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610 emergency personnel, or a contractor performing work on the
611 facility that is not directly related to marijuana, such as
612 installing or maintaining security devices or performing
613 electrical wiring.

614 (g) May not sell marijuana between the hours of 1 a.m. and
615 6 a.m.

616 (h) May not employ as a manager or leave in charge of the
617 licensed premises any person who, by reason of conviction for a
618 disqualifying drug offense or because of a revocation of that
619 person's marijuana establishment license, is not eligible for a
620 marijuana establishment license.

621 (i) If a retail marijuana store, may not offer any free
622 merchandise, a rebate, or a gift to a consumer.

623 (j) If a retail marijuana store, may sell or furnish
624 marijuana to a consumer only from the premises licensed by the
625 department. A retail marijuana store may not, directly or
626 indirectly, by any agent or employee, travel from locality to
627 locality, or from place to place within the same locality,
628 selling, bartering, carrying for sale, or exposing for sale
629 marijuana from a vehicle.

630 (10) A person who intentionally provides false information
631 on an application for a marijuana establishment license violates
632 s. 837.06.

633 (11) When a licensee's license expires:

634 (a) A licensee who unintentionally fails to renew a license
635 upon its expiration date and continues to engage in activities
636 allowed by s. 566.034 may not be charged with illegal sales for
637 a period of 7 days after the expiration date. A licensee who
638 continues to make sales of marijuana after having been properly

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639 notified of the expired license may be charged with illegally
640 selling marijuana.

641 (b) At least 30 days before expiration of a licensee's
642 license issued pursuant to this part, the division shall notify
643 the licensee by the most expedient means available:

644 1. That the licensee's license is scheduled to expire.

645 2. The date of expiration.

646 3. That all sales of marijuana must be suspended after the
647 date of expiration and remain suspended until the license is
648 properly renewed.

649
650 Failure by the division to notify a licensee pursuant to this
651 paragraph does not excuse a licensee from being charged with a
652 violation of this part.

653 566.037 Local control.-

654 (1) A locality may prohibit the operation of one or more
655 types of marijuana establishments through the enactment of an
656 ordinance.

657 (2) If a locality does not prohibit the operation of a
658 marijuana establishment pursuant to subsection (1), the
659 following conditions apply:

660 (a) No later than September 1, 2015, a locality may enact
661 an ordinance or regulation specifying the entity within the
662 locality which is responsible for processing applications
663 submitted for a licensee to operate a marijuana establishment
664 within the boundaries of the locality. The locality may provide
665 that the entity may issue such licenses if issuance by the
666 locality becomes necessary because of a failure by the division
667 to adopt rules pursuant to s. 566.035 or because of a failure by

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668 the division to process and issue licenses as required by s.
669 566.036.

670 (b) A locality may enact ordinances, rules, or regulations
671 pursuant to this paragraph as long as those ordinances, rules,
672 or regulations do not conflict with this section or with rules
673 issued pursuant to s. 566.035. The ordinances may:

674 1. Govern the time, place, and manner of operations and
675 number of marijuana establishments.

676 2. Establish procedures for the issuance, suspension, and
677 revocation of a license issued by the locality in accordance
678 with paragraph (c) or paragraph (d).

679 3. Establish a schedule of annual operating, licensing, and
680 application fees for a marijuana establishment. This
681 subparagraph applies only if the application fee or licensing
682 fee is submitted to a locality in accordance with paragraph (c)
683 or (d).

684 4. Establish noncriminal penalties for violation of an
685 ordinance, rule, or regulation governing the time, place, and
686 manner that a marijuana establishment may operate in that
687 locality.

688 (c) If the division does not begin issuing licenses by
689 January 1, 2016, an applicant may submit an application directly
690 to the locality in which it wants to operate. A locality that
691 receives an application pursuant to this paragraph shall issue a
692 license to an applicant within 90 days after receipt of the
693 application unless the locality finds, and notifies the
694 applicant, that the applicant is not in compliance with an
695 ordinance, rule, or regulation made pursuant to s. 566.035 or
696 paragraph (b) in effect at the time of application. The locality

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697 shall notify the division if the locality issues an annual
698 license to the applicant.

699 (d) If the division does not issue a license to an
700 applicant within 90 days after receipt of the application filed
701 in accordance with s. 566.036 and does not notify the applicant
702 of the specific reason for denial, in writing and within 90 days
703 after receipt of the application, the applicant may resubmit its
704 application directly to the locality, and the locality may issue
705 an annual license to the applicant. A locality issuing a license
706 to an applicant shall do so within 90 days after receipt of the
707 resubmitted application unless the locality finds, and notifies
708 the applicant, that the applicant is not in compliance with an
709 ordinance, rule, or regulation made pursuant to s. 566.035 or
710 paragraph (b) in effect at the time the application is
711 resubmitted. The locality shall notify the division if the
712 locality issues an annual license to the applicant. If an
713 application is submitted to a locality under this paragraph, the
714 division shall forward to the locality the application fee paid
715 by the applicant to the division upon request by the locality.

716 (e) A license issued by a locality in accordance with
717 paragraph (c) or paragraph (d) has the same effect as a license
718 issued by the division in accordance with s. 566.036, and the
719 holder of that license is not subject to regulation or
720 enforcement by the division during the term of that license. A
721 subsequent or renewed license may be issued under this paragraph
722 on an annual basis if the division has not adopted rules
723 required by s. 566.035 at least 90 days before the date upon
724 which such subsequent or renewed license would be effective, or
725 if the division has adopted rules pursuant to s. 566.041 but has

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726 not, at least 90 days after the adoption of those rules, issued
727 any marijuana establishment licenses pursuant to s. 566.036.

728 566.038 Defense of state law.—The Attorney General shall,
729 to the best of the abilities of the office and in good faith,
730 advocate to quash any federal subpoena for records involving
731 marijuana establishments.

732 566.039 Research.—Notwithstanding the provisions of this
733 part regulating the distribution of marijuana, a scientific or
734 medical researcher who has previously published peer-reviewed
735 research may purchase, possess, and securely store marijuana for
736 purposes of conducting research. A scientific or medical
737 researcher may administer and distribute marijuana to a
738 participant in research who is at least 21 years of age after
739 receiving informed consent from that participant.

740 566.040 Construction.—

741 (1) EMPLOYMENT POLICIES.—This chapter does not require an
742 employer to permit or accommodate the use, consumption,
743 possession, transfer, display, transportation, sale, or growing
744 of marijuana in the workplace or to affect the ability of
745 employers to have policies restricting the use of marijuana by
746 their employees.

747 (2) OPERATING UNDER THE INFLUENCE.—This chapter does not
748 exempt a person from the laws prohibiting operating under the
749 influence under chapter 316 or chapter 327.

750 (3) TRANSFER TO MINOR.—This chapter does not permit the
751 transfer of marijuana, with or without remuneration, to a minor
752 or to allow a minor to purchase, possess, use, transport, grow,
753 or consume marijuana.

754 (4) RESTRICTION ON USE OF PROPERTY.—This chapter does not

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755 prohibit any person, employer, school, hospital, detention
756 facility, corporation, or other entity that occupies, owns, or
757 controls real property from prohibiting or otherwise regulating
758 the possession, consumption, use, display, transfer,
759 distribution, sale, transportation, or growing of marijuana on
760 or in that real property.

761 566.041 Rulemaking.—The division shall adopt any rules
762 necessary to administer and enforce the provisions of this
763 chapter.

764 566.042 Good moral character.—Engaging in conduct allowed
765 by this chapter may not be the basis for a finding of a lack of
766 good moral character as that term is used in the Florida
767 Statutes.

768 Section 5. Section 566.037, Florida Statutes, as created by
769 this act, which relates to local control, shall take effect upon
770 this act becoming a law.

771 Section 6. Rulemaking.—This section shall take effect upon
772 this act becoming a law.

773 (1) By June 1, 2015, the Division of Alcoholic Beverages,
774 Marijuana, and Tobacco of the Department of Business and
775 Professional Regulation shall adopt emergency rules for the
776 administration and the enforcement of laws regulating and
777 licensing marijuana establishments pursuant to part II of
778 chapter 566, Florida Statutes, as created by this act. These
779 rules must be developed by the division and may not be
780 contracted out to an entity outside the division. These rules
781 may not prohibit the operation of marijuana establishments,
782 either expressly or through restrictions that make the operation
783 of marijuana establishments unreasonably impracticable. As used

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784 in this section, "unreasonably impracticable" means that the
785 measures necessary to comply with the rules require such a high
786 investment of risk, money, time, or other resource or asset that
787 the operation of a marijuana establishment is not worthy of
788 being carried out in practice by a reasonably prudent
789 businessperson.

790 (2) Rules adopted pursuant to this section must include:

791 (a) Provisions for administering and enforcing part II of
792 chapter 566, Florida Statutes, including oversight requirements
793 and noncriminal penalties for violations.

794 (b) The form and content of applications for each type of
795 marijuana establishment license, registration renewal forms, and
796 associated licensing and renewal fee schedules, except that an
797 application, licensing, or renewal fee may not exceed \$5,000.

798 (c) Procedures allowing an applicant who has been denied a
799 license due to failure to meet the requirements for licensing to
800 correct the reason for failure.

801 (d) Procedures and timelines for background checks and
802 appeals.

803 (e) Rules governing the transfer of a license, which must
804 be substantially the same as rules governing the transfer of a
805 beverage license under chapter 561, Florida Statutes.

806 (f) Minimum standards for employment, including
807 requirements for background checks, restrictions against hiring
808 persons under 21 years of age, and safeguards to protect against
809 unauthorized employee access to marijuana.

810 (g) Minimum recordkeeping requirements, including the
811 recording of the disposal of marijuana that is not sold. Rules
812 developed pursuant to this subsection may not require a consumer

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813 to provide a retail marijuana store with personal information
814 other than government-issued identification to determine the
815 consumer's age or require the retail marijuana store to acquire
816 and record personal information about its consumers.

817 (h) Health and safety rules and standards for the
818 manufacture of marijuana products and the cultivation of
819 marijuana.

820 (i) Labeling requirements for marijuana and marijuana
821 products sold or distributed by a marijuana establishment.

822 (j) Restrictions on the advertising, signage, and display
823 of marijuana and marijuana products.

824 (k) Minimum security requirements, including standards to
825 reasonably protect against unauthorized access to marijuana at
826 all stages of the licensee's possession, transportation,
827 storage, and cultivation of marijuana; these security
828 requirements may not prohibit outdoor cultivation in an
829 enclosed, secured space.

830 (l) Procedures for enforcing s. 566.035(9) and (10),
831 Florida Statutes, including noncriminal penalties for
832 violations, procedures for suspending or terminating the license
833 of a licensee who violates licensing provisions or the rules
834 adopted pursuant to this section, and procedures for appeals of
835 penalties or licensing actions.

836 (m) Any other oversight requirements that the division
837 determines are necessary to administer the laws relating to
838 licensing marijuana establishments.

839 (3) Rules adopted pursuant to this section may not prohibit
840 a locality, as defined in s. 566.031, Florida Statutes, from
841 limiting the number of each type of licensee who may operate in

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842 the locality or from enacting reasonable regulations applicable
843 to licensees.

844 Section 7. Paragraph (p) of subsection (1) of section
845 500.03, Florida Statutes, is amended to read:

846 500.03 Definitions; construction; applicability.—

847 (1) For the purpose of this chapter, the term:

848 (p) "Food establishment" means any factory, food outlet, or
849 any other facility manufacturing, processing, packing, holding,
850 or preparing food or selling food at wholesale or retail. The
851 term does not include any business or activity that is regulated
852 under s. 500.80, chapter 509, or chapter 601. The term includes
853 a retail marijuana store that sells food containing marijuana
854 pursuant to chapter 566. The term includes tomato packinghouses
855 and repackers but does not include any other establishments that
856 pack fruits and vegetables in their raw or natural states,
857 including those fruits or vegetables that are washed, colored,
858 or otherwise treated in their unpeeled, natural form before they
859 are marketed.

860 Section 8. Section 500.105, Florida Statutes, is created to
861 read:

862 500.105 Retail marijuana store food products containing
863 marijuana.—Food products containing marijuana which are prepared
864 in a food establishment that holds a permit under s. 500.12, if
865 required, and which are sold by a retail marijuana store
866 licensed under chapter 566 are not considered adulterated under
867 this chapter due to the presence of marijuana.

868 Section 9. Subsection (1) of section 562.13, Florida
869 Statutes, is amended to read:

870 562.13 Employment of minors or certain other persons by

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871 certain vendors prohibited; exceptions.—

872 (1) Unless otherwise provided in this section, it is
873 unlawful for a ~~any~~ vendor licensed under the Beverage Law or a
874 licensee under chapter 566 to employ a ~~any~~ person under 18 years
875 of age.

876 Section 10. Subsection (1) of section 569.0073, Florida
877 Statutes, is amended to read:

878 569.0073 Special provisions; smoking pipes and smoking
879 devices.—

880 (1) A person may not ~~It is unlawful for any person to~~ offer
881 for sale at retail any of the items listed in subsection (2)
882 unless such person:

883 (a) Has a retail tobacco products dealer permit under s.
884 569.003 or is a marijuana establishment licensed under s.
885 566.036. The provisions of this chapter apply to any person that
886 offers for retail sale any of the items listed in subsection
887 (2); and

888 (b)1. Derives at least 75 percent of its annual gross
889 revenues from the retail sale of cigarettes, cigars, and other
890 tobacco products or marijuana products sold in compliance with
891 chapter 566; or

892 2. Derives no more than 25 percent of its annual gross
893 revenues from the retail sale of the items listed in subsection
894 (2).

895 Section 11. Subsection (11) is added to section 893.13,
896 Florida Statutes, to read:

897 893.13 Prohibited acts; penalties.—

898 (11) Subsections (1)-(8) are not applicable to conduct
899 authorized under chapter 566.

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900 Section 12. Subsection (1) of section 893.135, Florida
901 Statutes, is amended to read:

902 893.135 Trafficking; mandatory sentences; suspension or
903 reduction of sentences; conspiracy to engage in trafficking.—

904 (1) Except as authorized in this chapter, ~~or in~~ chapter
905 499, or chapter 566 and notwithstanding ~~the provisions of~~ s.
906 893.13:

907 (a) A ~~Any~~ person who knowingly sells, purchases,
908 manufactures, delivers, or brings into this state, or who is
909 knowingly in actual or constructive possession of, in excess of
910 25 pounds of cannabis, or 300 or more cannabis plants, commits a
911 felony of the first degree, which felony shall be known as
912 "trafficking in cannabis," punishable as provided in s. 775.082,
913 s. 775.083, or s. 775.084. If the quantity of cannabis involved:

914 1. Is in excess of 25 pounds, but less than 2,000 pounds,
915 or is 300 or more cannabis plants, but not more than 2,000
916 cannabis plants, such person shall be sentenced to a mandatory
917 minimum term of imprisonment of 3 years, and the defendant shall
918 be ordered to pay a fine of \$25,000.

919 2. Is 2,000 pounds or more, but less than 10,000 pounds, or
920 is 2,000 or more cannabis plants, but not more than 10,000
921 cannabis plants, such person shall be sentenced to a mandatory
922 minimum term of imprisonment of 7 years, and the defendant shall
923 be ordered to pay a fine of \$50,000.

924 3. Is 10,000 pounds or more, or is 10,000 or more cannabis
925 plants, such person shall be sentenced to a mandatory minimum
926 term of imprisonment of 15 calendar years and pay a fine of
927 \$200,000.

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929 For the purpose of this paragraph, a plant, including, but not
930 limited to, a seedling or cutting, is a "cannabis plant" if it
931 has some readily observable evidence of root formation, such as
932 root hairs. To determine if a piece or part of a cannabis plant
933 severed from the cannabis plant is itself a cannabis plant, the
934 severed piece or part must have some readily observable evidence
935 of root formation, such as root hairs. Callous tissue is not
936 readily observable evidence of root formation. The viability and
937 sex of a plant and the fact that the plant may or may not be a
938 dead harvested plant are not relevant in determining if the
939 plant is a "cannabis plant" or in the charging of an offense
940 under this paragraph. Upon conviction, the court shall impose
941 the longest term of imprisonment provided for in this paragraph.

942 (b)1. A ~~Any~~ person who knowingly sells, purchases,
943 manufactures, delivers, or brings into this state, or who is
944 knowingly in actual or constructive possession of, 28 grams or
945 more of cocaine, as described in s. 893.03(2)(a)4., or of any
946 mixture containing cocaine, but less than 150 kilograms of
947 cocaine or any such mixture, commits a felony of the first
948 degree, which felony shall be known as "trafficking in cocaine,"
949 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
950 If the quantity involved:

951 a. Is 28 grams or more, but less than 200 grams, such
952 person shall be sentenced to a mandatory minimum term of
953 imprisonment of 3 years, and the defendant shall be ordered to
954 pay a fine of \$50,000.

955 b. Is 200 grams or more, but less than 400 grams, such
956 person shall be sentenced to a mandatory minimum term of
957 imprisonment of 7 years, and the defendant shall be ordered to

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958 pay a fine of \$100,000.

959 c. Is 400 grams or more, but less than 150 kilograms, such
960 person shall be sentenced to a mandatory minimum term of
961 imprisonment of 15 calendar years and pay a fine of \$250,000.

962 2. A ~~Any~~ person who knowingly sells, purchases,
963 manufactures, delivers, or brings into this state, or who is
964 knowingly in actual or constructive possession of, 150 kilograms
965 or more of cocaine, as described in s. 893.03(2)(a)4., commits
966 the first degree felony of trafficking in cocaine. A person who
967 has been convicted of the first degree felony of trafficking in
968 cocaine under this subparagraph shall be punished by life
969 imprisonment and is ineligible for any form of discretionary
970 early release except pardon or executive clemency or conditional
971 medical release under s. 947.149. However, if the court
972 determines that, in addition to committing any act specified in
973 this paragraph:

974 a. The person intentionally killed an individual or
975 counseled, commanded, induced, procured, or caused the
976 intentional killing of an individual and such killing was the
977 result; or

978 b. The person's conduct in committing that act led to a
979 natural, though not inevitable, lethal result,
980
981 such person commits the capital felony of trafficking in
982 cocaine, punishable as provided in ss. 775.082 and 921.142. A
983 ~~Any~~ person sentenced for a capital felony under this paragraph
984 shall also be sentenced to pay the maximum fine provided under
985 subparagraph 1.

986 3. A ~~Any~~ person who knowingly brings into this state 300

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987 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
988 and who knows that the probable result of such importation would
989 be the death of a ~~any~~ person, commits capital importation of
990 cocaine, a capital felony punishable as provided in ss. 775.082
991 and 921.142. A ~~Any~~ person sentenced for a capital felony under
992 this paragraph shall also be sentenced to pay the maximum fine
993 provided under subparagraph 1.

994 (c)1. A ~~Any~~ person who knowingly sells, purchases,
995 manufactures, delivers, or brings into this state, or who is
996 knowingly in actual or constructive possession of, 4 grams or
997 more of any morphine, opium, oxycodone, hydrocodone,
998 hydromorphone, or any salt, derivative, isomer, or salt of an
999 isomer thereof, including heroin, as described in s.
1000 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more
1001 of any mixture containing any such substance, but less than 30
1002 kilograms of such substance or mixture, commits a felony of the
1003 first degree, which felony shall be known as "trafficking in
1004 illegal drugs," punishable as provided in s. 775.082, s.
1005 775.083, or s. 775.084. If the quantity involved:

1006 a. Is 4 grams or more, but less than 14 grams, such person
1007 shall be sentenced to a mandatory minimum term of imprisonment
1008 of 3 years, and the defendant shall be ordered to pay a fine of
1009 \$50,000.

1010 b. Is 14 grams or more, but less than 28 grams, such person
1011 shall be sentenced to a mandatory minimum term of imprisonment
1012 of 15 years, and the defendant shall be ordered to pay a fine of
1013 \$100,000.

1014 c. Is 28 grams or more, but less than 30 kilograms, such
1015 person shall be sentenced to a mandatory minimum term of

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1016 imprisonment of 25 calendar years and pay a fine of \$500,000.

1017 2. A ~~Any~~ person who knowingly sells, purchases,
1018 manufactures, delivers, or brings into this state, or who is
1019 knowingly in actual or constructive possession of, 30 kilograms
1020 or more of any morphine, opium, oxycodone, hydrocodone,
1021 hydromorphone, or any salt, derivative, isomer, or salt of an
1022 isomer thereof, including heroin, as described in s.
1023 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
1024 more of any mixture containing any such substance, commits the
1025 first degree felony of trafficking in illegal drugs. A person
1026 who has been convicted of the first degree felony of trafficking
1027 in illegal drugs under this subparagraph shall be punished by
1028 life imprisonment and is ineligible for any form of
1029 discretionary early release except pardon or executive clemency
1030 or conditional medical release under s. 947.149. However, if the
1031 court determines that, in addition to committing any act
1032 specified in this paragraph:

1033 a. The person intentionally killed an individual or
1034 counseled, commanded, induced, procured, or caused the
1035 intentional killing of an individual and such killing was the
1036 result; or

1037 b. The person's conduct in committing that act led to a
1038 natural, though not inevitable, lethal result,
1039
1040 such person commits the capital felony of trafficking in illegal
1041 drugs, punishable as provided in ss. 775.082 and 921.142. A ~~Any~~
1042 person sentenced for a capital felony under this paragraph shall
1043 also be sentenced to pay the maximum fine provided under
1044 subparagraph 1.

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1045 3. A ~~Any~~ person who knowingly brings into this state 60
1046 kilograms or more of any morphine, opium, oxycodone,
1047 hydrocodone, hydromorphone, or any salt, derivative, isomer, or
1048 salt of an isomer thereof, including heroin, as described in s.
1049 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or
1050 more of any mixture containing any such substance, and who knows
1051 that the probable result of such importation would be the death
1052 of a ~~any~~ person, commits capital importation of illegal drugs, a
1053 capital felony punishable as provided in ss. 775.082 and
1054 921.142. A ~~Any~~ person sentenced for a capital felony under this
1055 paragraph shall also be sentenced to pay the maximum fine
1056 provided under subparagraph 1.

1057 (d)1. A ~~Any~~ person who knowingly sells, purchases,
1058 manufactures, delivers, or brings into this state, or who is
1059 knowingly in actual or constructive possession of, 28 grams or
1060 more of phencyclidine or of any mixture containing
1061 phencyclidine, as described in s. 893.03(2)(b), commits a felony
1062 of the first degree, which felony shall be known as "trafficking
1063 in phencyclidine," punishable as provided in s. 775.082, s.
1064 775.083, or s. 775.084. If the quantity involved:

1065 a. Is 28 grams or more, but less than 200 grams, such
1066 person shall be sentenced to a mandatory minimum term of
1067 imprisonment of 3 years, and the defendant shall be ordered to
1068 pay a fine of \$50,000.

1069 b. Is 200 grams or more, but less than 400 grams, such
1070 person shall be sentenced to a mandatory minimum term of
1071 imprisonment of 7 years, and the defendant shall be ordered to
1072 pay a fine of \$100,000.

1073 c. Is 400 grams or more, such person shall be sentenced to

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1074 a mandatory minimum term of imprisonment of 15 calendar years
1075 and pay a fine of \$250,000.

1076 2. A ~~Any~~ person who knowingly brings into this state 800
1077 grams or more of phencyclidine or of any mixture containing
1078 phencyclidine, as described in s. 893.03(2)(b), and who knows
1079 that the probable result of such importation would be the death
1080 of a ~~any~~ person commits capital importation of phencyclidine, a
1081 capital felony punishable as provided in ss. 775.082 and
1082 921.142. A ~~Any~~ person sentenced for a capital felony under this
1083 paragraph shall also be sentenced to pay the maximum fine
1084 provided under subparagraph 1.

1085 (e)1. A ~~Any~~ person who knowingly sells, purchases,
1086 manufactures, delivers, or brings into this state, or who is
1087 knowingly in actual or constructive possession of, 200 grams or
1088 more of methaqualone or of any mixture containing methaqualone,
1089 as described in s. 893.03(1)(d), commits a felony of the first
1090 degree, which felony shall be known as "trafficking in
1091 methaqualone," punishable as provided in s. 775.082, s. 775.083,
1092 or s. 775.084. If the quantity involved:

1093 a. Is 200 grams or more, but less than 5 kilograms, such
1094 person shall be sentenced to a mandatory minimum term of
1095 imprisonment of 3 years, and the defendant shall be ordered to
1096 pay a fine of \$50,000.

1097 b. Is 5 kilograms or more, but less than 25 kilograms, such
1098 person shall be sentenced to a mandatory minimum term of
1099 imprisonment of 7 years, and the defendant shall be ordered to
1100 pay a fine of \$100,000.

1101 c. Is 25 kilograms or more, such person shall be sentenced
1102 to a mandatory minimum term of imprisonment of 15 calendar years

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1103 and pay a fine of \$250,000.

1104 2. A ~~Any~~ person who knowingly brings into this state 50
1105 kilograms or more of methaqualone or of any mixture containing
1106 methaqualone, as described in s. 893.03(1)(d), and who knows
1107 that the probable result of such importation would be the death
1108 of a ~~any~~ person commits capital importation of methaqualone, a
1109 capital felony punishable as provided in ss. 775.082 and
1110 921.142. A ~~Any~~ person sentenced for a capital felony under this
1111 paragraph shall also be sentenced to pay the maximum fine
1112 provided under subparagraph 1.

1113 (f)1. A ~~Any~~ person who knowingly sells, purchases,
1114 manufactures, delivers, or brings into this state, or who is
1115 knowingly in actual or constructive possession of, 14 grams or
1116 more of amphetamine, as described in s. 893.03(2)(c)2., or
1117 methamphetamine, as described in s. 893.03(2)(c)4., or of any
1118 mixture containing amphetamine or methamphetamine, or
1119 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine
1120 in conjunction with other chemicals and equipment utilized in
1121 the manufacture of amphetamine or methamphetamine, commits a
1122 felony of the first degree, which felony shall be known as
1123 "trafficking in amphetamine," punishable as provided in s.
1124 775.082, s. 775.083, or s. 775.084. If the quantity involved:

1125 a. Is 14 grams or more, but less than 28 grams, such person
1126 shall be sentenced to a mandatory minimum term of imprisonment
1127 of 3 years, and the defendant shall be ordered to pay a fine of
1128 \$50,000.

1129 b. Is 28 grams or more, but less than 200 grams, such
1130 person shall be sentenced to a mandatory minimum term of
1131 imprisonment of 7 years, and the defendant shall be ordered to

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1132 pay a fine of \$100,000.

1133 c. Is 200 grams or more, such person shall be sentenced to
1134 a mandatory minimum term of imprisonment of 15 calendar years
1135 and pay a fine of \$250,000.

1136 2. A ~~Any~~ person who knowingly manufactures or brings into
1137 this state 400 grams or more of amphetamine, as described in s.
1138 893.03(2)(c)2., or methamphetamine, as described in s.
1139 893.03(2)(c)4., or of any mixture containing amphetamine or
1140 methamphetamine, or phenylacetone, phenylacetic acid,
1141 pseudoephedrine, or ephedrine in conjunction with other
1142 chemicals and equipment used in the manufacture of amphetamine
1143 or methamphetamine, and who knows that the probable result of
1144 such manufacture or importation would be the death of a ~~any~~
1145 person commits capital manufacture or importation of
1146 amphetamine, a capital felony punishable as provided in ss.
1147 775.082 and 921.142. A ~~Any~~ person sentenced for a capital felony
1148 under this paragraph shall also be sentenced to pay the maximum
1149 fine provided under subparagraph 1.

1150 (g)1. A ~~Any~~ person who knowingly sells, purchases,
1151 manufactures, delivers, or brings into this state, or who is
1152 knowingly in actual or constructive possession of, 4 grams or
1153 more of flunitrazepam or any mixture containing flunitrazepam as
1154 described in s. 893.03(1)(a) commits a felony of the first
1155 degree, which felony shall be known as "trafficking in
1156 flunitrazepam," punishable as provided in s. 775.082, s.
1157 775.083, or s. 775.084. If the quantity involved:

1158 a. Is 4 grams or more but less than 14 grams, such person
1159 shall be sentenced to a mandatory minimum term of imprisonment
1160 of 3 years, and the defendant shall be ordered to pay a fine of

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1161 \$50,000.

1162 b. Is 14 grams or more but less than 28 grams, such person
1163 shall be sentenced to a mandatory minimum term of imprisonment
1164 of 7 years, and the defendant shall be ordered to pay a fine of
1165 \$100,000.

1166 c. Is 28 grams or more but less than 30 kilograms, such
1167 person shall be sentenced to a mandatory minimum term of
1168 imprisonment of 25 calendar years and pay a fine of \$500,000.

1169 2. A ~~Any~~ person who knowingly sells, purchases,
1170 manufactures, delivers, or brings into this state or who is
1171 knowingly in actual or constructive possession of 30 kilograms
1172 or more of flunitrazepam or any mixture containing flunitrazepam
1173 as described in s. 893.03(1)(a) commits the first degree felony
1174 of trafficking in flunitrazepam. A person who has been convicted
1175 of the first degree felony of trafficking in flunitrazepam under
1176 this subparagraph shall be punished by life imprisonment and is
1177 ineligible for any form of discretionary early release except
1178 pardon or executive clemency or conditional medical release
1179 under s. 947.149. However, if the court determines that, in
1180 addition to committing any act specified in this paragraph:

1181 a. The person intentionally killed an individual or
1182 counseled, commanded, induced, procured, or caused the
1183 intentional killing of an individual and such killing was the
1184 result; or

1185 b. The person's conduct in committing that act led to a
1186 natural, though not inevitable, lethal result,

1187
1188 such person commits the capital felony of trafficking in
1189 flunitrazepam, punishable as provided in ss. 775.082 and

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1190 921.142. A ~~Any~~ person sentenced for a capital felony under this
1191 paragraph shall also be sentenced to pay the maximum fine
1192 provided under subparagraph 1.

1193 (h)1. A ~~Any~~ person who knowingly sells, purchases,
1194 manufactures, delivers, or brings into this state, or who is
1195 knowingly in actual or constructive possession of, 1 kilogram or
1196 more of gamma-hydroxybutyric acid (GHB), as described in s.
1197 893.03(1) (d), or any mixture containing gamma-hydroxybutyric
1198 acid (GHB), commits a felony of the first degree, which felony
1199 shall be known as "trafficking in gamma-hydroxybutyric acid
1200 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.
1201 775.084. If the quantity involved:

1202 a. Is 1 kilogram or more but less than 5 kilograms, such
1203 person shall be sentenced to a mandatory minimum term of
1204 imprisonment of 3 years, and the defendant shall be ordered to
1205 pay a fine of \$50,000.

1206 b. Is 5 kilograms or more but less than 10 kilograms, such
1207 person shall be sentenced to a mandatory minimum term of
1208 imprisonment of 7 years, and the defendant shall be ordered to
1209 pay a fine of \$100,000.

1210 c. Is 10 kilograms or more, such person shall be sentenced
1211 to a mandatory minimum term of imprisonment of 15 calendar years
1212 and pay a fine of \$250,000.

1213 2. A ~~Any~~ person who knowingly manufactures or brings into
1214 this state 150 kilograms or more of gamma-hydroxybutyric acid
1215 (GHB), as described in s. 893.03(1) (d), or any mixture
1216 containing gamma-hydroxybutyric acid (GHB), and who knows that
1217 the probable result of such manufacture or importation would be
1218 the death of a ~~any~~ person commits capital manufacture or

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1219 importation of gamma-hydroxybutyric acid (GHB), a capital felony
1220 punishable as provided in ss. 775.082 and 921.142. A ~~Any~~ person
1221 sentenced for a capital felony under this paragraph shall also
1222 be sentenced to pay the maximum fine provided under subparagraph
1223 1.

1224 (i)1. A ~~Any~~ person who knowingly sells, purchases,
1225 manufactures, delivers, or brings into this state, or who is
1226 knowingly in actual or constructive possession of, 1 kilogram or
1227 more of gamma-butyrolactone (GBL), as described in s.
1228 893.03(1)(d), or any mixture containing gamma-butyrolactone
1229 (GBL), commits a felony of the first degree, which felony shall
1230 be known as "trafficking in gamma-butyrolactone (GBL),"
1231 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
1232 If the quantity involved:

1233 a. Is 1 kilogram or more but less than 5 kilograms, such
1234 person shall be sentenced to a mandatory minimum term of
1235 imprisonment of 3 years, and the defendant shall be ordered to
1236 pay a fine of \$50,000.

1237 b. Is 5 kilograms or more but less than 10 kilograms, such
1238 person shall be sentenced to a mandatory minimum term of
1239 imprisonment of 7 years, and the defendant shall be ordered to
1240 pay a fine of \$100,000.

1241 c. Is 10 kilograms or more, such person shall be sentenced
1242 to a mandatory minimum term of imprisonment of 15 calendar years
1243 and pay a fine of \$250,000.

1244 2. A ~~Any~~ person who knowingly manufactures or brings into
1245 the state 150 kilograms or more of gamma-butyrolactone (GBL), as
1246 described in s. 893.03(1)(d), or any mixture containing gamma-
1247 butyrolactone (GBL), and who knows that the probable result of

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1248 such manufacture or importation would be the death of a a ~~any~~
1249 person commits capital manufacture or importation of gamma-
1250 butyrolactone (GBL), a capital felony punishable as provided in
1251 ss. 775.082 and 921.142. A ~~Any~~ person sentenced for a capital
1252 felony under this paragraph shall also be sentenced to pay the
1253 maximum fine provided under subparagraph 1.

1254 (j)1. A ~~Any~~ person who knowingly sells, purchases,
1255 manufactures, delivers, or brings into this state, or who is
1256 knowingly in actual or constructive possession of, 1 kilogram or
1257 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of
1258 any mixture containing 1,4-Butanediol, commits a felony of the
1259 first degree, which felony shall be known as "trafficking in
1260 1,4-Butanediol," punishable as provided in s. 775.082, s.
1261 775.083, or s. 775.084. If the quantity involved:

1262 a. Is 1 kilogram or more, but less than 5 kilograms, such
1263 person shall be sentenced to a mandatory minimum term of
1264 imprisonment of 3 years, and the defendant shall be ordered to
1265 pay a fine of \$50,000.

1266 b. Is 5 kilograms or more, but less than 10 kilograms, such
1267 person shall be sentenced to a mandatory minimum term of
1268 imprisonment of 7 years, and the defendant shall be ordered to
1269 pay a fine of \$100,000.

1270 c. Is 10 kilograms or more, such person shall be sentenced
1271 to a mandatory minimum term of imprisonment of 15 calendar years
1272 and pay a fine of \$500,000.

1273 2. A ~~Any~~ person who knowingly manufactures or brings into
1274 this state 150 kilograms or more of 1,4-Butanediol as described
1275 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,
1276 and who knows that the probable result of such manufacture or

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1277 importation would be the death of a ~~any~~ person commits capital
1278 manufacture or importation of 1,4-Butanediol, a capital felony
1279 punishable as provided in ss. 775.082 and 921.142. A ~~Any~~ person
1280 sentenced for a capital felony under this paragraph shall also
1281 be sentenced to pay the maximum fine provided under subparagraph
1282 1.

1283 (k)1. A ~~Any~~ person who knowingly sells, purchases,
1284 manufactures, delivers, or brings into this state, or who is
1285 knowingly in actual or constructive possession of, 10 grams or
1286 more of any of the following substances described in s.

1287 893.03(1)(c):

- 1288 a. 3,4-Methylenedioxymethamphetamine (MDMA);
1289 b. 4-Bromo-2,5-dimethoxyamphetamine;
1290 c. 4-Bromo-2,5-dimethoxyphenethylamine;
1291 d. 2,5-Dimethoxyamphetamine;
1292 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
1293 f. N-ethylamphetamine;
1294 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
1295 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
1296 i. 4-methoxyamphetamine;
1297 j. 4-methoxymethamphetamine;
1298 k. 4-Methyl-2,5-dimethoxyamphetamine;
1299 l. 3,4-Methylenedioxy-N-ethylamphetamine;
1300 m. 3,4-Methylenedioxyamphetamine;
1301 n. N,N-dimethylamphetamine; or
1302 o. 3,4,5-Trimethoxyamphetamine,

1303
1304 individually or in any combination of or any mixture containing
1305 any substance listed in sub-subparagraphs a.-o., commits a

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1306 felony of the first degree, which felony shall be known as
1307 "trafficking in Phenethylamines," punishable as provided in s.
1308 775.082, s. 775.083, or s. 775.084.

1309 2. If the quantity involved:

1310 a. Is 10 grams or more but less than 200 grams, such person
1311 shall be sentenced to a mandatory minimum term of imprisonment
1312 of 3 years, and the defendant shall be ordered to pay a fine of
1313 \$50,000.

1314 b. Is 200 grams or more, but less than 400 grams, such
1315 person shall be sentenced to a mandatory minimum term of
1316 imprisonment of 7 years, and the defendant shall be ordered to
1317 pay a fine of \$100,000.

1318 c. Is 400 grams or more, such person shall be sentenced to
1319 a mandatory minimum term of imprisonment of 15 calendar years
1320 and pay a fine of \$250,000.

1321 3. A ~~Any~~ person who knowingly manufactures or brings into
1322 this state 30 kilograms or more of any of the following
1323 substances described in s. 893.03(1)(c):

1324 a. 3,4-Methylenedioxyamphetamine (MDMA);

1325 b. 4-Bromo-2,5-dimethoxyamphetamine;

1326 c. 4-Bromo-2,5-dimethoxyphenethylamine;

1327 d. 2,5-Dimethoxyamphetamine;

1328 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);

1329 f. N-ethylamphetamine;

1330 g. N-Hydroxy-3,4-methylenedioxyamphetamine;

1331 h. 5-Methoxy-3,4-methylenedioxyamphetamine;

1332 i. 4-methoxyamphetamine;

1333 j. 4-methoxymethamphetamine;

1334 k. 4-Methyl-2,5-dimethoxyamphetamine;

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- 1335 1. 3,4-Methylenedioxy-N-ethylamphetamine;
1336 m. 3,4-Methylenedioxyamphetamine;
1337 n. N,N-dimethylamphetamine; or
1338 o. 3,4,5-Trimethoxyamphetamine,
1339
1340 individually or in any combination of or any mixture containing
1341 any substance listed in sub-subparagraphs a.-o., and who knows
1342 that the probable result of such manufacture or importation
1343 would be the death of a ~~any~~ person commits capital manufacture
1344 or importation of Phenethylamines, a capital felony punishable
1345 as provided in ss. 775.082 and 921.142. A ~~Any~~ person sentenced
1346 for a capital felony under this paragraph shall also be
1347 sentenced to pay the maximum fine provided under subparagraph 1.
1348 (1)1. A ~~Any~~ person who knowingly sells, purchases,
1349 manufactures, delivers, or brings into this state, or who is
1350 knowingly in actual or constructive possession of, 1 gram or
1351 more of lysergic acid diethylamide (LSD) as described in s.
1352 893.03(1)(c), or of any mixture containing lysergic acid
1353 diethylamide (LSD), commits a felony of the first degree, which
1354 felony shall be known as "trafficking in lysergic acid
1355 diethylamide (LSD)," punishable as provided in s. 775.082, s.
1356 775.083, or s. 775.084. If the quantity involved:
1357 a. Is 1 gram or more, but less than 5 grams, such person
1358 shall be sentenced to a mandatory minimum term of imprisonment
1359 of 3 years, and the defendant shall be ordered to pay a fine of
1360 \$50,000.
1361 b. Is 5 grams or more, but less than 7 grams, such person
1362 shall be sentenced to a mandatory minimum term of imprisonment
1363 of 7 years, and the defendant shall be ordered to pay a fine of

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1364 \$100,000.

1365 c. Is 7 grams or more, such person shall be sentenced to a
1366 mandatory minimum term of imprisonment of 15 calendar years and
1367 pay a fine of \$500,000.

1368 2. A ~~Any~~ person who knowingly manufactures or brings into
1369 this state 7 grams or more of lysergic acid diethylamide (LSD)
1370 as described in s. 893.03(1)(c), or any mixture containing
1371 lysergic acid diethylamide (LSD), and who knows that the
1372 probable result of such manufacture or importation would be the
1373 death of a ~~any~~ person commits capital manufacture or importation
1374 of lysergic acid diethylamide (LSD), a capital felony punishable
1375 as provided in ss. 775.082 and 921.142. A ~~Any~~ person sentenced
1376 for a capital felony under this paragraph shall also be
1377 sentenced to pay the maximum fine provided under subparagraph 1.

1378 Section 13. Except as otherwise expressly provided in this
1379 act, this act shall take effect July 1, 2015.