A bill to be entitled
An act relating to adult use marijuana legalization;
amending s. 20.165, F.S.; renaming the Division of
Alcoholic Beverages and Tobacco of the Department of
Business and Professional Regulation; amending s.
561.025, F.S.; renaming the Alcoholic Beverage and
Tobacco Trust Fund; specifying distribution of funds;
providing a directive to the Division of Law Revision;
creating chapter 566, F.S., relating to recreational
marijuana; providing definitions; exempting certain
activities involving marijuana from use and possession
offenses; authorizing persons age 21 and over to
engage in certain activities involving personal use of
marijuana in limited amounts; providing limits on
where persons may engage in specified activities;
prohibiting the use of false identification by persons
under 21 years of age for specified activities
relating to recreational marijuana; providing
noncriminal penalties; providing for alternative
sentencing; providing for licensure of marijuana
establishments that may engage in the manufacture,
possession, or purchase of marijuana, marijuana
products, and marijuana accessories or sell marijuana,
marijuana products, or marijuana accessories to a
consumer; specifying duties of the Division of
Alcoholic Beverages, Marijuana, and Tobacco; providing for enforcement of regulatory provisions; authorizing agreements with other entities for certain enforcement activities; requiring an annual report; providing for licensing of marijuana establishments; providing for a licensing process; providing limits on the number of retail marijuana stores in localities based on population; providing standards for prospective licensees; providing restrictions on the location of marijuana establishments; prohibiting certain activities by marijuana establishments; providing procedures when a marijuana establishment's license expires; authorizing localities to prohibit one or more types of marijuana establishments through local ordinance; providing for submission of applications to localities if the division has not issued establishment licenses by a specified date; specifying duties of the Attorney General concerning federal subpoenas; providing an exemption from specified provisions for marijuana research; specifying that the chapter does not apply to employer drug policies or operating under the influence laws; specifying that the chapter does not allow persons under 21 years of age to engage in activities permitted therein; providing that the rights of property owners are not
affected; authorizing rulemaking; specifying that
conduct allowed by the chapter may not be considered
the basis for the finding of a lack of good moral
character as that term is used in law; providing for
emergency rulemaking; amending s. 500.03, F.S.;
providing that marijuana establishments that sell food
containing marijuana are considered food service
establishments for the purposes of specified
regulations; creating s. 500.105, F.S.; specifying
that food products containing marijuana that are
prepared in permitted food establishments and sold by
licensed retail marijuana stores are not considered
adulterated; amending s. 562.13, F.S.; providing that
it is unlawful for marijuana establishments to employ
persons under 18 years of age; amending s. 569.0073,
F.S.; exempting licensed marijuana establishments from
specified provisions regulating the sale of pipes and
smoking devices; amending ss. 893.13 and 893.135,
F.S.; providing that conduct authorized under chapter
566, F.S., is not prohibited by specified controlled
substance prohibitions; providing a contingent
effective date.

Be It Enacted by the Legislature of the State of Florida:
Section 1. Paragraph (b) of subsection (2) of section 20.165, Florida Statutes, is amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

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

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

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

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

(1) The revenue transfer provisions of ss. 561.32 and 561.342(1) and (2) shall continue in full force and effect, and the division shall cause such revenue to be returned to the municipality or county in the manner provided for in s. 561.32 or s. 561.342(1) and (2).

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

(3) Until January 1, 2028, an amount equal to 5 percent of the revenues received by the division during the previous month pursuant to the tax imposed by s. 566.012 shall be transferred to the Department of Health to be used to provide grants for the purpose of producing peer-reviewed research on marijuana's beneficial uses and safety.

Section 3. The Division of Law Revision is directed to prepare a reviser's bill for the 2020 Regular Session of the Legislature to redesignate the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation as the "Division of Alcoholic Beverages, Marijuana, and Tobacco" and the Alcoholic Beverage and Tobacco Trust Fund as the "Alcoholic Beverage, Marijuana, and Tobacco Trust Fund,"
Section 4. Chapter 566, Florida Statutes, consisting of ss. 566.011-566.042, is created to read:

CHAPTER 566
RECREATIONAL MARIJUANA
PART I
EXCISE TAX

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

1. "Department" means the Department of Business and Professional Regulation.
2. "Division" means the Division of Alcoholic Beverages, Marijuana, and Tobacco of the department.
3. "Marijuana" means all parts of the plant of the genus cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. The term does not include industrial hemp, fiber produced from the stalks, oil, cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination, or the weight of any ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or any other product.
4. "Marijuana cultivation facility" means an entity respectively, wherever those terms appear in the Florida Statutes.
licensed to cultivate, prepare, and package and sell marijuana
to retail marijuana stores, to marijuana product manufacturing
facilities, and to other marijuana cultivation facilities, but
not to consumers.

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

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

(a) Purchase marijuana.

(b) Manufacture, prepare, and package marijuana products.

(c) Sell marijuana and marijuana products to other
marijuana product manufacturing facilities and to retail
marijuana stores, but not to consumers.

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

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

(9) "Retail marijuana store" means an entity licensed to
purchase marijuana from a marijuana cultivation facility and
marijuana products from a marijuana product manufacturing
facility and to sell marijuana and marijuana products to
consumers.
566.013 Distribution of revenues.—Revenues derived from the tax imposed by this part must be credited to the General Revenue Fund. On or before the last day of each month, the Chief Financial Officer shall transfer 15 percent of the revenue received by the division during the preceding month pursuant to the tax imposed by s. 566.012 to the Alcoholic Beverage, Marijuana, and Tobacco Trust Fund established under s. 561.025. On or before the last day of each month, the Chief Financial Officer shall transfer the remainder of the revenues to the General Revenue Fund.

566.014 Annual report.—The division shall report annually beginning January 30, 2021, the amount of tax revenue collected pursuant to s. 566.012 and the amount distributed pursuant to s. 561.025(3) to the appropriations committees of each house of the Legislature.

PART II
MARIJUANA REGULATION

566.031 Definitions.—As used in this part, the term:
(1) "Consumer" means a person 21 years of age or older who purchases marijuana or marijuana products for personal use by persons 21 years of age or older, but not for resale to others.
(2) "Department" has the same meaning as provided in s. 566.011.
(3) "Division" has the same meaning as provided in s. 566.011.
(4) "Licensee" means any individual, partnership, corporation, firm, association, or other legal entity holding a marijuana establishment license within the state.

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

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

(7) "Marijuana accessories" means equipment, products, or materials of any kind that are used, intended, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

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

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

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

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

(12) "Minor" means a person under 21 years of age.
(13) "Retail marijuana store" has the same meaning as provided in s. 566.011.

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

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

566.0311 False identification.—

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

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

(b) Gaining access to marijuana.

(2)(a) A minor who violates subsection (1) commits:

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

2. For a second offense, a noncriminal violation subject
to a civil penalty of at least $300 and not more than $600, which may only be suspended as provided in paragraph (b).

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

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

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

566.033 Personal use of marijuana.—

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

(a) Use, possess, and transport marijuana accessories and up to 2.5 ounces of marijuana.

(b) Transfer or furnish, without remuneration, up to 2.5 ounces of marijuana and up to 6 seedlings to a person who is 21 years of age or older.
(c) Possess, grow, cultivate, process, and transport up to 6 marijuana plants, including seedlings, and possess the marijuana produced by the marijuana plants on the premises where the plants were grown.

(d) Purchase up to 2.5 ounces of marijuana, up to 6 seedlings, and marijuana accessories from a retail marijuana store.

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

(a) A person may cultivate up to 6 marijuana plants, including seedlings, at that person's place of residence, on property owned by that person, or on another person's property with permission of the owner of the other property.

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

(3) A person may smoke or ingest marijuana in a nonpublic place, including, but not limited to, a private residence.

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

(b) The prohibitions and limitations on smoking tobacco
products in specified areas in part II of chapter 386 apply to marijuana.

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

566.034 Marijuana establishments.—

(1) A marijuana establishment may engage in the manufacture, possession, and purchase of marijuana, marijuana products, and marijuana accessories and sell marijuana, marijuana products, and marijuana accessories to a consumer as described in this subsection.

(a) A retail marijuana store may:

1. Possess, display, and transport marijuana, marijuana products, or marijuana accessories.
2. Purchase marijuana from a marijuana cultivation facility.
3. Purchase marijuana and marijuana products from a marijuana product manufacturing facility.
4. Sell marijuana, marijuana products, and marijuana accessories to consumers.

(b) A marijuana cultivation facility may:

1. Cultivate, harvest, process, package, transport, display, and possess marijuana.
2. Deliver or transfer marijuana to a marijuana testing facility.
3. Sell marijuana to another marijuana cultivation facility, a marijuana product manufacturing facility, or a retail marijuana store.

4. Purchase marijuana from another marijuana cultivation facility.

(c) A marijuana product manufacturing facility may:
   1. Package, process, transport, manufacture, display, and possess marijuana or marijuana products.
   2. Deliver or transfer marijuana or marijuana products to a marijuana testing facility.
   3. Sell marijuana and marijuana products to a retail marijuana store or marijuana product manufacturing facility.
   4. Purchase marijuana from a marijuana cultivation facility.
   5. Purchase marijuana and marijuana products from a marijuana product manufacturing facility.

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

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

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

566.035 Duties of the division.—The division shall:
(1) Enforce the laws and rules relating to the
manufacturing, processing, labeling, storing, transporting,
testing, and selling of marijuana by marijuana establishments
and administer those laws relating to licensing and the
collection of taxes.
(2) Adopt rules consistent with this chapter for the
administration and enforcement of laws regulating and licensing
marijuana establishments.
(3) If determined necessary by the division, enter into a
memorandum of understanding with the Department of Law
Enforcement, a county sheriff, or other state or municipal law
enforcement agency to perform inspections of marijuana
establishments.
(4) Issue marijuana cultivation facility, marijuana
testing facility, marijuana product manufacturing facility, and
retail marijuana store licenses.
(5) Prevent the sale of marijuana by licensees to minors
and intoxicated persons.
(6) Ensure that licensees have access to the provisions of
this chapter and other laws and rules governing marijuana in
accordance with this section.
(7) Post on the department's publicly accessible website
this chapter and all rules adopted under this chapter. The
division shall notify all licensees of changes in the law and
rules through a publicly accessible website posting within 90
days after adjournment of each session of the Legislature. The
division shall update the posting on the department's publicly
accessible website to reflect new laws and rules before the
effective date of the laws and rules.

(8) Certify monthly to the Chief Financial Officer a
complete statement of revenues and expenses for licenses issued
and for revenues collected by the division and submit an annual
report that includes a complete statement of the revenues and
expenses for the division to the Governor, the Speaker of the
House of Representatives, and the President of the Senate.

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

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

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

(10) Beginning January 15, 2020, and annually thereafter, report to the committees of each house of the Legislature having jurisdiction over marijuana regulation. The report must include, but is not limited to, all rules adopted by the division and statistics regarding the number of marijuana establishment applications received, and licensed and the licensing fees collected within the previous year.

566.036 Licensing of marijuana establishments.—
(1) An applicant for a marijuana establishment license shall file an application in the form required by the division for the type of marijuana establishment license sought. An applicant may apply for and be granted more than one type of marijuana establishment license, except that a person licensed as a marijuana testing facility may not hold another marijuana establishment license. The division shall begin accepting and processing applications by August 1, 2020.

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

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

(a) The division finds the applicant is not in compliance
with this section or rules adopted by the division;
(b) The division is notified by the relevant locality that
the applicant is not in compliance with an ordinance, rule, or
regulation in effect at the time of application; or
(c) The number of marijuana establishments allowed in the
locality has been limited under s. 566.037 or is limited by
subsection (5) and the division has already licensed the maximum
number of marijuana establishments allowed in the locality for
the category of license that is sought.

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

(a) If a greater number of applications are received from
qualified applicants to operate a marijuana establishment in a
locality than are allowed under the limits enacted by the
locality under s. 566.037 or subsection (5), the division shall
solicit and consider input from the locality regarding the
locality's preference or preferences for licensure. Within 90
days after the date that the first application is received, the
division shall issue the maximum number of applicable licenses
for each type of marijuana establishment license application received.

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

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

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

(a) One retail marijuana store per each 5,000 persons in a locality with a population over 20,000.

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

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

The division may license one retail marijuana store in a locality where the population is less than 2,000 if the locality has not prohibited retail marijuana stores. The division may grant a locality's request to allow additional marijuana stores.
The division may consider the impact of seasonal population or tourism and other related information provided by the locality requesting an additional marijuana establishment location.

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

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

(8) A prospective licensee as a marijuana establishment:

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

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

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

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

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

1. Unauthorized entrance into areas containing marijuana.
2. The theft of marijuana located on the premises or in transit to or from the premises by the licensee.
3. Tampering with or adulteration of the marijuana products.
4. Unauthorized access to marijuana or marijuana accessories.
5. Access to marijuana by or sales of marijuana to minors.

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

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

(e) May not sell marijuana to a person under 21 years of
age or to a visibly intoxicated person.

(f) If the licensee is a retail marijuana store, it may not allow a minor to enter or remain on the premises unless the minor is an employee of the division, a law enforcement officer, emergency personnel, or a contractor performing work on the facility that is not directly related to marijuana, such as installing or maintaining security devices or performing electrical wiring.

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

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

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

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

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

(11) When a licensee's license expires:

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

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

1. That the licensee's license is scheduled to expire.
2. The date of expiration.
3. That all sales of marijuana must be suspended after the date of expiration and remain suspended until the license is properly renewed.

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

566.037 Local control.—

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

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

(a) No later than September 1, 2020, a locality may enact an ordinance or regulation specifying the entity within the locality that is responsible for processing applications submitted for a licensee to operate a marijuana establishment within the boundaries of the locality. The locality may provide that the entity may issue such licenses if issuance by the locality becomes necessary because of a failure by the division to adopt rules pursuant to s. 566.035 or because of a failure by the division to process and issue licenses as required by s. 566.036.

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

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

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

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

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

(c) If the division does not begin issuing licenses by
January 1, 2021, an applicant may submit an application directly
to the locality in which it wants to operate. A locality that
receives an application pursuant to this paragraph shall issue a
license to an applicant within 90 days after receipt of the
application unless the locality finds, and notifies the
applicant, that the applicant is not in compliance with an
ordinance, rule, or regulation made pursuant to s. 566.035 or
paragraph (b) in effect at the time of application. The locality
shall notify the division if the locality issues an annual
license to the applicant.

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

(e) A license issued by a locality in accordance with
paragraph (c) or paragraph (d) has the same effect as a license
issued by the division in accordance with s. 566.036 and the
holder of that license is not subject to regulation or
enforcement by the division during the term of that license. A
subsequent or renewed license may be issued under this paragraph
on an annual basis if the division has not adopted rules
required by s. 566.035 at least 90 days before the date upon
which such subsequent or renewed license would be effective, or
if the division has adopted rules pursuant to 566.041 but has
not, at least 90 days after the adoption of those rules, issued
any marijuana establishment licenses pursuant to s. 566.036.

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

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

566.040 Construction.—

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

(2) OPERATING UNDER THE INFLUENCE.—This chapter does not exempt a person from the laws prohibiting operating any motor vehicle or off-highway vehicle within this state under the influence of alcoholic beverages or controlled substances under chapter 316 or chapter 327.

(3) TRANSFER TO MINOR.—This chapter does not permit the transfer of marijuana, with or without remuneration, to a minor or to allow a minor to purchase, possess, use, transport, grow, or consume marijuana.
(4) RESTRICTION ON USE OF PROPERTY.—This chapter does not prohibit a person, an employer, a school, a hospital, a detention facility, a corporation, or other entity that occupies, owns, or controls real property from prohibiting or otherwise regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that real property.

(5) COMPASSIONATE USE OF LOW-THC CANNABIS.—This chapter does not apply to the compassionate use of low-THC cannabis under s. 381.986.

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

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

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

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

(1) By June 1, 2020, the Division of Alcoholic Beverages, Marijuana, and Tobacco of the Department of Business and Professional Regulation shall adopt emergency rules for the
administration and the enforcement of laws regulating and 
licensing marijuana establishments pursuant to part II of 
chapter 566, Florida Statutes, as created by this act. These 
rules must be developed by the division and may not be 
contracted out to an entity outside the division. These rules 
may not prohibit the operation of marijuana establishments, 
either expressly or through restrictions that make the operation 
of marijuana establishments unreasonably impracticable. The 
emergency rules shall remain in effect for 6 months after 
adoption and may be renewed during the pendency of procedures to 
adopt rules addressing the subject of the emergency rules. As 
used in this section, "unreasonably impracticable" means that 
the measures necessary to comply with the rules require such a 
high investment of risk, money, time, or other resource or asset 
that the operation of a marijuana establishment is not worthy of 
being carried out in practice by a reasonably prudent 
businessperson.

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

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

(b) The form and content of applications for each type of 
marijuana establishment license, registration renewal forms, and 
associated licensing and renewal fee schedules, except that an 
application, licensing, or renewal fee may not exceed $5,000.
(c) Procedures allowing an applicant who has been denied a license due to failure to meet the requirements for licensing to correct the reason for failure.

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

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

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

(g) Minimum recordkeeping requirements, including the recording of the disposal of marijuana that is not sold. Rules developed pursuant to this subsection may not require a consumer to provide a retail marijuana store with personal information other than government-issued identification to determine the consumer's age or require the retail marijuana store to acquire and record personal information about its consumers.

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

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

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

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

(l) Procedures for enforcing s. 566.036(9) and (10), Florida Statutes, including noncriminal penalties for violations, procedures for suspending or terminating the license of a licensee who violates licensing provisions or the rules adopted pursuant to this section, and procedures for appeals of penalties or licensing actions.

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

(3) Rules adopted pursuant to this section may not prohibit a locality, as defined in s. 566.031, Florida Statutes, from limiting the number of each type of licensee who may operate in the locality or from enacting reasonable regulations applicable to licensees.

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

500.03 Definitions; construction; applicability.—

(1) For the purpose of this chapter, the term:
(p) "Food establishment" means a factory, food outlet, or other facility manufacturing, processing, packing, holding, or preparing food or selling food at wholesale or retail. The term does not include a business or activity that is regulated under s. 413.051, s. 500.80, chapter 509, or chapter 601. The term includes a retail marijuana store that sells food containing marijuana pursuant to chapter 566. The term includes tomato packinghouses and repackers but does not include any other establishments that pack fruits and vegetables in their raw or natural states, including those fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled, natural form before they are marketed.

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

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

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

562.13 Employment of minors or certain other persons by certain vendors prohibited; exceptions.—

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

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

569.0073 Special provisions; smoking pipes and smoking devices.—
(1) It is unlawful for any person to offer for sale at retail any of the items listed in subsection (2) unless such person:
(a) Has a retail tobacco products dealer permit under s. 569.003 or is a marijuana establishment licensed under s. 566.036. The provisions of this chapter apply to any person that offers for retail sale any of the items listed in subsection (2); and
(b)1. Derives at least 75 percent of its annual gross revenues from the retail sale of cigarettes, cigars, and other tobacco products or marijuana products sold in compliance with chapter 566; or
2. Derives no more than 25 percent of its annual gross revenues from the retail sale of the items listed in subsection (2).

Section 11. Subsection (10) of section 893.13, Florida Statutes, is renumbered as subsection (11), and a new subsection (10) is added to that section, to read:
826  893.13  Prohibited acts; penalties.—
827  (10)  Subsections (1)-(8) are not applicable to conduct
828  authorized under chapter 566.
829
830  Section 12.  Subsection (1) of section 893.135, Florida
831  Statutes, is amended to read:
832
833  893.135  Trafficking; mandatory sentences; suspension or
834  reduction of sentences; conspiracy to engage in trafficking.—
835  (1)  Except as authorized in this chapter, or in chapter
836  499, or chapter 566 and notwithstanding the provisions of s.
837  893.13:
838  (a)  Any person who knowingly sells, purchases,
839  manufactures, delivers, or brings into this state, or who is
840  knowingly in actual or constructive possession of, in excess of
841  25 pounds of cannabis, or 300 or more cannabis plants, commits a
842  felony of the first degree, which felony shall be known as
843  "trafficking in cannabis," punishable as provided in s. 775.082,
844  s. 775.083, or s. 775.084. If the quantity of cannabis involved:
845  1.  Is in excess of 25 pounds, but less than 2,000 pounds,
846  or is 300 or more cannabis plants, but not more than 2,000
847  cannabis plants, such person shall be sentenced to a mandatory
848  minimum term of imprisonment of 3 years, and the defendant shall
849  be ordered to pay a fine of $25,000.
850  2.  Is 2,000 pounds or more, but less than 10,000 pounds,
851  or is 2,000 or more cannabis plants, but not more than 10,000
852  cannabis plants, such person shall be sentenced to a mandatory
minimum term of imprisonment of 7 years, and the defendant shall
be ordered to pay a fine of $50,000.

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

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

(b)1. Any person who knowingly sells, purchases,
manufactures, delivers, or brings into this state, or who is
knowingly in actual or constructive possession of, 28 grams or
more of cocaine, as described in s. 893.03(2)(a)4., or of any
mixture containing cocaine, but less than 150 kilograms of
cocaine or any such mixture, commits a felony of the first
degree, which felony shall be known as "trafficking in cocaine,"
punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
If the quantity involved:
   a. Is 28 grams or more, but less than 200 grams, such
person shall be sentenced to a mandatory minimum term of
imprisonment of 3 years, and the defendant shall be ordered to
pay a fine of $50,000.
   b. Is 200 grams or more, but less than 400 grams, such
person shall be sentenced to a mandatory minimum term of
imprisonment of 7 years, and the defendant shall be ordered to
pay a fine of $100,000.
   c. Is 400 grams or more, but less than 150 kilograms, such
person shall be sentenced to a mandatory minimum term of
imprisonment of 15 calendar years and pay a fine of $250,000.
2. Any person who knowingly sells, purchases,
manufactures, delivers, or brings into this state, or who is
knowingly in actual or constructive possession of, 150 kilograms
or more of cocaine, as described in s. 893.03(2)(a)4., commits
the first degree felony of trafficking in cocaine. A person who
has been convicted of the first degree felony of trafficking in
cocaine under this subparagraph shall be punished by life
imprisonment and is ineligible for any form of discretionary
early release except pardon or executive clemency or conditional
medical release under s. 947.149. However, if the court
determines that, in addition to committing any act specified in this paragraph:

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

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

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

3. Any person who knowingly brings into this state 300 kilograms or more of cocaine, as described in s. 893.03(2)(a)4., and who knows that the probable result of such importation would be the death of any person, commits capital importation of cocaine, a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

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

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

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

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

2. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 14 grams or more of hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as described in s. 893.03(2)(a)1.g., or any salt thereof, or 14
grams or more of any mixture containing any such substance, commits a felony of the first degree, which felony shall be known as "trafficking in hydrocodone," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

b. Is 28 grams or more, but less than 50 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years and shall be ordered to pay a fine of $100,000.

c. Is 50 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of $500,000.

d. Is 200 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of $750,000.

3. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 7 grams or more of oxycodone, as described in s. 893.03(2)(a)1.q., or any salt thereof, or 7 grams or more of any mixture containing any such
substance, commits a felony of the first degree, which felony shall be known as "trafficking in oxycodone," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 7 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of $50,000.

b. Is 14 grams or more, but less than 25 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years and shall be ordered to pay a fine of $100,000.

c. Is 25 grams or more, but less than 100 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of $500,000.

d. Is 100 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of $750,000.

4.a. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of:

(I) Alfentanil, as described in s. 893.03(2)(b)1.;

(II) Carfentanil, as described in s. 893.03(2)(b)6.;
(III) Fentanyl, as described in s. 893.03(2)(b)9.;
(IV) Sufentanil, as described in s. 893.03(2)(b)30.;
(V) A fentanyl derivative, as described in s. 893.03(1)(a)62.;
(VI) A controlled substance analog, as described in s. 893.0356, of any substance described in sub-sub-subparagraphs (I)-(V); or
(VII) A mixture containing any substance described in sub-sub-subparagraphs (I)-(VI),

commits a felony of the first degree, which felony shall be known as "trafficking in fentanyl," punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. If the quantity involved under sub-subparagraph a.:
   (I) Is 4 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and shall be ordered to pay a fine of $50,000.
   (II) Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years, and shall be ordered to pay a fine of $100,000.
   (III) Is 28 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years, and shall be ordered to pay a fine of $500,000.
5. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 30 kilograms or more of any morphine, opium, oxycodone, hydrocodone, codeine, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture containing any such substance, commits the first degree felony of trafficking in illegal drugs. A person who has been convicted of the first degree felony of trafficking in illegal drugs under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

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

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

such person commits the capital felony of trafficking in illegal drugs, punishable as provided in ss. 775.082 and 921.142. A
person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

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

(d)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of phencyclidine, as described in s. 893.03(2)(b)23., a substituted phenylcyclohexylamine, as described in s. 893.03(1)(c)195., or a substance described in s. 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture containing phencyclidine, as described in s. 893.03(2)(b)23., a substituted phenylcyclohexylamine, as described in s. 893.03(1)(c)195., or a substance described in s.
893.03(1)(c)13., 32., 38., 103., or 146., commits a felony of the first degree, which felony shall be known as "trafficking in phencyclidine," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

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

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

2. Any person who knowingly brings into this state 800 grams or more of phencyclidine, as described in s. 893.03(2)(b)23., a substituted phenylcyclohexylamine, as described in s. 893.03(1)(c)195., or a substance described in s. 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture containing phencyclidine, as described in s. 893.03(2)(b)23., a substituted phenylcyclohexylamine, as described in s. 893.03(1)(c)195., or a substance described in s. 893.03(1)(c)13., 32., 38., 103., or 146., and who knows that the probable result of such importation would be the death of any
person commits capital importation of phencyclidine, a capital
felony punishable as provided in ss. 775.082 and 921.142. Any
person sentenced for a capital felony under this paragraph shall
also be sentenced to pay the maximum fine provided under
subparagraph 1.

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

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

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

c. Is 25 kilograms or more, such person shall be sentenced
to a mandatory minimum term of imprisonment of 15 calendar years
and pay a fine of $250,000.

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

(f) 1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 14 grams or more of amphetamine, as described in s. 893.03(2)(c)2., or methamphetamine, as described in s. 893.03(2)(c)5., or of any mixture containing amphetamine or methamphetamine, or phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine in conjunction with other chemicals and equipment utilized in the manufacture of amphetamine or methamphetamine, commits a felony of the first degree, which felony shall be known as "trafficking in amphetamine," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

b. Is 28 grams or more, but less than 200 grams, such
person shall be sentenced to a mandatory minimum term of
imprisonment of 7 years, and the defendant shall be ordered to
pay a fine of $100,000.

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

  2. Any person who knowingly manufactures or brings into
this state 400 grams or more of amphetamine, as described in s.
893.03(2)(c)2., or methamphetamine, as described in s.
893.03(2)(c)5., or of any mixture containing amphetamine or
methamphetamine, or phenylacetone, phenylacetic acid,
pseudoephedrine, or ephedrine in conjunction with other
chemicals and equipment used in the manufacture of amphetamine
or methamphetamine, and who knows that the probable result of
such manufacture or importation would be the death of any person
commits capital manufacture or importation of amphetamine, a
capital felony punishable as provided in ss. 775.082 and
921.142. Any person sentenced for a capital felony under this
paragraph shall also be sentenced to pay the maximum fine
provided under subparagraph 1.

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

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

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

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

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

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

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

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

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

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

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

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

2. Any person who knowingly manufactures or brings into this state 150 kilograms or more of gamma-hydroxybutyric acid (GHB), as described in s. 893.03(1)(d), or any mixture containing gamma-hydroxybutyric acid (GHB), and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of gamma-hydroxybutyric acid (GHB), a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(i)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 1 kilogram or more of gamma-butyrolactone (GBL), as described in s. 893.03(1)(d), or any mixture containing gamma-butyrolactone (GBL), commits a felony of the first degree, which felony shall
be known as "trafficking in gamma-butyrolactone (GBL),"
punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
If the quantity involved:
   a. Is 1 kilogram or more but less than 5 kilograms, such
      person shall be sentenced to a mandatory minimum term of
      imprisonment of 3 years, and the defendant shall be ordered to
      pay a fine of $50,000.
   b. Is 5 kilograms or more but less than 10 kilograms, such
      person shall be sentenced to a mandatory minimum term of
      imprisonment of 7 years, and the defendant shall be ordered to
      pay a fine of $100,000.
   c. Is 10 kilograms or more, such person shall be sentenced
      to a mandatory minimum term of imprisonment of 15 calendar years
      and pay a fine of $250,000.
2. Any person who knowingly manufactures or brings into
the state 150 kilograms or more of gamma-butyrolactone (GBL), as
described in s. 893.03(1)(d), or any mixture containing gamma-
butyrolactone (GBL), and who knows that the probable result of
such manufacture or importation would be the death of any person
commits capital manufacture or importation of gamma-
butyrolactone (GBL), a capital felony punishable as provided in
ss. 775.082 and 921.142. Any person sentenced for a capital
felony under this paragraph shall also be sentenced to pay the
maximum fine provided under subparagraph 1.
   (j)1. Any person who knowingly sells, purchases,
manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 1 kilogram or more of 1,4-Butanediol as described in s. 893.03(1)(d), or of any mixture containing 1,4-Butanediol, commits a felony of the first degree, which felony shall be known as "trafficking in 1,4-Butanediol," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

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

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

2. Any person who knowingly manufactures or brings into this state 150 kilograms or more of 1,4-Butanediol as described in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol, and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of 1,4-Butanediol, a capital felony punishable as provided in ss. 775.082 and 921.142. Any person
sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(k)1. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 10 grams or more of a:

a. Substance described in s. 893.03(1)(c)4., 5., 10., 11., 15., 17., 21.-27., 29., 39., 40.-45., 58., 72.-80., 81.-86., 90.-102., 104.-108., 110.-113., 143.-145., 148.-150., 160.-163., 165., or 187.-189., a substituted cathinone, as described in s. 893.03(1)(c)191., or substituted phenethylamine, as described in s. 893.03(1)(c)192.;

b. Mixture containing any substance described in sub-subparagraph a.; or

c. Salt, isomer, ester, or ether or salt of an isomer, ester, or ether of a substance described in sub-subparagraph a.,

commits a felony of the first degree, which felony shall be known as "trafficking in phenethylamines," punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. If the quantity involved under subparagraph 1.:

a. Is 10 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of
b. Is 200 grams or more, but less than 400 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years and shall be ordered to pay a fine of $100,000.

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

3. A person who knowingly manufactures or brings into this state 30 kilograms or more of a substance described in subparagraph 1.a., a mixture described in sub-subparagraph 1.b., or a salt, isomer, ester, or ether or a salt of an isomer, ester, or ether described in sub-subparagraph 1.c., and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of phenethylamines, a capital felony punishable as provided in ss. 775.082 and 921.142. A person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine under subparagraph 2.

(l)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 1 gram or more of lysergic acid diethylamide (LSD) as described in s. 893.031(c), or of any mixture containing lysergic acid diethylamide (LSD), commits a felony of the first degree, which
felony shall be known as "trafficking in lysergic acid
diethylamide (LSD)," punishable as provided in s. 775.082, s.
775.083, or s. 775.084. If the quantity involved:

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

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

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

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

(m)1. A person who knowingly sells, purchases,
manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 280 grams or more of a:

a. Substance described in s. 893.03(1)(c)30., 46.-50., 114.-142., 151.-156., 166.-173., or 176.-186. or a synthetic cannabinoid, as described in s. 893.03(1)(c)190.; or

b. Mixture containing any substance described in subparagraph a.,

commits a felony of the first degree, which felony shall be known as "trafficking in synthetic cannabinoids," punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. If the quantity involved under subparagraph 1.:

a. Is 280 grams or more, but less than 500 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of $50,000.

b. Is 500 grams or more, but less than 1,000 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of $100,000.

c. Is 1,000 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years, and the defendant shall be ordered to pay a fine of $200,000.
d. Is 30 kilograms or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years, and the defendant shall be ordered to pay a fine of $750,000.

(n)1. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 14 grams or more of:

a. A substance described in s. 893.03(1)(c)164., 174., or 175., a n-benzyl phenethylamine compound, as described in s. 893.03(1)(c)193.; or

b. A mixture containing any substance described in subparagraph a.,

2. If the quantity involved under subparagraph 1.:

a. Is 14 grams or more, but less than 100 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of $50,000.

b. Is 100 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of $100,000.
c. Is 200 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years, and the defendant shall be ordered to pay a fine of $500,000.

3. A person who knowingly manufactures or brings into this state 400 grams or more of a substance described in sub-subparagraph 1.a. or a mixture described in sub-subparagraph 1.b., and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of a n-benzyl phenethylamine compound, a capital felony punishable as provided in ss. 775.082 and 921.142. A person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine under subparagraph 2.

Section 13. This act shall take effect on the same date that HB 1119 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.