

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 chapter 566, F.S., relating  
10          to recreational marijuana; providing definitions  
11          relating to an excise tax on recreational marijuana;  
12          imposing an excise tax on recreational marijuana;  
13          providing for inflation adjustments to the tax rate;  
14          providing for collection of the tax; providing for  
15          distribution of tax revenues; requiring an annual  
16          report concerning tax revenues; providing definitions  
17          relating to regulation of recreational marijuana;  
18          exempting certain activities involving marijuana from  
19          use and possession offenses; authorizing persons age  
20          21 and over to engage in certain activities involving  
21          personal use of marijuana in limited amounts;  
22          providing limits on where persons may engage in  
23          specified activities; prohibiting the use of false  
24          identification by persons under 21 years of age for  
25          specified activities relating to recreational  
26          marijuana; providing noncriminal penalties; providing

27 | for alternative sentencing; providing for licensure of  
28 | marijuana establishments that may engage in the  
29 | manufacture, possession, or purchase of marijuana,  
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;  
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 chapter  
 82 | 566, 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  
 88 | 20.165, Florida Statutes, is amended to read:

89 | 20.165 Department of Business and Professional  
 90 | Regulation.—There is created a Department of Business and  
 91 | Professional 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  
 97 | to 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  
 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  
 120 tobacco products dealer permit fees collected under s. 569.003  
 121 shall be transferred to the Department of Education to provide  
 122 for teacher training and for research and evaluation to reduce  
 123 and 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 ss. 566.011-566.042, is created to read:

141 CHAPTER 566

142 RECREATIONAL MARIJUANA

143 PART I

144 EXCISE TAX

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

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  
167 cultivation facility, marijuana testing facility, marijuana  
168 product 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  
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.

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 penny and become  
 203 effective on the first day of July immediately after the  
 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  
 208 All Urban Consumers, U.S. City Average, or successor reports, as



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

214 (c)1. A marijuana cultivation facility subject to the  
215 licensing 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  
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  
254 the tax imposed by this part must be credited to the General  
255 Revenue 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  
 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

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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,  
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.

308 566.032 Exemption from criminal and noncriminal penalties,  
309 seizure, or forfeiture.—Notwithstanding chapter 893 or any other  
310 provision of law, and except as provided in this part, the  
311 actions specified in this part are legal under the laws of this  
312 state and do not constitute a civil or criminal offense under

313 the laws of this state or the law of any political subdivision  
314 within this state or serve as a basis for seizure or forfeiture  
315 of assets under state law.

316 566.033 Personal use of marijuana.—

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

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

320 (b) Transfer or furnish, without remuneration, up to 2.5  
321 ounces of marijuana and up to 6 seedlings to a person who is 21  
322 years of age or older.

323 (c) Possess, grow, cultivate, process, or transport up to  
324 6 marijuana plants, including seedlings, and possess the  
325 marijuana produced by the marijuana plants on the premises where  
326 the plants were grown.

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

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

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

336 (b) A person who elects to cultivate marijuana shall take  
337 reasonable precautions to ensure the plants are secure from  
338 unauthorized access or access by a person under 21 years of age.

339 Reasonable precautions include, but are not limited to,  
340 cultivating marijuana in a fully enclosed secure outdoor area,  
341 locked closet, or locked room inaccessible to persons under 21  
342 years of age.

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

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

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

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

353 566.0311 False identification.—

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

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

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

362 (b) Gaining access to marijuana.

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

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

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

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

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

372  
373 When a minor is adjudged to have committed a first offense under  
374 subsection (2), the judge shall inform that minor that the  
375 noncriminal penalties for the second and subsequent offenses are  
376 mandatory and may only be suspended as provided in paragraph  
377 (b). Failure to inform the minor that subsequent noncriminal  
378 penalties are mandatory is not a ground for suspension of any  
379 subsequent civil penalty.

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

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  
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  
414 a 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  
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  
447 testing facility, marijuana product manufacturing facility, and  
448 retail 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  
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  
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:

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

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

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

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

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

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

553

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

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

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

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

568 (a) May not have been convicted of a disqualifying drug  
569 offense. For purposes of this section, "disqualifying drug  
570 offense" means a conviction for a violation of a state or  
571 federal controlled substance law that is a crime punishable by  
572 imprisonment for 1 year or more. It does not include an offense

573 for which the sentence, including any term of probation,  
574 incarceration, or supervised release, was completed 10 or more  
575 years before application for licensure or an offense that  
576 consisted of conduct that would be permitted under this part.

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

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

583 (9) A marijuana establishment:

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

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

592 1. Unauthorized entrance into areas containing marijuana.

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

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

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

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

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

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

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

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

617 (g) May not sell marijuana between the hours of 1 a.m. and  
 618 6 a.m.

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

624 (i) If a retail marijuana store, may not offer any free



625 merchandise, a rebate, or a gift to a consumer.

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

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

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

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

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

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

651 properly renewed.

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

656 566.037 Local control.—

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

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

663 (a) No later than September 1, 2016, a locality may enact  
664 an ordinance or regulation specifying the entity within the  
665 locality that is responsible for processing applications  
666 submitted for a licensee to operate a marijuana establishment  
667 within the boundaries of the locality. The locality may provide  
668 that the entity may issue such licenses if issuance by the  
669 locality becomes necessary because of a failure by the division  
670 to adopt rules pursuant to s. 566.035 or because of a failure by  
671 the division to process and issue licenses as required by s.  
672 566.036.

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

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

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

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

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

691 (c) If the division does not begin issuing licenses by  
692 January 1, 2017, an applicant may submit an application directly  
693 to the locality in which it wants to operate. A locality that  
694 receives an application pursuant to this paragraph shall issue a  
695 license to an applicant within 90 days after receipt of the  
696 application unless the locality finds, and notifies the  
697 applicant, that the applicant is not in compliance with an  
698 ordinance, rule, or regulation made pursuant to s. 566.035 or  
699 paragraph (b) in effect at the time of application. The locality  
700 shall notify the division if the locality issues an annual  
701 license to the applicant.

702 (d) If the division does not issue a license to an

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

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

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

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

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

743 566.040 Construction.—

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

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

753 (3) TRANSFER TO MINOR.—This chapter does not permit the  
754 transfer of marijuana, with or without remuneration, to a minor

755 or to allow a minor to purchase, possess, use, transport, grow,  
756 or consume marijuana.

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

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

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

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

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

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

779 (1) By June 1, 2016, the Division of Alcoholic Beverages,  
780 Marijuana, and Tobacco of the Department of Business and

781 Professional Regulation shall adopt emergency rules for the  
782 administration and the enforcement of laws regulating and  
783 licensing marijuana establishments pursuant to part II of  
784 chapter 566, Florida Statutes, as created by this act. These  
785 rules must be developed by the division and may not be  
786 contracted out to an entity outside the division. These rules  
787 may not prohibit the operation of marijuana establishments,  
788 either expressly or through restrictions that make the operation  
789 of marijuana establishments unreasonably impracticable. As used  
790 in this section, "unreasonably impracticable" means that the  
791 measures necessary to comply with the rules require such a high  
792 investment of risk, money, time, or other resource or asset that  
793 the operation of a marijuana establishment is not worthy of  
794 being carried out in practice by a reasonably prudent  
795 businessperson.

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

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

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

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

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

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

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

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

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

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

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

830 (k) Minimum security requirements, including standards to  
831 reasonably protect against unauthorized access to marijuana at  
832 all stages of the licensee's possession, transportation,



833 storage, and cultivation of marijuana; these security  
834 requirements may not prohibit outdoor cultivation in an  
835 enclosed, secured space.

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

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

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

850 Section 7. Paragraph (p) of subsection (1) of section  
851 500.03, Florida Statutes, is amended to read:

852 500.03 Definitions; construction; applicability.—

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

854 (p) "Food establishment" means a factory, food outlet, or  
855 other facility manufacturing, processing, packing, holding, or  
856 preparing food or selling food at wholesale or retail. The term  
857 does not include a business or activity that is regulated under  
858 s. 413.051, s. 500.80, chapter 509, or chapter 601. The term

859 includes a retail marijuana store that sells food containing  
860 marijuana pursuant to chapter 566. The term includes tomato  
861 packinghouses and repackers but does not include any other  
862 establishments that pack fruits and vegetables in their raw or  
863 natural states, including those fruits or vegetables that are  
864 washed, colored, or otherwise treated in their unpeeled, natural  
865 form before they are marketed.

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

868 500.105 Retail marijuana store food products containing  
869 marijuana.—Food products containing marijuana that are prepared  
870 in a food establishment that holds a permit under s. 500.12, if  
871 required, and that are sold by a retail marijuana store licensed  
872 under chapter 566 are not considered adulterated under this  
873 chapter due to the presence of marijuana.

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

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

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

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

884 569.0073 Special provisions; smoking pipes and smoking

885 devices.—

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

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

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

898 2. Derives no more than 25 percent of its annual gross  
899 revenues from the retail sale of the items listed in subsection  
900 (2).

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

903 893.13 Prohibited acts; penalties.—

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

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

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

910 (1) Except as authorized in this chapter, or in chapter

911 | 499, or chapter 566 and notwithstanding ~~the provisions of s.~~  
 912 | 893.13:

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

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

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

930 |       3. Is 10,000 pounds or more, or is 10,000 or more cannabis  
 931 | plants, such person shall be sentenced to a mandatory minimum  
 932 | term of imprisonment of 15 calendar years and pay a fine of  
 933 | \$200,000.

934 |  
 935 | For the purpose of this paragraph, a plant, including, but not  
 936 | limited to, a seedling or cutting, is a "cannabis plant" if it

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

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

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

961 b. Is 200 grams or more, but less than 400 grams, such  
962 person shall be sentenced to a mandatory minimum term of

963 imprisonment of 7 years, and the defendant shall be ordered to  
 964 pay a fine of \$100,000.

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

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

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

984 b. The person's conduct in committing that act led to a  
 985 natural, though not inevitable, lethal result,  
 986  
 987 such person commits the capital felony of trafficking in  
 988 cocaine, punishable as provided in ss. 775.082 and 921.142. Any

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

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

1000 (c)1. A person who knowingly sells, purchases,  
1001 manufactures, delivers, or brings into this state, or who is  
1002 knowingly in actual or constructive possession of, 4 grams or  
1003 more of any morphine, opium, hydromorphone, or any salt,  
1004 derivative, isomer, or salt of an isomer thereof, including  
1005 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or  
1006 (3)(c)4., or 4 grams or more of any mixture containing any such  
1007 substance, but less than 30 kilograms of such substance or  
1008 mixture, commits a felony of the first degree, which felony  
1009 shall be known as "trafficking in illegal drugs," punishable as  
1010 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
1011 quantity involved:

1012 a. Is 4 grams or more, but less than 14 grams, such person  
1013 shall be sentenced to a mandatory minimum term of imprisonment  
1014 of 3 years and shall be ordered to pay a fine of \$50,000.

1015           b. Is 14 grams or more, but less than 28 grams, such  
 1016 person shall be sentenced to a mandatory minimum term of  
 1017 imprisonment of 15 years and shall be ordered to pay a fine of  
 1018 \$100,000.

1019           c. Is 28 grams or more, but less than 30 kilograms, such  
 1020 person shall be sentenced to a mandatory minimum term of  
 1021 imprisonment of 25 years and shall be ordered to pay a fine of  
 1022 \$500,000.

1023           2. A person who knowingly sells, purchases, manufactures,  
 1024 delivers, or brings into this state, or who is knowingly in  
 1025 actual or constructive possession of, 14 grams or more of  
 1026 hydrocodone, or any salt, derivative, isomer, or salt of an  
 1027 isomer thereof, or 14 grams or more of any mixture containing  
 1028 any such substance, commits a felony of the first degree, which  
 1029 felony shall be known as "trafficking in hydrocodone,"  
 1030 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 1031 If the quantity involved:

1032           a. Is 14 grams or more, but less than 28 grams, such  
 1033 person shall be sentenced to a mandatory minimum term of  
 1034 imprisonment of 3 years and shall be ordered to pay a fine of  
 1035 \$50,000.

1036           b. Is 28 grams or more, but less than 50 grams, such  
 1037 person shall be sentenced to a mandatory minimum term of  
 1038 imprisonment of 7 years and shall be ordered to pay a fine of  
 1039 \$100,000.

1040           c. Is 50 grams or more, but less than 200 grams, such



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1041 person shall be sentenced to a mandatory minimum term of  
1042 imprisonment of 15 years and shall be ordered to pay a fine of  
1043 \$500,000.

1044 d. Is 200 grams or more, but less than 30 kilograms, such  
1045 person shall be sentenced to a mandatory minimum term of  
1046 imprisonment of 25 years and shall be ordered to pay a fine of  
1047 \$750,000.

1048 3. A person who knowingly sells, purchases, manufactures,  
1049 delivers, or brings into this state, or who is knowingly in  
1050 actual or constructive possession of, 7 grams or more of  
1051 oxycodone, or any salt, derivative, isomer, or salt of an isomer  
1052 thereof, or 7 grams or more of any mixture containing any such  
1053 substance, commits a felony of the first degree, which felony  
1054 shall be known as "trafficking in oxycodone," punishable as  
1055 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
1056 quantity involved:

1057 a. Is 7 grams or more, but less than 14 grams, such person  
1058 shall be sentenced to a mandatory minimum term of imprisonment  
1059 of 3 years and shall be ordered to pay a fine of \$50,000.

1060 b. Is 14 grams or more, but less than 25 grams, such  
1061 person shall be sentenced to a mandatory minimum term of  
1062 imprisonment of 7 years and shall be ordered to pay a fine of  
1063 \$100,000.

1064 c. Is 25 grams or more, but less than 100 grams, such  
1065 person shall be sentenced to a mandatory minimum term of  
1066 imprisonment of 15 years and shall be ordered to pay a fine of

1067 \$500,000.

1068 d. Is 100 grams or more, but less than 30 kilograms, such  
 1069 person shall be sentenced to a mandatory minimum term of  
 1070 imprisonment of 25 years and shall be ordered to pay a fine of  
 1071 \$750,000.

1072 4. A person who knowingly sells, purchases, manufactures,  
 1073 delivers, or brings into this state, or who is knowingly in  
 1074 actual or constructive possession of, 30 kilograms or more of  
 1075 any morphine, opium, oxycodone, hydrocodone, hydromorphone, or  
 1076 any salt, derivative, isomer, or salt of an isomer thereof,  
 1077 including heroin, as described in s. 893.03(1)(b), (2)(a),  
 1078 (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture  
 1079 containing any such substance, commits the first degree felony  
 1080 of trafficking in illegal drugs. A person who has been convicted  
 1081 of the first degree felony of trafficking in illegal drugs under  
 1082 this subparagraph shall be punished by life imprisonment and is  
 1083 ineligible for any form of discretionary early release except  
 1084 pardon or executive clemency or conditional medical release  
 1085 under s. 947.149. However, if the court determines that, in  
 1086 addition to committing any act specified in this paragraph:

1087 a. The person intentionally killed an individual or  
 1088 counseled, commanded, induced, procured, or caused the  
 1089 intentional killing of an individual and such killing was the  
 1090 result; or

1091 b. The person's conduct in committing that act led to a  
 1092 natural, though not inevitable, lethal result,

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1093  
1094 such person commits the capital felony of trafficking in illegal  
1095 drugs, punishable as provided in ss. 775.082 and 921.142. A  
1096 person sentenced for a capital felony under this paragraph shall  
1097 also be sentenced to pay the maximum fine provided under  
1098 subparagraph 1.

1099         5. A person who knowingly brings into this state 60  
1100 kilograms or more of any morphine, opium, oxycodone,  
1101 hydrocodone, hydromorphone, or any salt, derivative, isomer, or  
1102 salt of an isomer thereof, including heroin, as described in s.  
1103 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or  
1104 more of any mixture containing any such substance, and who knows  
1105 that the probable result of such importation would be the death  
1106 of a person, commits capital importation of illegal drugs, a  
1107 capital felony punishable as provided in ss. 775.082 and  
1108 921.142. A person sentenced for a capital felony under this  
1109 paragraph shall also be sentenced to pay the maximum fine  
1110 provided under subparagraph 1.

1111         (d)1. Any person who knowingly sells, purchases,  
1112 manufactures, delivers, or brings into this state, or who is  
1113 knowingly in actual or constructive possession of, 28 grams or  
1114 more of phencyclidine or of any mixture containing  
1115 phencyclidine, as described in s. 893.03(2)(b), commits a felony  
1116 of the first degree, which felony shall be known as "trafficking  
1117 in phencyclidine," punishable as provided in s. 775.082, s.  
1118 775.083, or s. 775.084. If the quantity involved:

1119           a. Is 28 grams or more, but less than 200 grams, such  
 1120 person shall be sentenced to a mandatory minimum term of  
 1121 imprisonment of 3 years, and the defendant shall be ordered to  
 1122 pay a fine of \$50,000.

1123           b. Is 200 grams or more, but less than 400 grams, such  
 1124 person shall be sentenced to a mandatory minimum term of  
 1125 imprisonment of 7 years, and the defendant shall be ordered to  
 1126 pay a fine of \$100,000.

1127           c. Is 400 grams or more, such person shall be sentenced to  
 1128 a mandatory minimum term of imprisonment of 15 calendar years  
 1129 and pay a fine of \$250,000.

1130           2. Any person who knowingly brings into this state 800  
 1131 grams or more of phencyclidine or of any mixture containing  
 1132 phencyclidine, as described in s. 893.03(2)(b), and who knows  
 1133 that the probable result of such importation would be the death  
 1134 of any person commits capital importation of phencyclidine, a  
 1135 capital felony punishable as provided in ss. 775.082 and  
 1136 921.142. Any person sentenced for a capital felony under this  
 1137 paragraph shall also be sentenced to pay the maximum fine  
 1138 provided under subparagraph 1.

1139           (e)1. Any person who knowingly sells, purchases,  
 1140 manufactures, delivers, or brings into this state, or who is  
 1141 knowingly in actual or constructive possession of, 200 grams or  
 1142 more of methaqualone or of any mixture containing methaqualone,  
 1143 as described in s. 893.03(1)(d), commits a felony of the first  
 1144 degree, which felony shall be known as "trafficking in

1145 methaqualone," punishable as provided in s. 775.082, s. 775.083,  
 1146 or s. 775.084. If the quantity involved:

1147 a. Is 200 grams or more, but less than 5 kilograms, such  
 1148 person shall be sentenced to a mandatory minimum term of  
 1149 imprisonment of 3 years, and the defendant shall be ordered to  
 1150 pay a fine of \$50,000.

1151 b. Is 5 kilograms or more, but less than 25 kilograms,  
 1152 such person shall be sentenced to a mandatory minimum term of  
 1153 imprisonment of 7 years, and the defendant shall be ordered to  
 1154 pay a fine of \$100,000.

1155 c. Is 25 kilograms or more, such person shall be sentenced  
 1156 to a mandatory minimum term of imprisonment of 15 calendar years  
 1157 and pay a fine of \$250,000.

1158 2. Any person who knowingly brings into this state 50  
 1159 kilograms or more of methaqualone or of any mixture containing  
 1160 methaqualone, as described in s. 893.03(1)(d), and who knows  
 1161 that the probable result of such importation would be the death  
 1162 of any person commits capital importation of methaqualone, a  
 1163 capital felony punishable as provided in ss. 775.082 and  
 1164 921.142. Any person sentenced for a capital felony under this  
 1165 paragraph shall also be sentenced to pay the maximum fine  
 1166 provided under subparagraph 1.

1167 (f)1. Any person who knowingly sells, purchases,  
 1168 manufactures, delivers, or brings into this state, or who is  
 1169 knowingly in actual or constructive possession of, 14 grams or  
 1170 more of amphetamine, as described in s. 893.03(2)(c)2., or

1171 methamphetamine, as described in s. 893.03(2)(c)4., or of any  
 1172 mixture containing amphetamine or methamphetamine, or  
 1173 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine  
 1174 in conjunction with other chemicals and equipment utilized in  
 1175 the manufacture of amphetamine or methamphetamine, commits a  
 1176 felony of the first degree, which felony shall be known as  
 1177 "trafficking in amphetamine," punishable as provided in s.  
 1178 775.082, s. 775.083, or s. 775.084. If the quantity involved:  
 1179       a. Is 14 grams or more, but less than 28 grams, such  
 1180 person shall be sentenced to a mandatory minimum term of  
 1181 imprisonment of 3 years, and the defendant shall be ordered to  
 1182 pay a fine of \$50,000.  
 1183       b. Is 28 grams or more, but less than 200 grams, such  
 1184 person shall be sentenced to a mandatory minimum term of  
 1185 imprisonment of 7 years, and the defendant shall be ordered to  
 1186 pay a fine of \$100,000.  
 1187       c. Is 200 grams or more, such person shall be sentenced to  
 1188 a mandatory minimum term of imprisonment of 15 calendar years  
 1189 and pay a fine of \$250,000.  
 1190       2. Any person who knowingly manufactures or brings into  
 1191 this state 400 grams or more of amphetamine, as described in s.  
 1192 893.03(2)(c)2., or methamphetamine, as described in s.  
 1193 893.03(2)(c)4., or of any mixture containing amphetamine or  
 1194 methamphetamine, or phenylacetone, phenylacetic acid,  
 1195 pseudoephedrine, or ephedrine in conjunction with other  
 1196 chemicals and equipment used in the manufacture of amphetamine

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1197 or methamphetamine, and who knows that the probable result of  
1198 such manufacture or importation would be the death of any person  
1199 commits capital manufacture or importation of amphetamine, a  
1200 capital felony punishable as provided in ss. 775.082 and  
1201 921.142. Any person sentenced for a capital felony under this  
1202 paragraph shall also be sentenced to pay the maximum fine  
1203 provided under subparagraph 1.

1204 (g)1. Any person who knowingly sells, purchases,  
1205 manufactures, delivers, or brings into this state, or who is  
1206 knowingly in actual or constructive possession of, 4 grams or  
1207 more of flunitrazepam or any mixture containing flunitrazepam as  
1208 described in s. 893.03(1)(a) commits a felony of the first  
1209 degree, which felony shall be known as "trafficking in  
1210 flunitrazepam," punishable as provided in s. 775.082, s.  
1211 775.083, or s. 775.084. If the quantity involved:

1212 a. Is 4 grams or more but less than 14 grams, such person  
1213 shall be sentenced to a mandatory minimum term of imprisonment  
1214 of 3 years, and the defendant shall be ordered to pay a fine of  
1215 \$50,000.

1216 b. Is 14 grams or more but less than 28 grams, such person  
1217 shall be sentenced to a mandatory minimum term of imprisonment  
1218 of 7 years, and the defendant shall be ordered to pay a fine of  
1219 \$100,000.

1220 c. Is 28 grams or more but less than 30 kilograms, such  
1221 person shall be sentenced to a mandatory minimum term of  
1222 imprisonment of 25 calendar years and pay a fine of \$500,000.

1223           2. Any person who knowingly sells, purchases,  
 1224 manufactures, delivers, or brings into this state or who is  
 1225 knowingly in actual or constructive possession of 30 kilograms  
 1226 or more of flunitrazepam or any mixture containing flunitrazepam  
 1227 as described in s. 893.03(1)(a) commits the first degree felony  
 1228 of trafficking in flunitrazepam. A person who has been convicted  
 1229 of the first degree felony of trafficking in flunitrazepam under  
 1230 this subparagraph shall be punished by life imprisonment and is  
 1231 ineligible for any form of discretionary early release except  
 1232 pardon or executive clemency or conditional medical release  
 1233 under s. 947.149. However, if the court determines that, in  
 1234 addition to committing any act specified in this paragraph:

1235           a. The person intentionally killed an individual or  
 1236 counseled, commanded, induced, procured, or caused the  
 1237 intentional killing of an individual and such killing was the  
 1238 result; or

1239           b. The person's conduct in committing that act led to a  
 1240 natural, though not inevitable, lethal result,

1241  
 1242 such person commits the capital felony of trafficking in  
 1243 flunitrazepam, punishable as provided in ss. 775.082 and  
 1244 921.142. Any person sentenced for a capital felony under this  
 1245 paragraph shall also be sentenced to pay the maximum fine  
 1246 provided under subparagraph 1.

1247           (h)1. Any person who knowingly sells, purchases,  
 1248 manufactures, delivers, or brings into this state, or who is



1249 knowingly in actual or constructive possession of, 1 kilogram or  
 1250 more of gamma-hydroxybutyric acid (GHB), as described in s.  
 1251 893.03(1)(d), or any mixture containing gamma-hydroxybutyric  
 1252 acid (GHB), commits a felony of the first degree, which felony  
 1253 shall be known as "trafficking in gamma-hydroxybutyric acid  
 1254 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.  
 1255 775.084. If the quantity involved:

1256 a. Is 1 kilogram or more but less than 5 kilograms, such  
 1257 person shall be sentenced to a mandatory minimum term of  
 1258 imprisonment of 3 years, and the defendant shall be ordered to  
 1259 pay a fine of \$50,000.

1260 b. Is 5 kilograms or more but less than 10 kilograms, such  
 1261 person shall be sentenced to a mandatory minimum term of  
 1262 imprisonment of 7 years, and the defendant shall be ordered to  
 1263 pay a fine of \$100,000.

1264 c. Is 10 kilograms or more, such person shall be sentenced  
 1265 to a mandatory minimum term of imprisonment of 15 calendar years  
 1266 and pay a fine of \$250,000.

1267 2. Any person who knowingly manufactures or brings into  
 1268 this state 150 kilograms or more of gamma-hydroxybutyric acid  
 1269 (GHB), as described in s. 893.03(1)(d), or any mixture  
 1270 containing gamma-hydroxybutyric acid (GHB), and who knows that  
 1271 the probable result of such manufacture or importation would be  
 1272 the death of any person commits capital manufacture or  
 1273 importation of gamma-hydroxybutyric acid (GHB), a capital felony  
 1274 punishable as provided in ss. 775.082 and 921.142. Any person

1275 sentenced for a capital felony under this paragraph shall also  
 1276 be sentenced to pay the maximum fine provided under subparagraph  
 1277 1.

1278 (i)1. Any person who knowingly sells, purchases,  
 1279 manufactures, delivers, or brings into this state, or who is  
 1280 knowingly in actual or constructive possession of, 1 kilogram or  
 1281 more of gamma-butyrolactone (GBL), as described in s.  
 1282 893.03(1)(d), or any mixture containing gamma-butyrolactone  
 1283 (GBL), commits a felony of the first degree, which felony shall  
 1284 be known as "trafficking in gamma-butyrolactone (GBL),"   
 1285 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 1286 If the quantity involved:

1287 a. Is 1 kilogram or more but less than 5 kilograms, such  
 1288 person shall be sentenced to a mandatory minimum term of  
 1289 imprisonment of 3 years, and the defendant shall be ordered to  
 1290 pay a fine of \$50,000.

1291 b. Is 5 kilograms or more but less than 10 kilograms, such  
 1292 person shall be sentenced to a mandatory minimum term of  
 1293 imprisonment of 7 years, and the defendant shall be ordered to  
 1294 pay a fine of \$100,000.

1295 c. Is 10 kilograms or more, such person shall be sentenced  
 1296 to a mandatory minimum term of imprisonment of 15 calendar years  
 1297 and pay a fine of \$250,000.

1298 2. Any person who knowingly manufactures or brings into  
 1299 the state 150 kilograms or more of gamma-butyrolactone (GBL), as  
 1300 described in s. 893.03(1)(d), or any mixture containing gamma-

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1301 butyrolactone (GBL), and who knows that the probable result of  
1302 such manufacture or importation would be the death of any person  
1303 commits capital manufacture or importation of gamma-  
1304 butyrolactone (GBL), a capital felony punishable as provided in  
1305 ss. 775.082 and 921.142. Any person sentenced for a capital  
1306 felony under this paragraph shall also be sentenced to pay the  
1307 maximum fine provided under subparagraph 1.

1308 (j)1. Any person who knowingly sells, purchases,  
1309 manufactures, delivers, or brings into this state, or who is  
1310 knowingly in actual or constructive possession of, 1 kilogram or  
1311 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of  
1312 any mixture containing 1,4-Butanediol, commits a felony of the  
1313 first degree, which felony shall be known as "trafficking in  
1314 1,4-Butanediol," punishable as provided in s. 775.082, s.  
1315 775.083, or s. 775.084. If the quantity involved:

1316 a. Is 1 kilogram or more, but less than 5 kilograms, such  
1317 person shall be sentenced to a mandatory minimum term of  
1318 imprisonment of 3 years, and the defendant shall be ordered to  
1319 pay a fine of \$50,000.

1320 b. Is 5 kilograms or more, but less than 10 kilograms,  
1321 such person shall be sentenced to a mandatory minimum term of  
1322 imprisonment of 7 years, and the defendant shall be ordered to  
1323 pay a fine of \$100,000.

1324 c. Is 10 kilograms or more, such person shall be sentenced  
1325 to a mandatory minimum term of imprisonment of 15 calendar years  
1326 and pay a fine of \$500,000.

1327           2. Any person who knowingly manufactures or brings into  
 1328 this state 150 kilograms or more of 1,4-Butanediol as described  
 1329 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,  
 1330 and who knows that the probable result of such manufacture or  
 1331 importation would be the death of any person commits capital  
 1332 manufacture or importation of 1,4-Butanediol, a capital felony  
 1333 punishable as provided in ss. 775.082 and 921.142. Any person  
 1334 sentenced for a capital felony under this paragraph shall also  
 1335 be sentenced to pay the maximum fine provided under subparagraph  
 1336 1.

1337           (k)1. A person who knowingly sells, purchases,  
 1338 manufactures, delivers, or brings into this state, or who is  
 1339 knowingly in actual or constructive possession of, 10 grams or  
 1340 more of any of the following substances described in s.

1341 893.03(1)(c):

- 1342           a. 3,4-Methylenedioxyamphetamine (MDMA);
- 1343           b. 4-Bromo-2,5-dimethoxyamphetamine;
- 1344           c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 1345           d. 2,5-Dimethoxyamphetamine;
- 1346           e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 1347           f. N-ethylamphetamine;
- 1348           g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 1349           h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 1350           i. 4-methoxyamphetamine;
- 1351           j. 4-methoxymethamphetamine;
- 1352           k. 4-Methyl-2,5-dimethoxyamphetamine;

- 1353 | 1. 3,4-Methylenedioxy-N-ethylamphetamine;
- 1354 | m. 3,4-Methylenedioxyamphetamine;
- 1355 | n. N,N-dimethylamphetamine;
- 1356 | o. 3,4,5-Trimethoxyamphetamine;
- 1357 | p. 3,4-Methylenedioxymethcathinone;
- 1358 | q. 3,4-Methylenedioxypyrovalerone (MDPV); or
- 1359 | r. Methylnmethcathinone,

1360 |

1361 | individually or analogs thereto or isomers thereto or in any

1362 | combination of or any mixture containing any substance listed in

1363 | sub-subparagraphs a.-r., commits a felony of the first degree,

1364 | which felony shall be known as "trafficking in Phenethylamines,"

1365 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1366 | 2. If the quantity involved:

1367 | a. Is 10 grams or more, but less than 200 grams, such

1368 | person shall be sentenced to a mandatory minimum term of

1369 | imprisonment of 3 years and shall be ordered to pay a fine of

1370 | \$50,000.

1371 | b. Is 200 grams or more, but less than 400 grams, such

1372 | person shall be sentenced to a mandatory minimum term of

1373 | imprisonment of 7 years and shall be ordered to pay a fine of

1374 | \$100,000.

1375 | c. Is 400 grams or more, such person shall be sentenced to

1376 | a mandatory minimum term of imprisonment of 15 years and shall

1377 | be ordered to pay a fine of \$250,000.

1378 | 3. A person who knowingly manufactures or brings into this

1379 state 30 kilograms or more of any of the following substances  
 1380 described in s. 893.03(1)(c):

- 1381 a. 3,4-Methylenedioxyamphetamine (MDMA);
- 1382 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 1383 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 1384 d. 2,5-Dimethoxyamphetamine;
- 1385 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 1386 f. N-ethylamphetamine;
- 1387 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 1388 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 1389 i. 4-methoxyamphetamine;
- 1390 j. 4-methoxymethamphetamine;
- 1391 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 1392 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 1393 m. 3,4-Methylenedioxyamphetamine;
- 1394 n. N,N-dimethylamphetamine;
- 1395 o. 3,4,5-Trimethoxyamphetamine;
- 1396 p. 3,4-Methylenedioxy-methcathinone;
- 1397 q. 3,4-Methylenedioxy-pyrovalerone (MDPV); or
- 1398 r. Methylmethcathinone,

1399  
 1400 individually or analogs thereto or isomers thereto or in any  
 1401 combination of or any mixture containing any substance listed in  
 1402 sub-subparagraphs a.-r., and who knows that the probable result  
 1403 of such manufacture or importation would be the death of any  
 1404 person commits capital manufacture or importation of

1405 Phenethylamines, a capital felony punishable as provided in ss.  
 1406 775.082 and 921.142. A person sentenced for a capital felony  
 1407 under this paragraph shall also be sentenced to pay the maximum  
 1408 fine provided under subparagraph 1.

1409 (1)1. Any person who knowingly sells, purchases,  
 1410 manufactures, delivers, or brings into this state, or who is  
 1411 knowingly in actual or constructive possession of, 1 gram or  
 1412 more of lysergic acid diethylamide (LSD) as described in s.  
 1413 893.03(1)(c), or of any mixture containing lysergic acid  
 1414 diethylamide (LSD), commits a felony of the first degree, which  
 1415 felony shall be known as "trafficking in lysergic acid  
 1416 diethylamide (LSD)," punishable as provided in s. 775.082, s.  
 1417 775.083, or s. 775.084. If the quantity involved:

1418 a. Is 1 gram or more, but less than 5 grams, such person  
 1419 shall be sentenced to a mandatory minimum term of imprisonment  
 1420 of 3 years, and the defendant shall be ordered to pay a fine of  
 1421 \$50,000.

1422 b. Is 5 grams or more, but less than 7 grams, such person  
 1423 shall be sentenced to a mandatory minimum term of imprisonment  
 1424 of 7 years, and the defendant shall be ordered to pay a fine of  
 1425 \$100,000.

1426 c. Is 7 grams or more, such person shall be sentenced to a  
 1427 mandatory minimum term of imprisonment of 15 calendar years and  
 1428 pay a fine of \$500,000.

1429 2. Any person who knowingly manufactures or brings into  
 1430 this state 7 grams or more of lysergic acid diethylamide (LSD)

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1431 as described in s. 893.03(1)(c), or any mixture containing  
1432 lysergic acid diethylamide (LSD), and who knows that the  
1433 probable result of such manufacture or importation would be the  
1434 death of any person commits capital manufacture or importation  
1435 of lysergic acid diethylamide (LSD), a capital felony punishable  
1436 as provided in ss. 775.082 and 921.142. Any person sentenced for  
1437 a capital felony under this paragraph shall also be sentenced to  
1438 pay the maximum fine provided under subparagraph 1.

1439 Section 13. Except as otherwise expressly provided in this  
1440 act, this act shall take effect July 1, 2016.