

By Senator Bullard

39-00132-15

20151176__

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; providing noncriminal
21 penalties; providing for alternative sentencing;
22 exempting certain activities involving marijuana from
23 use and possession offenses; authorizing persons age
24 21 and over to engage in certain activities involving
25 personal use of marijuana in limited amounts;
26 providing limits on where persons may engage in
27 specified activities; providing for licensure of
28 marijuana establishments that may engage in the
29 manufacture, possession, or purchase of marijuana,

39-00132-15

20151176__

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

39-00132-15

20151176__

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

39-00132-15

20151176__

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

39-00132-15

20151176__

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, 2024, 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 2016 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 566.011-566.042, Florida Statutes, 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:

39-00132-15

20151176__

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 that 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

39-00132-15

20151176__

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 are
179 intended for use or consumption, including, but not limited to,
180 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 of this chapter.

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

198 (a) Beginning in 2017, 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

39-00132-15

20151176__

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, All Items, or successor
209 reports, as reported by the United States Department of Labor,
210 Bureau of Labor Statistics, for the calendar year ending on
211 December 31 immediately before the calculation date, divided by
212 the Consumer Price Index for the previous calendar year. The
213 inflation index may not be less than one.

214 (c)1. A marijuana cultivation facility subject to the
215 licensing requirement of s. 566.036 shall file, on or before the
216 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 that are subsequently destroyed by the
232 marijuana cultivation facility may be taken as a credit on a

39-00132-15

20151176__

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. 566.036 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

39-00132-15

20151176__

262 General Revenue Fund.

263 566.014 Annual report.—The division shall report annually
264 beginning January 30, 2017, 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 that 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,

39-00132-15

20151176__

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" means an entity licensed
301 to analyze and certify the safety and potency of marijuana.

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) As used in this section, the term "minor" means a
310 person who is under 21 years of age.

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

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

317 (b) Gaining access to marijuana.

318 (3) (a) A minor who violates subsection (2) commits:

319 1. For a first offense, a noncriminal violation subject to

39-00132-15

20151176__

320 a civil penalty of at least \$200 and not more than \$400.

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

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

327
328 When a minor is adjudged to have committed a first offense under
329 subsection (2), the judge shall inform that minor that the
330 noncriminal penalties for the second and subsequent offenses are
331 mandatory and may only be suspended as provided in paragraph
332 (b). Failure to inform the minor that subsequent noncriminal
333 penalties are mandatory is not a ground for suspension of any
334 subsequent civil penalty.

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

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

348 566.033 Personal use of marijuana.—

39-00132-15

20151176__

- 349 (1) A person who is 21 years of age or older may:
- 350 (a) Use, possess, or transport marijuana accessories and up
- 351 to 2.5 ounces of marijuana.
- 352 (b) Transfer or furnish, without remuneration, up to 2.5
- 353 ounces of marijuana and up to 6 seedlings to a person who is 21
- 354 years of age or older.
- 355 (c) Possess, grow, cultivate, process, or transport up to 6
- 356 marijuana plants, including seedlings, and possess the marijuana
- 357 produced by the marijuana plants on the premises where the
- 358 plants were grown.
- 359 (d) Purchase up to 2.5 ounces of marijuana, up to 6
- 360 seedlings, and marijuana accessories from a retail marijuana
- 361 store.
- 362 (2) The following apply to the cultivation of marijuana for
- 363 personal use by a person who is 21 years of age or older:
- 364 (a) A person may cultivate up to 6 marijuana plants,
- 365 including seedlings, at that person's place of residence, on
- 366 property owned by that person, or on another person's property
- 367 with permission of the owner of the other property.
- 368 (b) A person who elects to cultivate marijuana shall take
- 369 reasonable precautions to ensure the plants are secure from
- 370 unauthorized access or access by a person under 21 years of age.
- 371 Reasonable precautions include, but are not limited to,
- 372 cultivating marijuana in a fully enclosed secure outdoor area,
- 373 locked closet, or locked room inaccessible to persons under 21
- 374 years of age.
- 375 (3) A person may smoke or ingest marijuana in a nonpublic
- 376 place, including, but not limited to, a private residence.
- 377 (a) This subsection does not permit a person to consume

39-00132-15

20151176__

378 marijuana in a manner that endangers others.

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

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

385 566.034 Marijuana establishments.-

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

391 (a) A retail marijuana store may:

392 1. Possess, display, or transport marijuana, marijuana
393 products, or marijuana accessories.

394 2. Purchase marijuana from a marijuana cultivation
395 facility.

396 3. Purchase marijuana or marijuana products from a
397 marijuana product manufacturing facility.

398 4. Sell marijuana, marijuana products, or marijuana
399 accessories to consumers.

400 (b) A marijuana cultivation facility may:

401 1. Cultivate, harvest, process, package, transport,
402 display, or possess marijuana.

403 2. Deliver or transfer marijuana to a marijuana testing
404 facility.

405 3. Sell marijuana to another marijuana cultivation
406 facility, a marijuana product manufacturing facility, or a

39-00132-15

20151176__

407 retail marijuana store.

408 4. Purchase marijuana from another marijuana cultivation
409 facility.

410 (c) A marijuana product manufacturing facility may:

411 1. Package, process, transport, manufacture, display, or
412 possess marijuana or marijuana products.

413 2. Deliver or transfer marijuana or marijuana products to a
414 marijuana testing facility.

415 3. Sell marijuana or marijuana products to a retail
416 marijuana store or marijuana product manufacturing facility.

417 4. Purchase marijuana from a marijuana cultivation
418 facility.

419 5. Purchase marijuana or marijuana products from a
420 marijuana product manufacturing facility.

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

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

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

432 566.035 Duties of the division.—The division shall:

433 (1) Enforce the laws and rules relating to the
434 manufacturing, processing, labeling, storing, transporting,
435 testing, and selling of marijuana by marijuana establishments

39-00132-15

20151176__

436 and administer those laws relating to licensing and the
437 collection of taxes.

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

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

446 (4) Issue marijuana cultivation facility, marijuana testing
447 facility, marijuana product manufacturing facility, and retail
448 marijuana store licenses.

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

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

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

462 (8) Certify monthly to the Chief Financial Officer a
463 complete statement of revenues and expenses for licenses issued
464 and for revenues collected by the division and submit an annual

39-00132-15

20151176__

465 report that includes a complete statement of the revenues and
466 expenses for the division to the Governor, the Speaker of the
467 House of Representatives, and the President of the Senate.

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

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

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

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

490 566.036 Licensing of marijuana establishments.-

491 (1) An applicant for a marijuana establishment license
492 shall file an application in the form required by the division
493 for the type of marijuana establishment license sought, along

39-00132-15

20151176__

494 with the application fee, not to exceed \$5,000, as set by rule.
495 An applicant may apply for and be granted more than one type of
496 marijuana establishment license, except that a person licensed
497 as a marijuana testing facility may not hold another marijuana
498 establishment license. The division shall begin accepting and
499 processing applications by August 1, 2016.

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

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

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

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

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

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

39-00132-15

20151176__

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

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

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

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

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

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

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

39-00132-15

20151176__

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

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

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

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

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

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

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

39-00132-15

20151176__

581 (b).

582 (9) A marijuana establishment:

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

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

591 1. Unauthorized entrance into areas containing marijuana.

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

594 3. Tampering with or adulteration of the marijuana
595 products.

596 4. Unauthorized access to marijuana or marijuana
597 accessories.

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

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

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

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

609 (f) If the licensee is a retail marijuana store, it may not

39-00132-15

20151176__

610 allow a minor to enter or remain on the premises unless the
611 minor is an employee of the division, a law enforcement officer,
612 emergency personnel, or a contractor performing work on the
613 facility that is not directly related to marijuana, such as
614 installing or maintaining security devices or performing
615 electrical wiring.

616 (g) May not sell marijuana between the hours of 1 a.m. and
617 6 a.m.

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

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

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

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

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

636 (a) A licensee who unintentionally fails to renew a license
637 upon its expiration date and continues to engage in activities
638 allowed by s. 566.034 may not be charged with illegal sales for

39-00132-15

20151176__

639 a period of 7 days after the expiration date. A licensee who
640 continues to make sales of marijuana after having been properly
641 notified of the expired license may be charged with illegally
642 selling marijuana.

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

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

647 2. The date of expiration.

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

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

655 566.037 Local control.-

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

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

662 (a) No later than September 1, 2016, a locality may enact
663 an ordinance or regulation specifying the entity within the
664 locality that is responsible for processing applications
665 submitted for a licensee to operate a marijuana establishment
666 within the boundaries of the locality. The locality may provide
667 that the entity may issue such licenses if issuance by the

39-00132-15

20151176__

668 locality becomes necessary because of a failure by the division
669 to adopt rules pursuant to s. 566.035 or because of a failure by
670 the division to process and issue licenses as required by s.
671 566.036.

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

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

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

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

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

690 (c) If the division does not begin issuing licenses by
691 January 1, 2017, an applicant may submit an application directly
692 to the locality in which it wants to operate. A locality that
693 receives an application pursuant to this paragraph shall issue a
694 license to an applicant within 90 days after receipt of the
695 application unless the locality finds, and notifies the
696 applicant, that the applicant is not in compliance with an

39-00132-15

20151176__

697 ordinance, rule, or regulation made pursuant to s. 566.035 or
698 paragraph (b) in effect at the time of application. The locality
699 shall notify the division if the locality issues an annual
700 license to the applicant.

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

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

39-00132-15

20151176__

726 which such subsequent or renewed license would be effective, or
727 if the division has adopted rules pursuant to s. 566.041 but has
728 not, at least 90 days after the adoption of those rules, issued
729 any marijuana establishment licenses pursuant to s. 566.036.

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

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

742 566.04 Construction.—

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

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

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

39-00132-15

20151176__

755 or consume marijuana.

756 (4) RESTRICTION ON USE OF PROPERTY.—This chapter does not
757 prohibit a person, employer, school, hospital, detention
758 facility, corporation, or other entity that occupies, owns, or
759 controls real property from prohibiting or otherwise regulating
760 the possession, consumption, use, display, transfer,
761 distribution, sale, transportation, or growing of marijuana on
762 or in that real property.

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

766 566.041 Rulemaking.—The division shall adopt any rules
767 necessary to administer and enforce the provisions of this
768 chapter.

769 566.042 Good moral character.—Engaging in conduct allowed
770 by this chapter may not be the basis for a finding of a lack of
771 good moral character as that term is used in the Florida
772 Statutes.

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

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

778 (1) By June 1, 2016, the Division of Alcoholic Beverages,
779 Marijuana, and Tobacco of the Department of Business and
780 Professional Regulation shall adopt emergency rules for the
781 administration and the enforcement of laws regulating and
782 licensing marijuana establishments pursuant to part II of
783 chapter 566, Florida Statutes, as created by this act. These

39-00132-15

20151176__

784 rules must be developed by the division and may not be
785 contracted out to an entity outside the division. These rules
786 may not prohibit the operation of marijuana establishments,
787 either expressly or through restrictions that make the operation
788 of marijuana establishments unreasonably impracticable. As used
789 in this section, the term "unreasonably impracticable" means
790 that the measures necessary to comply with the rules require
791 such a high investment of risk, money, time, or other resource
792 or asset that the operation of a marijuana establishment is not
793 worthy of being carried out in practice by a reasonably prudent
794 businessperson.

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

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

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

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

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

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

811 (f) Minimum standards for employment, including
812 requirements for background checks, restrictions against hiring

39-00132-15

20151176__

813 persons under 21 years of age, and safeguards to protect against
814 unauthorized employee access to marijuana.

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

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

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

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

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

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

841 (m) Any other oversight requirements that the division

39-00132-15

20151176__

842 determines are necessary to administer the laws relating to
843 licensing marijuana establishments.

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

849 Section 7. Paragraph (p) of subsection (1) of section
850 500.03, Florida Statutes, is amended to read:

851 500.03 Definitions; construction; applicability.—

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

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

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

867 500.105 Retail marijuana store food products containing
868 marijuana.—Food products containing marijuana that are prepared
869 in a food establishment that holds a permit under s. 500.12, if
870 required, and that are sold by a retail marijuana store licensed

39-00132-15

20151176__

871 under chapter 566 are not considered adulterated under this
872 chapter due to the presence of marijuana.

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

875 562.13 Employment of minors or certain other persons by
876 certain vendors prohibited; exceptions.—

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

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

883 569.0073 Special provisions; smoking pipes and smoking
884 devices.—

885 (1) It is unlawful for any person to offer for sale at
886 retail any of the items listed in subsection (2) unless such
887 person:

888 (a) Has a retail tobacco products dealer permit under s.
889 569.003 or is a marijuana establishment licensed under s.
890 566.036. The provisions of this chapter apply to any person that
891 offers for retail sale any of the items listed in subsection
892 (2); and

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

897 2. Derives no more than 25 percent of its annual gross
898 revenues from the retail sale of the items listed in subsection
899 (2).

39-00132-15

20151176__

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

902 893.13 Prohibited acts; penalties.—

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

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

907 893.135 Trafficking; mandatory sentences; suspension or
908 reduction of sentences; conspiracy to engage in trafficking.—

909 (1) Except as authorized in this chapter, ~~or in~~ chapter
910 499, or chapter 566 and notwithstanding ~~the provisions of s.~~
911 893.13:

912 (a) Any person who knowingly sells, purchases,
913 manufactures, delivers, or brings into this state, or who is
914 knowingly in actual or constructive possession of, in excess of
915 25 pounds of cannabis, or 300 or more cannabis plants, commits a
916 felony of the first degree, which felony shall be known as
917 "trafficking in cannabis," punishable as provided in s. 775.082,
918 s. 775.083, or s. 775.084. If the quantity of cannabis involved:

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

924 2. Is 2,000 pounds or more, but less than 10,000 pounds, or
925 is 2,000 or more cannabis plants, but not more than 10,000
926 cannabis plants, such person shall be sentenced to a mandatory
927 minimum term of imprisonment of 7 years, and the defendant shall
928 be ordered to pay a fine of \$50,000.

39-00132-15

20151176__

929 3. Is 10,000 pounds or more, or is 10,000 or more cannabis
930 plants, such person shall be sentenced to a mandatory minimum
931 term of imprisonment of 15 calendar years and pay a fine of
932 \$200,000.

933

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

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

956 a. Is 28 grams or more, but less than 200 grams, such
957 person shall be sentenced to a mandatory minimum term of

39-00132-15

20151176__

958 imprisonment of 3 years, and the defendant shall be ordered to
959 pay a fine of \$50,000.

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

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

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

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

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

984

985 such person commits the capital felony of trafficking in
986 cocaine, punishable as provided in ss. 775.082 and 921.142. Any

39-00132-15

20151176__

987 person sentenced for a capital felony under this paragraph shall
988 also be sentenced to pay the maximum fine provided under
989 subparagraph 1.

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

998 (c)1. A person who knowingly sells, purchases,
999 manufactures, delivers, or brings into this state, or who is
1000 knowingly in actual or constructive possession of, 4 grams or
1001 more of any morphine, opium, hydromorphone, or any salt,
1002 derivative, isomer, or salt of an isomer thereof, including
1003 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
1004 (3)(c)4., or 4 grams or more of any mixture containing any such
1005 substance, but less than 30 kilograms of such substance or
1006 mixture, commits a felony of the first degree, which felony
1007 shall be known as "trafficking in illegal drugs," punishable as
1008 provided in s. 775.082, s. 775.083, or s. 775.084. If the
1009 quantity involved:

1010 a. Is 4 grams or more, but less than 14 grams, such person
1011 shall be sentenced to a mandatory minimum term of imprisonment
1012 of 3 years and shall be ordered to pay a fine of \$50,000.

1013 b. Is 14 grams or more, but less than 28 grams, such person
1014 shall be sentenced to a mandatory minimum term of imprisonment
1015 of 15 years and shall be ordered to pay a fine of \$100,000.

39-00132-15

20151176__

1016 c. Is 28 grams or more, but less than 30 kilograms, such
1017 person shall be sentenced to a mandatory minimum term of
1018 imprisonment of 25 years and shall be ordered to pay a fine of
1019 \$500,000.

1020 2. A person who knowingly sells, purchases, manufactures,
1021 delivers, or brings into this state, or who is knowingly in
1022 actual or constructive possession of, 14 grams or more of
1023 hydrocodone, or any salt, derivative, isomer, or salt of an
1024 isomer thereof, or 14 grams or more of any mixture containing
1025 any such substance, commits a felony of the first degree, which
1026 felony shall be known as "trafficking in hydrocodone,"
1027 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
1028 If the quantity involved:

1029 a. Is 14 grams or more, but less than 28 grams, such person
1030 shall be sentenced to a mandatory minimum term of imprisonment
1031 of 3 years and shall be ordered to pay a fine of \$50,000.

1032 b. Is 28 grams or more, but less than 50 grams, such person
1033 shall be sentenced to a mandatory minimum term of imprisonment
1034 of 7 years and shall be ordered to pay a fine of \$100,000.

1035 c. Is 50 grams or more, but less than 200 grams, such
1036 person shall be sentenced to a mandatory minimum term of
1037 imprisonment of 15 years and shall be ordered to pay a fine of
1038 \$500,000.

1039 d. Is 200 grams or more, but less than 30 kilograms, such
1040 person shall be sentenced to a mandatory minimum term of
1041 imprisonment of 25 years and shall be ordered to pay a fine of
1042 \$750,000.

1043 3. A person who knowingly sells, purchases, manufactures,
1044 delivers, or brings into this state, or who is knowingly in

39-00132-15

20151176__

1045 actual or constructive possession of, 7 grams or more of
1046 oxycodone, or any salt, derivative, isomer, or salt of an isomer
1047 thereof, or 7 grams or more of any mixture containing any such
1048 substance, commits a felony of the first degree, which felony
1049 shall be known as "trafficking in oxycodone," punishable as
1050 provided in s. 775.082, s. 775.083, or s. 775.084. If the
1051 quantity involved:

1052 a. Is 7 grams or more, but less than 14 grams, such person
1053 shall be sentenced to a mandatory minimum term of imprisonment
1054 of 3 years and shall be ordered to pay a fine of \$50,000.

1055 b. Is 14 grams or more, but less than 25 grams, such person
1056 shall be sentenced to a mandatory minimum term of imprisonment
1057 of 7 years and shall be ordered to pay a fine of \$100,000.

1058 c. Is 25 grams or more, but less than 100 grams, such
1059 person shall be sentenced to a mandatory minimum term of
1060 imprisonment of 15 years and shall be ordered to pay a fine of
1061 \$500,000.

1062 d. Is 100 grams or more, but less than 30 kilograms, such
1063 person shall be sentenced to a mandatory minimum term of
1064 imprisonment of 25 years and shall be ordered to pay a fine of
1065 \$750,000.

1066 4. A person who knowingly sells, purchases, manufactures,
1067 delivers, or brings into this state, or who is knowingly in
1068 actual or constructive possession of, 30 kilograms or more of
1069 any morphine, opium, oxycodone, hydrocodone, hydromorphone, or
1070 any salt, derivative, isomer, or salt of an isomer thereof,
1071 including heroin, as described in s. 893.03(1)(b), (2)(a),
1072 (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture
1073 containing any such substance, commits the first degree felony

39-00132-15

20151176__

1074 of trafficking in illegal drugs. A person who has been convicted
1075 of the first degree felony of trafficking in illegal drugs under
1076 this subparagraph shall be punished by life imprisonment and is
1077 ineligible for any form of discretionary early release except
1078 pardon or executive clemency or conditional medical release
1079 under s. 947.149. However, if the court determines that, in
1080 addition to committing any act specified in this paragraph:

1081 a. The person intentionally killed an individual or
1082 counseled, commanded, induced, procured, or caused the
1083 intentional killing of an individual and such killing was the
1084 result; or

1085 b. The person's conduct in committing that act led to a
1086 natural, though not inevitable, lethal result,

1087
1088 such person commits the capital felony of trafficking in illegal
1089 drugs, punishable as provided in ss. 775.082 and 921.142. A
1090 person sentenced for a capital felony under this paragraph shall
1091 also be sentenced to pay the maximum fine provided under
1092 subparagraph 1.

1093 5. A person who knowingly brings into this state 60
1094 kilograms or more of any morphine, opium, oxycodone,
1095 hydrocodone, hydromorphone, or any salt, derivative, isomer, or
1096 salt of an isomer thereof, including heroin, as described in s.
1097 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or
1098 more of any mixture containing any such substance, and who knows
1099 that the probable result of such importation would be the death
1100 of a person, commits capital importation of illegal drugs, a
1101 capital felony punishable as provided in ss. 775.082 and
1102 921.142. A person sentenced for a capital felony under this

39-00132-15

20151176__

1103 paragraph shall also be sentenced to pay the maximum fine
1104 provided under subparagraph 1.

1105 (d)1. Any person who knowingly sells, purchases,
1106 manufactures, delivers, or brings into this state, or who is
1107 knowingly in actual or constructive possession of, 28 grams or
1108 more of phencyclidine or of any mixture containing
1109 phencyclidine, as described in s. 893.03(2)(b), commits a felony
1110 of the first degree, which felony shall be known as "trafficking
1111 in phencyclidine," punishable as provided in s. 775.082, s.
1112 775.083, or s. 775.084. If the quantity involved:

1113 a. Is 28 grams or more, but less than 200 grams, such
1114 person shall be sentenced to a mandatory minimum term of
1115 imprisonment of 3 years, and the defendant shall be ordered to
1116 pay a fine of \$50,000.

1117 b. Is 200 grams or more, but less than 400 grams, such
1118 person shall be sentenced to a mandatory minimum term of
1119 imprisonment of 7 years, and the defendant shall be ordered to
1120 pay a fine of \$100,000.

1121 c. Is 400 grams or more, such person shall be sentenced to
1122 a mandatory minimum term of imprisonment of 15 calendar years
1123 and pay a fine of \$250,000.

1124 2. Any person who knowingly brings into this state 800
1125 grams or more of phencyclidine or of any mixture containing
1126 phencyclidine, as described in s. 893.03(2)(b), and who knows
1127 that the probable result of such importation would be the death
1128 of any person commits capital importation of phencyclidine, a
1129 capital felony punishable as provided in ss. 775.082 and
1130 921.142. Any person sentenced for a capital felony under this
1131 paragraph shall also be sentenced to pay the maximum fine

39-00132-15

20151176__

1132 provided under subparagraph 1.

1133 (e)1. Any person who knowingly sells, purchases,
1134 manufactures, delivers, or brings into this state, or who is
1135 knowingly in actual or constructive possession of, 200 grams or
1136 more of methaqualone or of any mixture containing methaqualone,
1137 as described in s. 893.03(1)(d), commits a felony of the first
1138 degree, which felony shall be known as "trafficking in
1139 methaqualone," punishable as provided in s. 775.082, s. 775.083,
1140 or s. 775.084. If the quantity involved:

1141 a. Is 200 grams or more, but less than 5 kilograms, such
1142 person shall be sentenced to a mandatory minimum term of
1143 imprisonment of 3 years, and the defendant shall be ordered to
1144 pay a fine of \$50,000.

1145 b. Is 5 kilograms or more, but less than 25 kilograms, such
1146 person shall be sentenced to a mandatory minimum term of
1147 imprisonment of 7 years, and the defendant shall be ordered to
1148 pay a fine of \$100,000.

1149 c. Is 25 kilograms or more, such person shall be sentenced
1150 to a mandatory minimum term of imprisonment of 15 calendar years
1151 and pay a fine of \$250,000.

1152 2. Any person who knowingly brings into this state 50
1153 kilograms or more of methaqualone or of any mixture containing
1154 methaqualone, as described in s. 893.03(1)(d), and who knows
1155 that the probable result of such importation would be the death
1156 of any person commits capital importation of methaqualone, a
1157 capital felony punishable as provided in ss. 775.082 and
1158 921.142. Any person sentenced for a capital felony under this
1159 paragraph shall also be sentenced to pay the maximum fine
1160 provided under subparagraph 1.

39-00132-15

20151176__

1161 (f)1. Any person who knowingly sells, purchases,
1162 manufactures, delivers, or brings into this state, or who is
1163 knowingly in actual or constructive possession of, 14 grams or
1164 more of amphetamine, as described in s. 893.03(2)(c)2., or
1165 methamphetamine, as described in s. 893.03(2)(c)4., or of any
1166 mixture containing amphetamine or methamphetamine, or
1167 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine
1168 in conjunction with other chemicals and equipment utilized in
1169 the manufacture of amphetamine or methamphetamine, commits a
1170 felony of the first degree, which felony shall be known as
1171 "trafficking in amphetamine," punishable as provided in s.
1172 775.082, s. 775.083, or s. 775.084. If the quantity involved:
1173 a. Is 14 grams or more, but less than 28 grams, such person
1174 shall be sentenced to a mandatory minimum term of imprisonment
1175 of 3 years, and the defendant shall be ordered to pay a fine of
1176 \$50,000.
1177 b. Is 28 grams or more, but less than 200 grams, such
1178 person shall be sentenced to a mandatory minimum term of
1179 imprisonment of 7 years, and the defendant shall be ordered to
1180 pay a fine of \$100,000.
1181 c. Is 200 grams or more, such person shall be sentenced to
1182 a mandatory minimum term of imprisonment of 15 calendar years
1183 and pay a fine of \$250,000.
1184 2. Any person who knowingly manufactures or brings into
1185 this state 400 grams or more of amphetamine, as described in s.
1186 893.03(2)(c)2., or methamphetamine, as described in s.
1187 893.03(2)(c)4., or of any mixture containing amphetamine or
1188 methamphetamine, or phenylacetone, phenylacetic acid,
1189 pseudoephedrine, or ephedrine in conjunction with other

39-00132-15

20151176__

1190 chemicals and equipment used in the manufacture of amphetamine
1191 or methamphetamine, and who knows that the probable result of
1192 such manufacture or importation would be the death of any person
1193 commits capital manufacture or importation of amphetamine, a
1194 capital felony punishable as provided in ss. 775.082 and
1195 921.142. Any person sentenced for a capital felony under this
1196 paragraph shall also be sentenced to pay the maximum fine
1197 provided under subparagraph 1.

1198 (g)1. Any person who knowingly sells, purchases,
1199 manufactures, delivers, or brings into this state, or who is
1200 knowingly in actual or constructive possession of, 4 grams or
1201 more of flunitrazepam or any mixture containing flunitrazepam as
1202 described in s. 893.03(1)(a) commits a felony of the first
1203 degree, which felony shall be known as "trafficking in
1204 flunitrazepam," punishable as provided in s. 775.082, s.
1205 775.083, or s. 775.084. If the quantity involved:

1206 a. Is 4 grams or more but less than 14 grams, such person
1207 shall be sentenced to a mandatory minimum term of imprisonment
1208 of 3 years, and the defendant shall be ordered to pay a fine of
1209 \$50,000.

1210 b. Is 14 grams or more but less than 28 grams, such person
1211 shall be sentenced to a mandatory minimum term of imprisonment
1212 of 7 years, and the defendant shall be ordered to pay a fine of
1213 \$100,000.

1214 c. Is 28 grams or more but less than 30 kilograms, such
1215 person shall be sentenced to a mandatory minimum term of
1216 imprisonment of 25 calendar years and pay a fine of \$500,000.

1217 2. Any person who knowingly sells, purchases, manufactures,
1218 delivers, or brings into this state or who is knowingly in

39-00132-15

20151176__

1219 actual or constructive possession of 30 kilograms or more of
1220 flunitrazepam or any mixture containing flunitrazepam as
1221 described in s. 893.03(1) (a) commits the first degree felony of
1222 trafficking in flunitrazepam. A person who has been convicted of
1223 the first degree felony of trafficking in flunitrazepam under
1224 this subparagraph shall be punished by life imprisonment and is
1225 ineligible for any form of discretionary early release except
1226 pardon or executive clemency or conditional medical release
1227 under s. 947.149. However, if the court determines that, in
1228 addition to committing any act specified in this paragraph:

1229 a. The person intentionally killed an individual or
1230 counseled, commanded, induced, procured, or caused the
1231 intentional killing of an individual and such killing was the
1232 result; or

1233 b. The person's conduct in committing that act led to a
1234 natural, though not inevitable, lethal result,

1235
1236 such person commits the capital felony of trafficking in
1237 flunitrazepam, punishable as provided in ss. 775.082 and
1238 921.142. Any person sentenced for a capital felony under this
1239 paragraph shall also be sentenced to pay the maximum fine
1240 provided under subparagraph 1.

1241 (h)1. Any person who knowingly sells, purchases,
1242 manufactures, delivers, or brings into this state, or who is
1243 knowingly in actual or constructive possession of, 1 kilogram or
1244 more of gamma-hydroxybutyric acid (GHB), as described in s.
1245 893.03(1) (d), or any mixture containing gamma-hydroxybutyric
1246 acid (GHB), commits a felony of the first degree, which felony
1247 shall be known as "trafficking in gamma-hydroxybutyric acid

39-00132-15

20151176__

1248 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.
1249 775.084. If the quantity involved:

1250 a. Is 1 kilogram or more but less than 5 kilograms, such
1251 person shall be sentenced to a mandatory minimum term of
1252 imprisonment of 3 years, and the defendant shall be ordered to
1253 pay a fine of \$50,000.

1254 b. Is 5 kilograms or more but less than 10 kilograms, such
1255 person shall be sentenced to a mandatory minimum term of
1256 imprisonment of 7 years, and the defendant shall be ordered to
1257 pay a fine of \$100,000.

1258 c. Is 10 kilograms or more, such person shall be sentenced
1259 to a mandatory minimum term of imprisonment of 15 calendar years
1260 and pay a fine of \$250,000.

1261 2. Any person who knowingly manufactures or brings into
1262 this state 150 kilograms or more of gamma-hydroxybutyric acid
1263 (GHB), as described in s. 893.03(1)(d), or any mixture
1264 containing gamma-hydroxybutyric acid (GHB), and who knows that
1265 the probable result of such manufacture or importation would be
1266 the death of any person commits capital manufacture or
1267 importation of gamma-hydroxybutyric acid (GHB), a capital felony
1268 punishable as provided in ss. 775.082 and 921.142. Any person
1269 sentenced for a capital felony under this paragraph shall also
1270 be sentenced to pay the maximum fine provided under subparagraph
1271 1.

1272 (i)1. Any person who knowingly sells, purchases,
1273 manufactures, delivers, or brings into this state, or who is
1274 knowingly in actual or constructive possession of, 1 kilogram or
1275 more of gamma-butyrolactone (GBL), as described in s.
1276 893.03(1)(d), or any mixture containing gamma-butyrolactone

39-00132-15

20151176__

1277 (GBL), commits a felony of the first degree, which felony shall
1278 be known as "trafficking in gamma-butyrolactone (GBL),"
1279 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
1280 If the quantity involved:

1281 a. Is 1 kilogram or more but less than 5 kilograms, such
1282 person shall be sentenced to a mandatory minimum term of
1283 imprisonment of 3 years, and the defendant shall be ordered to
1284 pay a fine of \$50,000.

1285 b. Is 5 kilograms or more but less than 10 kilograms, such
1286 person shall be sentenced to a mandatory minimum term of
1287 imprisonment of 7 years, and the defendant shall be ordered to
1288 pay a fine of \$100,000.

1289 c. Is 10 kilograms or more, such person shall be sentenced
1290 to a mandatory minimum term of imprisonment of 15 calendar years
1291 and pay a fine of \$250,000.

1292 2. Any person who knowingly manufactures or brings into the
1293 state 150 kilograms or more of gamma-butyrolactone (GBL), as
1294 described in s. 893.03(1)(d), or any mixture containing gamma-
1295 butyrolactone (GBL), and who knows that the probable result of
1296 such manufacture or importation would be the death of any person
1297 commits capital manufacture or importation of gamma-
1298 butyrolactone (GBL), a capital felony punishable as provided in
1299 ss. 775.082 and 921.142. Any person sentenced for a capital
1300 felony under this paragraph shall also be sentenced to pay the
1301 maximum fine provided under subparagraph 1.

1302 (j)1. Any person who knowingly sells, purchases,
1303 manufactures, delivers, or brings into this state, or who is
1304 knowingly in actual or constructive possession of, 1 kilogram or
1305 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of

39-00132-15

20151176__

1306 any mixture containing 1,4-Butanediol, commits a felony of the
1307 first degree, which felony shall be known as "trafficking in
1308 1,4-Butanediol," punishable as provided in s. 775.082, s.
1309 775.083, or s. 775.084. If the quantity involved:

1310 a. Is 1 kilogram or more, but less than 5 kilograms, such
1311 person shall be sentenced to a mandatory minimum term of
1312 imprisonment of 3 years, and the defendant shall be ordered to
1313 pay a fine of \$50,000.

1314 b. Is 5 kilograms or more, but less than 10 kilograms, 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 10 kilograms or more, such person shall be sentenced
1319 to a mandatory minimum term of imprisonment of 15 calendar years
1320 and pay a fine of \$500,000.

1321 2. Any person who knowingly manufactures or brings into
1322 this state 150 kilograms or more of 1,4-Butanediol as described
1323 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,
1324 and who knows that the probable result of such manufacture or
1325 importation would be the death of any person commits capital
1326 manufacture or importation of 1,4-Butanediol, a capital felony
1327 punishable as provided in ss. 775.082 and 921.142. Any person
1328 sentenced for a capital felony under this paragraph shall also
1329 be sentenced to pay the maximum fine provided under subparagraph
1330 1.

1331 (k)1. A person who knowingly sells, purchases,
1332 manufactures, delivers, or brings into this state, or who is
1333 knowingly in actual or constructive possession of, 10 grams or
1334 more of any of the following substances described in s.

39-00132-15

20151176__

1335 893.03(1)(c):

1336 a. 3,4-Methylenedioxymethamphetamine (MDMA);

1337 b. 4-Bromo-2,5-dimethoxyamphetamine;

1338 c. 4-Bromo-2,5-dimethoxyphenethylamine;

1339 d. 2,5-Dimethoxyamphetamine;

1340 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);

1341 f. N-ethylamphetamine;

1342 g. N-Hydroxy-3,4-methylenedioxyamphetamine;

1343 h. 5-Methoxy-3,4-methylenedioxyamphetamine;

1344 i. 4-methoxyamphetamine;

1345 j. 4-methoxymethamphetamine;

1346 k. 4-Methyl-2,5-dimethoxyamphetamine;

1347 l. 3,4-Methylenedioxy-N-ethylamphetamine;

1348 m. 3,4-Methylenedioxyamphetamine;

1349 n. N,N-dimethylamphetamine;

1350 o. 3,4,5-Trimethoxyamphetamine;

1351 p. 3,4-Methylenedioxymethcathinone;

1352 q. 3,4-Methylenedioxypyrovalerone (MDPV); or

1353 r. Methylnmethcathinone,

1354

1355 individually or analogs thereto or isomers thereto or in any

1356 combination of or any mixture containing any substance listed in

1357 sub-subparagraphs a.-r., commits a felony of the first degree,

1358 which felony shall be known as "trafficking in Phenethylamines,"

1359 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1360 2. If the quantity involved:

1361 a. Is 10 grams or more, but less than 200 grams, such

1362 person shall be sentenced to a mandatory minimum term of

1363 imprisonment of 3 years and shall be ordered to pay a fine of

39-00132-15

20151176__

1364 \$50,000.

1365 b. Is 200 grams or more, but less than 400 grams, such
1366 person shall be sentenced to a mandatory minimum term of
1367 imprisonment of 7 years and shall be ordered to pay a fine of
1368 \$100,000.

1369 c. Is 400 grams or more, such person shall be sentenced to
1370 a mandatory minimum term of imprisonment of 15 years and shall
1371 be ordered to pay a fine of \$250,000.

1372 3. A person who knowingly manufactures or brings into this
1373 state 30 kilograms or more of any of the following substances
1374 described in s. 893.03(1)(c):

- 1375 a. 3,4-Methylenedioxymethamphetamine (MDMA);
- 1376 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 1377 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 1378 d. 2,5-Dimethoxyamphetamine;
- 1379 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 1380 f. N-ethylamphetamine;
- 1381 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 1382 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 1383 i. 4-methoxyamphetamine;
- 1384 j. 4-methoxymethamphetamine;
- 1385 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 1386 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 1387 m. 3,4-Methylenedioxyamphetamine;
- 1388 n. N,N-dimethylamphetamine;
- 1389 o. 3,4,5-Trimethoxyamphetamine;
- 1390 p. 3,4-Methylenedioxymethcathinone;
- 1391 q. 3,4-Methylenedioxypyrovalerone (MDPV); or
- 1392 r. Methylmethcathinone,

39-00132-15

20151176__

1393
1394 individually or analogs thereto or isomers thereto or in any
1395 combination of or any mixture containing any substance listed in
1396 sub-subparagraphs a.-r., and who knows that the probable result
1397 of such manufacture or importation would be the death of any
1398 person commits capital manufacture or importation of
1399 Phenethylamines, a capital felony punishable as provided in ss.
1400 775.082 and 921.142. A person sentenced for a capital felony
1401 under this paragraph shall also be sentenced to pay the maximum
1402 fine provided under subparagraph 1.

1403 (1)1. Any person who knowingly sells, purchases,
1404 manufactures, delivers, or brings into this state, or who is
1405 knowingly in actual or constructive possession of, 1 gram or
1406 more of lysergic acid diethylamide (LSD) as described in s.
1407 893.03(1)(c), or of any mixture containing lysergic acid
1408 diethylamide (LSD), commits a felony of the first degree, which
1409 felony shall be known as "trafficking in lysergic acid
1410 diethylamide (LSD)," punishable as provided in s. 775.082, s.
1411 775.083, or s. 775.084. If the quantity involved:

1412 a. Is 1 gram or more, but less than 5 grams, such person
1413 shall be sentenced to a mandatory minimum term of imprisonment
1414 of 3 years, and the defendant shall be ordered to pay a fine of
1415 \$50,000.

1416 b. Is 5 grams or more, but less than 7 grams, such person
1417 shall be sentenced to a mandatory minimum term of imprisonment
1418 of 7 years, and the defendant shall be ordered to pay a fine of
1419 \$100,000.

1420 c. Is 7 grams or more, such person shall be sentenced to a
1421 mandatory minimum term of imprisonment of 15 calendar years and

39-00132-15

20151176__

1422 pay a fine of \$500,000.

1423 2. Any person who knowingly manufactures or brings into
1424 this state 7 grams or more of lysergic acid diethylamide (LSD)
1425 as described in s. 893.03(1)(c), or any mixture containing
1426 lysergic acid diethylamide (LSD), and who knows that the
1427 probable result of such manufacture or importation would be the
1428 death of any person commits capital manufacture or importation
1429 of lysergic acid diethylamide (LSD), a capital felony punishable
1430 as provided in ss. 775.082 and 921.142. Any person sentenced for
1431 a capital felony under this paragraph shall also be sentenced to
1432 pay the maximum fine provided under subparagraph 1.

1433 Section 13. Except as otherwise expressly provided in this
1434 act, this act shall take effect July 1, 2016.