

1 A bill to be entitled
2 An act relating to adult use marijuana legalization;
3 amending s. 20.165, F.S.; renaming the Division of
4 Alcoholic Beverages and Tobacco of the Department of
5 Business and Professional Regulation to the Division
6 of Alcoholic Beverages, Marijuana, and Tobacco;
7 amending s. 561.025, F.S.; renaming the Alcoholic
8 Beverage and Tobacco Trust Fund to the Alcoholic
9 Beverage, Marijuana, and Tobacco Trust Fund;
10 specifying distribution of funds; providing a
11 directive to the Division of Law Revision; creating
12 ch. 566, F.S., relating to recreational marijuana;
13 defining terms; providing for the distribution of
14 revenues; requiring the division to provide an annual
15 report to the Legislature; prohibiting the use of
16 false identification by persons under 21 years of age
17 for specified activities relating to recreational
18 marijuana; providing noncriminal penalties; providing
19 for alternative sentencing; exempting certain
20 activities involving marijuana from use and possession
21 offenses; authorizing persons 21 years of age and over
22 to engage in certain activities involving the personal
23 use, possession, transport, and cultivation of
24 marijuana in limited amounts; providing limits on
25 where persons may engage in specified activities;

26 providing noncriminal penalties; preempting the
27 regulation of possession of marijuana to the state;
28 authorizing certain entities to engage in specified
29 activities relating to marijuana; providing
30 construction; specifying duties of the Division of
31 Alcoholic Beverages, Marijuana, and Tobacco; providing
32 for enforcement of regulatory provisions; authorizing
33 agreements with other entities for certain enforcement
34 activities; requiring annual reports; providing for
35 licensing of marijuana establishments; providing for a
36 marijuana establishment licensing process; providing
37 limits on the number of retail marijuana stores based
38 on population in localities; providing standards for
39 prospective licensees; providing restrictions on the
40 location of marijuana establishments; prohibiting
41 certain activities by marijuana establishments;
42 providing procedures when a marijuana establishment's
43 license expires; authorizing localities to prohibit
44 one or more types of marijuana establishments through
45 local ordinance; providing for submission of
46 applications to localities if the division has not
47 issued marijuana establishment licenses by a specified
48 date; specifying duties of the Attorney General
49 concerning certain federal subpoenas; providing an
50 exemption from specified provisions for marijuana

51 research; specifying that the chapter does not apply
52 to employer drug policies or laws governing operating
53 under the influence; specifying that the chapter does
54 not allow persons under 21 years of age to engage in
55 activities permitted therein; providing that the
56 rights of property owners are not affected; providing
57 applicability relating to compassionate use of low-THC
58 cannabis; requiring the division to adopt certain
59 rules; specifying that conduct allowed by the chapter
60 may not be considered the basis for the finding of a
61 lack of good moral character as that term is used in
62 law; providing for emergency rulemaking; amending s.
63 500.03, F.S.; providing that marijuana establishments
64 that sell food containing marijuana are considered
65 food establishments for the purposes of specified
66 regulations; creating s. 500.105, F.S.; specifying
67 that food products containing marijuana which are
68 prepared in permitted food establishments and sold by
69 licensed retail marijuana stores are not considered
70 adulterated; amending s. 562.13, F.S.; providing that
71 it is unlawful for marijuana establishments to employ
72 persons under 18 years of age; amending s. 569.0073,
73 F.S.; exempting licensed marijuana establishments from
74 specified provisions regulating the sale of pipes and
75 smoking devices; amending ss. 893.13 and 893.135,

76 F.S.; providing that conduct authorized under ch. 566,
 77 F.S., is not prohibited by specified controlled
 78 substance prohibitions; providing a contingent
 79 effective date.

80

81 Be It Enacted by the Legislature of the State of Florida:

82

83 Section 1. Paragraph (b) of subsection (2) of section
 84 20.165, Florida Statutes, is amended to read:

85 20.165 Department of Business and Professional
 86 Regulation.—There is created a Department of Business and
 87 Professional Regulation.

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

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

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

94 561.025 Alcoholic Beverage, Marijuana, and Tobacco Trust
 95 Fund.—There is created within the State Treasury the Alcoholic
 96 Beverage, Marijuana, and Tobacco Trust Fund. All funds collected
 97 by the division under ss. 210.15, 210.40, or under s. 569.003
 98 and the Beverage Law with the exception of state funds collected
 99 pursuant to ss. 563.05, 564.06, and 565.12 shall be deposited in
 100 the State Treasury to the credit of the trust fund,

101 notwithstanding any other provision of law to the contrary. In
 102 addition, funds collected by the division under chapter 566
 103 shall be deposited into the trust fund, except that funds from
 104 the excise tax in s. 566.012 shall be distributed as provided in
 105 s. 566.013. Moneys deposited to the credit of the trust fund
 106 shall be used to operate the division and to provide a
 107 proportionate share of the operation of the office of the
 108 secretary and the Division of Administration of the Department
 109 of Business and Professional Regulation; except that:

110 (1) The revenue transfer provisions of ss. 561.32 and
 111 561.342(1) and (2) shall continue in full force and effect, and
 112 the division shall cause such revenue to be returned to the
 113 municipality or county in the manner provided for in s. 561.32
 114 or s. 561.342(1) and (2).~~;~~ and

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

120 (3) Until January 1, 2030, an amount equal to 5 percent of
 121 the revenues received by the division during the previous month
 122 pursuant to the tax imposed by s. 566.012 shall be transferred
 123 to the Department of Health to be used to provide grants for the
 124 purpose of producing peer-reviewed research on marijuana's
 125 beneficial uses and safety.

126 Section 3. The Division of Law Revision is directed to
127 prepare a reviser's bill for the 2021 Regular Session of the
128 Legislature to redesignate the Division of Alcoholic Beverages
129 and Tobacco of the Department of Business and Professional
130 Regulation as the "Division of Alcoholic Beverages, Marijuana,
131 and Tobacco" and the Alcoholic Beverage and Tobacco Trust Fund
132 as the "Alcoholic Beverage, Marijuana, and Tobacco Trust Fund,"
133 respectively, wherever those terms appear in the Florida
134 Statutes.

135 Section 4. Chapter 566, Florida Statutes, consisting of
136 ss. 566.011-566.042, is created to read:

137 CHAPTER 566

138 RECREATIONAL MARIJUANA

139 PART I

140 EXCISE TAX

141 566.011 Definitions.—As used in this part, the term:

142 (1) "Department" means the Department of Business and
143 Professional Regulation.

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

146 (3) "Marijuana" means all parts of the plant of the genus
147 cannabis, whether growing or not, the seeds thereof, the resin
148 extracted from any part of the plant, and every compound,
149 manufacture, salt, derivative, mixture, or preparation of the
150 plant, its seeds, or its resin, including marijuana concentrate.

151 The term does not include industrial hemp, fiber produced from
152 the stalks, cake made from the seeds of the plant, sterilized
153 seed of the plant that is incapable of germination, or the
154 weight of any ingredient combined with marijuana to prepare
155 topical or oral administrations, food, drink, or any other
156 product.

157 (4) "Marijuana cultivation facility" means an entity
158 licensed to cultivate, prepare, and package and sell marijuana
159 to retail marijuana stores, to marijuana product manufacturing
160 facilities, and to other marijuana cultivation facilities, but
161 not to consumers.

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

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

167 (a) Purchase marijuana.

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

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

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

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

178 (9) "Retail marijuana store" means an entity licensed to
 179 purchase marijuana from a marijuana cultivation facility and
 180 marijuana products from a marijuana product manufacturing
 181 facility and to sell marijuana and marijuana products to
 182 consumers.

183 566.013 Distribution of revenues.—Revenues derived from
 184 the tax imposed by this part must be credited to the General
 185 Revenue Fund. On or before the last day of each month, the Chief
 186 Financial Officer shall transfer 15 percent of the revenues
 187 received by the division during the preceding month pursuant to
 188 the tax imposed by s. 566.012 to the Alcoholic Beverage,
 189 Marijuana, and Tobacco Trust Fund established under s. 561.025.
 190 On or before the last day of each month, the Chief Financial
 191 Officer shall transfer the remainder of the revenues to the
 192 General Revenue Fund.

193 566.014 Annual report.—The division shall report annually
 194 beginning January 30, 2023, the amount of tax revenue collected
 195 pursuant to s. 566.012 and the amount distributed pursuant to s.
 196 561.025(3) to the appropriations committees of each house of the
 197 Legislature.

198 PART II

199 MARIJUANA REGULATION

200 566.031 Definitions.—As used in this part, the term:

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

204 (2) "Department" has the same meaning as provided in s.
205 566.011.

206 (3) "Division" has the same meaning as provided in s.
207 566.011.

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

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

214 (6) "Marijuana" has the same meaning as provided in s.
215 566.011.

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

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

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

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

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

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

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

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

238 566.0311 False identification.-

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

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

245 (b) Gaining access to marijuana.

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

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

249 2. For a second offense, a noncriminal violation subject
 250 to a civil penalty of at least \$300 and not more than \$600,

251 which may only be suspended as provided in paragraph (b).

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

255
256 When a minor is adjudged to have committed a first offense under
257 subsection (1), the judge shall inform that minor that the
258 noncriminal penalties for the second and subsequent offenses are
259 mandatory and may only be suspended as provided in paragraph
260 (b). Failure to inform the minor that subsequent noncriminal
261 penalties are mandatory is not a ground for suspension of any
262 subsequent civil penalty.

263 (b) A judge, as an alternative to or in addition to the
264 noncriminal penalties specified in paragraph (a), may assign the
265 minor to perform specified work for the benefit of the state,
266 the municipality, or another public entity or a charitable
267 institution for no more than 40 hours for each violation. A
268 judge must assign the minor to perform such work as an
269 alternative to the noncriminal penalties specified in paragraph
270 (a) if the court determines that the minor has an inability to
271 pay such penalties.

272 566.032 Exemption from criminal and noncriminal penalties,
273 seizure, or forfeiture.—Notwithstanding chapter 893 or any other
274 provision of law, and except as provided in this part, the
275 actions specified in this part are legal under the laws of this

276 | state and do not constitute a civil or criminal offense under
 277 | the laws of this state or the law of any political subdivision
 278 | within this state or serve as a basis for seizure or forfeiture
 279 | of assets under state law.

280 | 566.033 Personal use of marijuana.—

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

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

284 | (b) Transfer or furnish, without remuneration, up to 2.5
 285 | ounces of marijuana and up to 6 seedlings to a person who is 21
 286 | years of age or older.

287 | (c) Possess, grow, cultivate, process, and transport up to
 288 | 6 marijuana plants, including seedlings, and possess the
 289 | marijuana produced by the marijuana plants on the premises where
 290 | the plants were grown.

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

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

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

300 | (b) A person who elects to cultivate marijuana shall take

301 reasonable precautions to ensure the plants are secure from
302 unauthorized access or access by a person under 21 years of age.
303 Reasonable precautions include, but are not limited to,
304 cultivating marijuana in a fully enclosed secure outdoor area,
305 locked closet, or locked room inaccessible to persons under 21
306 years of age.

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

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

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

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

317 (4) The regulation of possession of marijuana is preempted
318 to the state.

319 566.034 Marijuana establishments.—

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

325 (a) A retail marijuana store may:

- 326 1. Possess, display, and transport marijuana, marijuana
 327 products, or marijuana accessories.
- 328 2. Purchase marijuana from a marijuana cultivation
 329 facility.
- 330 3. Purchase marijuana and marijuana products from a
 331 marijuana product manufacturing facility.
- 332 4. Sell marijuana, marijuana products, and marijuana
 333 accessories to consumers.
- 334 (b) A marijuana cultivation facility may:
- 335 1. Cultivate, harvest, process, package, transport,
 336 display, and possess marijuana.
- 337 2. Deliver or transfer marijuana to a marijuana testing
 338 facility.
- 339 3. Sell marijuana to another marijuana cultivation
 340 facility, a marijuana product manufacturing facility, or a
 341 retail marijuana store.
- 342 4. Purchase marijuana from another marijuana cultivation
 343 facility.
- 344 (c) A marijuana product manufacturing facility may:
- 345 1. Package, process, transport, manufacture, display, and
 346 possess marijuana or marijuana products.
- 347 2. Deliver or transfer marijuana or marijuana products to
 348 a marijuana testing facility.
- 349 3. Sell marijuana and marijuana products to a retail
 350 marijuana store or marijuana product manufacturing facility.

351 4. Purchase marijuana from a marijuana cultivation
352 facility.

353 5. Purchase marijuana and marijuana products from a
354 marijuana product manufacturing facility.

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

358
359 A marijuana establishment may lease or otherwise allow the use
360 of property owned, occupied, or controlled by a person,
361 corporation, or other entity for any of the activities conducted
362 lawfully in accordance with this subsection.

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

366 566.035 Duties of the division.—The division shall:

367 (1) Enforce the laws and rules relating to the
368 manufacturing, processing, labeling, storing, transporting,
369 testing, and selling of marijuana by marijuana establishments
370 and administer those laws relating to licensing and the
371 collection of taxes.

372 (2) Adopt rules consistent with this chapter for the
373 administration and enforcement of laws regulating and licensing
374 marijuana establishments.

375 (3) If determined necessary by the division, enter into a

376 memorandum of understanding with the Department of Law
377 Enforcement, a county sheriff, or another state or municipal law
378 enforcement agency to perform inspections of marijuana
379 establishments.

380 (4) Issue marijuana cultivation facility, marijuana
381 testing facility, marijuana product manufacturing facility, and
382 retail marijuana store licenses.

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

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

388 (7) Post on the department's publicly accessible website
389 this chapter and all rules adopted under this chapter. The
390 division shall notify all licensees of changes in the law and
391 rules through a publicly accessible website posting within 90
392 days after adjournment of each session of the Legislature. The
393 division shall update the posting on the department's publicly
394 accessible website to reflect new laws and rules before the
395 effective date of the laws and rules.

396 (8) Certify monthly to the Chief Financial Officer a
397 complete statement of revenues and expenses for licenses issued
398 and for revenues collected by the division and submit an annual
399 report that includes a complete statement of the revenues and
400 expenses for the division to the Governor, the Speaker of the

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

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

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

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

417 (10) Beginning January 15, 2022, and annually thereafter,
418 report to the committees of each house of the Legislature having
419 jurisdiction over marijuana regulation. The report must include,
420 but is not limited to, all rules adopted by the division and
421 statistics regarding the number of marijuana establishment
422 applications received, the number of marijuana establishments
423 licensed, and the licensing fees collected within the previous
424 year.

425 566.036 Licensing of marijuana establishments.-

426 (1) An applicant for a marijuana establishment license
427 shall file an application in the form required by the division
428 for the type of marijuana establishment license sought. An
429 applicant may apply for and be granted more than one type of
430 marijuana establishment license, except that a person licensed
431 as a marijuana testing facility may not hold another marijuana
432 establishment license. The division shall begin accepting and
433 processing applications by August 1, 2022.

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

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

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

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

449 (c) The number of marijuana establishments allowed in the
450 locality has been limited under s. 566.037 or is limited by

451 subsection (5) and the division has already licensed the maximum
452 number of marijuana establishments allowed in the locality for
453 the category of license that is sought.

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

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

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

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

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

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

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

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

485

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

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

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

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

499 (a) May not have been convicted of a disqualifying drug
500 offense. For purposes of this section, "disqualifying drug

501 offense" means a conviction for a violation of a state or
502 federal controlled substance law that is a crime punishable by
503 imprisonment for 1 year or more. It does not include an offense
504 for which the sentence, including any term of probation,
505 incarceration, or supervised release, was completed 10 or more
506 years before application for licensure; a marijuana offense that
507 was not related to trafficking marijuana; or an offense that
508 consisted of conduct that would be permitted under this part.

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

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

515 (9) A marijuana establishment:

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

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

- 524 1. Unauthorized entrance into areas containing marijuana.
525 2. The theft of marijuana located on the premises or in

526 | transit to or from the premises by the licensee.

527 | 3. Tampering with or adulteration of the marijuana
 528 | products.

529 | 4. Unauthorized access to marijuana or marijuana
 530 | accessories.

531 | 5. Access to marijuana by or sales of marijuana to minors.

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

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

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

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

549 | (g) May not sell marijuana between the hours of 1 a.m. and
 550 | 6 a.m.

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

556 (i) If a retail marijuana store, may only sell or furnish
557 marijuana to a consumer from the premises licensed by the
558 department. A retail marijuana store may not, either directly or
559 indirectly, by any agent or employee, travel from locality to
560 locality, or from place to place within the same locality,
561 selling, bartering, carrying for sale, or exposing for sale
562 marijuana from a vehicle. This paragraph does not prohibit a
563 retail marijuana store from delivering marijuana to a purchaser
564 if the purchaser's age is verified to be 21 or older upon
565 delivery.

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

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

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

576 with illegally selling marijuana.

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

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

581 2. The date of expiration.

582 3. That all sales of marijuana must be suspended after the
 583 date of expiration and remain suspended until the license is
 584 properly renewed.

585
 586 Failure by the division to notify a licensee pursuant to this
 587 paragraph does not excuse a licensee from being charged with a
 588 violation of this part.

589 566.037 Local control.—

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

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

596 (a) No later than September 1, 2022, a locality may enact
 597 an ordinance or regulation specifying the entity within the
 598 locality that is responsible for processing applications
 599 submitted for a licensee to operate a marijuana establishment
 600 within the boundaries of the locality. The locality may provide

601 that the entity may issue such licenses if issuance by the
602 locality becomes necessary because of a failure by the division
603 to adopt rules pursuant to s. 566.035 or because of a failure by
604 the division to process and issue licenses as required by s.
605 566.036.

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

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

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

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

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

624 (c) If the division does not begin issuing licenses by
625 January 1, 2023, an applicant may submit an application directly

626 to the locality in which it wants to operate. A locality that
627 receives an application pursuant to this paragraph shall issue a
628 license to an applicant within 90 days after receipt of the
629 application unless the locality finds, and notifies the
630 applicant, that the applicant is not in compliance with an
631 ordinance, rule, or regulation made pursuant to s. 566.035 or
632 paragraph (b) in effect at the time of application. The locality
633 shall notify the division if the locality issues an annual
634 license to the applicant.

635 (d) If the division does not issue a license to an
636 applicant within 90 days after receipt of the application filed
637 in accordance with s. 566.036 and does not notify the applicant
638 of the specific reason for denial, in writing and within 90 days
639 after receipt of the application, the applicant may resubmit its
640 application directly to the locality and the locality may issue
641 an annual license to the applicant. A locality issuing a license
642 to an applicant shall do so within 90 days after receipt of the
643 resubmitted application unless the locality finds, and notifies
644 the applicant, that the applicant is not in compliance with an
645 ordinance, rule, or regulation made pursuant to s. 566.035 or
646 paragraph (b) in effect at the time the application is
647 resubmitted. The locality shall notify the division if the
648 locality issues an annual license to the applicant. If an
649 application is submitted to a locality under this paragraph, the
650 division shall forward to the locality the application fee paid

651 by the applicant to the division upon request by the locality.

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

664 566.038 Defense of state law.—The Attorney General shall
665 to the best of the abilities of the office and in good faith
666 advocate to quash any federal subpoena for records involving
667 marijuana establishments.

668 566.039 Research.—Notwithstanding the provisions of this
669 part regulating the distribution of marijuana, a scientific or
670 medical researcher who has previously published peer-reviewed
671 research may purchase, possess, and securely store marijuana for
672 purposes of conducting research. A scientific or medical
673 researcher may administer and distribute marijuana to a
674 participant in research who is at least 21 years of age after
675 receiving informed consent from that participant.

676 566.040 Construction.-

677 (1) EMPLOYMENT POLICIES.-This chapter does not require an
678 employer to allow or accommodate the use, consumption,
679 possession, transfer, display, transportation, sale, or growing
680 of marijuana in the workplace or to affect the ability of
681 employers to have policies restricting the use of marijuana by
682 their employees.

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

688 (3) TRANSFER TO MINOR.-This chapter does not authorize the
689 transfer of marijuana, with or without remuneration, to a minor
690 or to allow a minor to purchase, possess, use, transport, grow,
691 or consume marijuana.

692 (4) RESTRICTION ON USE OF PROPERTY.-This chapter does not
693 prohibit a person, an employer, a school, a hospital, a
694 detention facility, a corporation, or another entity that
695 occupies, owns, or controls real property from prohibiting or
696 otherwise regulating the possession, consumption, use, display,
697 transfer, distribution, sale, transportation, or growing of
698 marijuana on or in that real property.

699 (5) COMPASSIONATE USE OF LOW-THC CANNABIS.-This chapter
700 does not apply to the compassionate use of low-THC cannabis

701 under s. 381.986.

702 566.041 Rulemaking.—The division shall adopt any rules
703 necessary to administer and enforce this chapter.

704 566.042 Good moral character.—Engaging in conduct allowed
705 by this chapter may not be the basis for a finding of a lack of
706 good moral character as that term is used in the Florida
707 Statutes.

708 Section 5. Rulemaking.—

709 (1) By June 1, 2022, the Division of Alcoholic Beverages,
710 Marijuana, and Tobacco of the Department of Business and
711 Professional Regulation shall adopt emergency rules for the
712 administration and the enforcement of laws regulating and
713 licensing marijuana establishments pursuant to part II of
714 chapter 566, Florida Statutes, as created by this act. These
715 rules must be developed by the division and may not be
716 contracted out to an entity outside the division. These rules
717 may not prohibit the operation of marijuana establishments,
718 either expressly or through restrictions that make the operation
719 of marijuana establishments unreasonably impracticable. The
720 emergency rules shall remain in effect for 6 months after
721 adoption and may be renewed during the pendency of procedures to
722 adopt rules addressing the subject of the emergency rules. As
723 used in this section, "unreasonably impracticable" means that
724 the measures necessary to comply with the rules require such a
725 high investment of risk, money, time, or other resource or asset

726 that the operation of a marijuana establishment is not worthy of
727 being carried out in practice by a reasonably prudent
728 businessperson.

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

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

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

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

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

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

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

749 (g) Minimum recordkeeping requirements, including the
750 recording of the disposal of marijuana that is not sold. Rules

751 developed pursuant to this subsection may not require a consumer
752 to provide a retail marijuana store with personal information
753 other than government-issued identification to determine the
754 consumer's age or require the retail marijuana store to acquire
755 and record personal information about its consumers.

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

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

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

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

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

775 (m) Any other oversight requirements that the division

776 determines are necessary to administer the laws relating to
 777 licensing marijuana establishments.

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

783 Section 6. Paragraph (p) of subsection (1) of section
 784 500.03, Florida Statutes, is amended to read:

785 500.03 Definitions; construction; applicability.—

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

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

799 Section 7. Section 500.105, Florida Statutes, is created
 800 to read:

801 500.105 Retail marijuana store food products containing
802 marijuana.—Food products containing marijuana that are prepared
803 in a food establishment that holds a permit under s. 500.12, if
804 required, and that are sold by a retail marijuana store licensed
805 under chapter 566 are not considered adulterated under this
806 chapter due to the presence of marijuana.

807 Section 8. Subsection (1) of section 562.13, Florida
808 Statutes, is amended to read:

809 562.13 Employment of minors or certain other persons by
810 certain vendors prohibited; exceptions.—

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

815 Section 9. Subsection (1) of section 569.0073, Florida
816 Statutes, is amended to read:

817 569.0073 Special provisions; smoking pipes and smoking
818 devices.—

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

822 (a) Has a retail tobacco products dealer permit under s.
823 569.003 or is a marijuana establishment licensed under s.
824 566.036. The provisions of this chapter apply to any person that
825 offers for retail sale any of the items listed in subsection

826 (2); and

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

831 2. Derives no more than 25 percent of its annual gross
 832 revenues from the retail sale of the items listed in subsection
 833 (2).

834 Section 10. Present subsection (10) of section 893.13,
 835 Florida Statutes, is redesignated as subsection (11), and a new
 836 subsection (10) is added to that section, to read:

837 893.13 Prohibited acts; penalties.—

838 (10) Subsections (1)-(8) are not applicable to conduct
 839 authorized under chapter 566.

840 Section 11. Subsection (1) of section 893.135, Florida
 841 Statutes, is amended to read:

842 893.135 Trafficking; mandatory sentences; suspension or
 843 reduction of sentences; conspiracy to engage in trafficking.—

844 (1) Except as authorized in this chapter, ~~or in~~ chapter
 845 499, or chapter 566 and notwithstanding ~~the provisions of s.~~
 846 893.13:

847 (a) Any person who knowingly sells, purchases,
 848 manufactures, delivers, or brings into this state, or who is
 849 knowingly in actual or constructive possession of, in excess of
 850 25 pounds of cannabis, or 300 or more cannabis plants, commits a

851 felony of the first degree, which felony shall be known as
852 "trafficking in cannabis," punishable as provided in s. 775.082,
853 s. 775.083, or s. 775.084. If the quantity of cannabis involved:

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

859 2. Is 2,000 pounds or more, but less than 10,000 pounds,
860 or is 2,000 or more cannabis plants, but not more than 10,000
861 cannabis plants, such person shall be sentenced to a mandatory
862 minimum term of imprisonment of 7 years, and the defendant shall
863 be ordered to pay a fine of \$50,000.

864 3. Is 10,000 pounds or more, or is 10,000 or more cannabis
865 plants, such person shall be sentenced to a mandatory minimum
866 term of imprisonment of 15 calendar years and pay a fine of
867 \$200,000.

868

869 For the purpose of this paragraph, a plant, including, but not
870 limited to, a seedling or cutting, is a "cannabis plant" if it
871 has some readily observable evidence of root formation, such as
872 root hairs. To determine if a piece or part of a cannabis plant
873 severed from the cannabis plant is itself a cannabis plant, the
874 severed piece or part must have some readily observable evidence
875 of root formation, such as root hairs. Callous tissue is not

876 readily observable evidence of root formation. The viability and
877 sex of a plant and the fact that the plant may or may not be a
878 dead harvested plant are not relevant in determining if the
879 plant is a "cannabis plant" or in the charging of an offense
880 under this paragraph. Upon conviction, the court shall impose
881 the longest term of imprisonment provided for in this paragraph.

882 (b)1. Any person who knowingly sells, purchases,
883 manufactures, delivers, or brings into this state, or who is
884 knowingly in actual or constructive possession of, 28 grams or
885 more of cocaine, as described in s. 893.03(2)(a)4., or of any
886 mixture containing cocaine, but less than 150 kilograms of
887 cocaine or any such mixture, commits a felony of the first
888 degree, which felony shall be known as "trafficking in cocaine,"
889 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
890 If the quantity involved:

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

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

899 c. Is 400 grams or more, but less than 150 kilograms, such
900 person shall be sentenced to a mandatory minimum term of

901 imprisonment of 15 calendar years and pay a fine of \$250,000.

902 2. Any person who knowingly sells, purchases,
903 manufactures, delivers, or brings into this state, or who is
904 knowingly in actual or constructive possession of, 150 kilograms
905 or more of cocaine, as described in s. 893.03(2)(a)4., commits
906 the first degree felony of trafficking in cocaine. A person who
907 has been convicted of the first degree felony of trafficking in
908 cocaine under this subparagraph shall be punished by life
909 imprisonment and is ineligible for any form of discretionary
910 early release except pardon or executive clemency or conditional
911 medical release under s. 947.149. However, if the court
912 determines that, in addition to committing any act specified in
913 this paragraph:

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

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

920
921 such person commits the capital felony of trafficking in
922 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
923 person sentenced for a capital felony under this paragraph shall
924 also be sentenced to pay the maximum fine provided under
925 subparagraph 1.

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

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

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

949 b. Is 14 grams or more, but less than 28 grams, such
 950 person shall be sentenced to a mandatory minimum term of

951 imprisonment of 15 years and shall be ordered to pay a fine of
952 \$100,000.

953 c. Is 28 grams or more, but less than 30 kilograms, such
954 person shall be sentenced to a mandatory minimum term of
955 imprisonment of 25 years and shall be ordered to pay a fine of
956 \$500,000.

957 2. A person who knowingly sells, purchases, manufactures,
958 delivers, or brings into this state, or who is knowingly in
959 actual or constructive possession of, 28 grams or more of
960 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
961 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28
962 grams or more of any mixture containing any such substance,
963 commits a felony of the first degree, which felony shall be
964 known as "trafficking in hydrocodone," punishable as provided in
965 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

966 a. Is 28 grams or more, but less than 50 grams, such
967 person shall be sentenced to a mandatory minimum term of
968 imprisonment of 3 years and shall be ordered to pay a fine of
969 \$50,000.

970 b. Is 50 grams or more, but less than 100 grams, such
971 person shall be sentenced to a mandatory minimum term of
972 imprisonment of 7 years and shall be ordered to pay a fine of
973 \$100,000.

974 c. Is 100 grams or more, but less than 300 grams, such
975 person shall be sentenced to a mandatory minimum term of

976 | imprisonment of 15 years and shall be ordered to pay a fine of
 977 | \$500,000.

978 | d. Is 300 grams or more, but less than 30 kilograms, such
 979 | person shall be sentenced to a mandatory minimum term of
 980 | imprisonment of 25 years and shall be ordered to pay a fine of
 981 | \$750,000.

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

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

994 | b. Is 14 grams or more, but less than 25 grams, such
 995 | person shall be sentenced to a mandatory minimum term of
 996 | imprisonment of 7 years and shall be ordered to pay a fine of
 997 | \$100,000.

998 | c. Is 25 grams or more, but less than 100 grams, such
 999 | person shall be sentenced to a mandatory minimum term of
 1000 | imprisonment of 15 years and shall be ordered to pay a fine of

1001 | \$500,000.

1002 | d. Is 100 grams or more, but less than 30 kilograms, such

1003 | person shall be sentenced to a mandatory minimum term of

1004 | imprisonment of 25 years and shall be ordered to pay a fine of

1005 | \$750,000.

1006 | 4.a. A person who knowingly sells, purchases,

1007 | manufactures, delivers, or brings into this state, or who is

1008 | knowingly in actual or constructive possession of, 4 grams or

1009 | more of:

1010 | (I) Alfentanil, as described in s. 893.03(2)(b)1.;

1011 | (II) Carfentanil, as described in s. 893.03(2)(b)6.;

1012 | (III) Fentanyl, as described in s. 893.03(2)(b)9.;

1013 | (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

1014 | (V) A fentanyl derivative, as described in s.

1015 | 893.03(1)(a)62.;

1016 | (VI) A controlled substance analog, as described in s.

1017 | 893.0356, of any substance described in sub-sub-subparagraphs

1018 | (I)-(V); or

1019 | (VII) A mixture containing any substance described in sub-

1020 | sub-subparagraphs (I)-(VI),

1021 |

1022 | commits a felony of the first degree, which felony shall be

1023 | known as "trafficking in fentanyl," punishable as provided in s.

1024 | 775.082, s. 775.083, or s. 775.084.

1025 | b. If the quantity involved under sub-subparagraph a.:

1026 (I) Is 4 grams or more, but less than 14 grams, such
 1027 person shall be sentenced to a mandatory minimum term of
 1028 imprisonment of 3 years, and shall be ordered to pay a fine of
 1029 \$50,000.

1030 (II) Is 14 grams or more, but less than 28 grams, such
 1031 person shall be sentenced to a mandatory minimum term of
 1032 imprisonment of 15 years, and shall be ordered to pay a fine of
 1033 \$100,000.

1034 (III) Is 28 grams or more, such person shall be sentenced
 1035 to a mandatory minimum term of imprisonment of 25 years, and
 1036 shall be ordered to pay a fine of \$500,000.

1037 5. A person who knowingly sells, purchases, manufactures,
 1038 delivers, or brings into this state, or who is knowingly in
 1039 actual or constructive possession of, 30 kilograms or more of
 1040 any morphine, opium, oxycodone, hydrocodone, codeine,
 1041 hydromorphone, or any salt, derivative, isomer, or salt of an
 1042 isomer thereof, including heroin, as described in s.
 1043 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
 1044 more of any mixture containing any such substance, commits the
 1045 first degree felony of trafficking in illegal drugs. A person
 1046 who has been convicted of the first degree felony of trafficking
 1047 in illegal drugs under this subparagraph shall be punished by
 1048 life imprisonment and is ineligible for any form of
 1049 discretionary early release except pardon or executive clemency
 1050 or conditional medical release under s. 947.149. However, if the

1051 court determines that, in addition to committing any act
 1052 specified in this paragraph:

1053 a. The person intentionally killed an individual or
 1054 counseled, commanded, induced, procured, or caused the
 1055 intentional killing of an individual and such killing was the
 1056 result; or

1057 b. The person's conduct in committing that act led to a
 1058 natural, though not inevitable, lethal result,
 1059

1060 such person commits the capital felony of trafficking in illegal
 1061 drugs, punishable as provided in ss. 775.082 and 921.142. A
 1062 person sentenced for a capital felony under this paragraph shall
 1063 also be sentenced to pay the maximum fine provided under
 1064 subparagraph 1.

1065 6. A person who knowingly brings into this state 60
 1066 kilograms or more of any morphine, opium, oxycodone,
 1067 hydrocodone, codeine, hydromorphone, or any salt, derivative,
 1068 isomer, or salt of an isomer thereof, including heroin, as
 1069 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
 1070 60 kilograms or more of any mixture containing any such
 1071 substance, and who knows that the probable result of such
 1072 importation would be the death of a person, commits capital
 1073 importation of illegal drugs, a capital felony punishable as
 1074 provided in ss. 775.082 and 921.142. A person sentenced for a
 1075 capital felony under this paragraph shall also be sentenced to

1076 | pay the maximum fine provided under subparagraph 1.
 1077 | (d)1. Any person who knowingly sells, purchases,
 1078 | manufactures, delivers, or brings into this state, or who is
 1079 | knowingly in actual or constructive possession of, 28 grams or
 1080 | more of phencyclidine, as described in s. 893.03(2)(b)23., a
 1081 | substituted phenylcyclohexylamine, as described in s.
 1082 | 893.03(1)(c)195., or a substance described in s.
 1083 | 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture
 1084 | containing phencyclidine, as described in s. 893.03(2)(b)23., a
 1085 | substituted phenylcyclohexylamine, as described in s.
 1086 | 893.03(1)(c)195., or a substance described in s.
 1087 | 893.03(1)(c)13., 32., 38., 103., or 146., commits a felony of
 1088 | the first degree, which felony shall be known as "trafficking in
 1089 | phencyclidine," punishable as provided in s. 775.082, s.
 1090 | 775.083, or s. 775.084. If the quantity involved:
 1091 | a. Is 28 grams or more, but less than 200 grams, such
 1092 | person shall be sentenced to a mandatory minimum term of
 1093 | imprisonment of 3 years, and the defendant shall be ordered to
 1094 | pay a fine of \$50,000.
 1095 | b. Is 200 grams or more, but less than 400 grams, such
 1096 | person shall be sentenced to a mandatory minimum term of
 1097 | imprisonment of 7 years, and the defendant shall be ordered to
 1098 | pay a fine of \$100,000.
 1099 | c. Is 400 grams or more, such person shall be sentenced to
 1100 | a mandatory minimum term of imprisonment of 15 calendar years

1101 and pay a fine of \$250,000.

1102 2. Any person who knowingly brings into this state 800
 1103 grams or more of phencyclidine, as described in s.
 1104 893.03(2)(b)23., a substituted phenylcyclohexylamine, as
 1105 described in s. 893.03(1)(c)195., or a substance described in s.
 1106 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture
 1107 containing phencyclidine, as described in s. 893.03(2)(b)23., a
 1108 substituted phenylcyclohexylamine, as described in s.
 1109 893.03(1)(c)195., or a substance described in s.
 1110 893.03(1)(c)13., 32., 38., 103., or 146., and who knows that the
 1111 probable result of such importation would be the death of any
 1112 person commits capital importation of phencyclidine, a capital
 1113 felony punishable as provided in ss. 775.082 and 921.142. Any
 1114 person sentenced for a capital felony under this paragraph shall
 1115 also be sentenced to pay the maximum fine provided under
 1116 subparagraph 1.

1117 (e)1. Any person who knowingly sells, purchases,
 1118 manufactures, delivers, or brings into this state, or who is
 1119 knowingly in actual or constructive possession of, 200 grams or
 1120 more of methaqualone or of any mixture containing methaqualone,
 1121 as described in s. 893.03(1)(d), commits a felony of the first
 1122 degree, which felony shall be known as "trafficking in
 1123 methaqualone," punishable as provided in s. 775.082, s. 775.083,
 1124 or s. 775.084. If the quantity involved:

1125 a. Is 200 grams or more, but less than 5 kilograms, such

1126 person shall be sentenced to a mandatory minimum term of
 1127 imprisonment of 3 years, and the defendant shall be ordered to
 1128 pay a fine of \$50,000.

1129 b. Is 5 kilograms or more, but less than 25 kilograms,
 1130 such person shall be sentenced to a mandatory minimum term of
 1131 imprisonment of 7 years, and the defendant shall be ordered to
 1132 pay a fine of \$100,000.

1133 c. Is 25 kilograms or more, such person shall be sentenced
 1134 to a mandatory minimum term of imprisonment of 15 calendar years
 1135 and pay a fine of \$250,000.

1136 2. Any person who knowingly brings into this state 50
 1137 kilograms or more of methaqualone or of any mixture containing
 1138 methaqualone, as described in s. 893.03(1)(d), and who knows
 1139 that the probable result of such importation would be the death
 1140 of any person commits capital importation of methaqualone, a
 1141 capital felony punishable as provided in ss. 775.082 and
 1142 921.142. Any person sentenced for a capital felony under this
 1143 paragraph shall also be sentenced to pay the maximum fine
 1144 provided under subparagraph 1.

1145 (f)1. Any person who knowingly sells, purchases,
 1146 manufactures, delivers, or brings into this state, or who is
 1147 knowingly in actual or constructive possession of, 14 grams or
 1148 more of amphetamine, as described in s. 893.03(2)(c)2., or
 1149 methamphetamine, as described in s. 893.03(2)(c)5., or of any
 1150 mixture containing amphetamine or methamphetamine, or

1151 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine
1152 in conjunction with other chemicals and equipment utilized in
1153 the manufacture of amphetamine or methamphetamine, commits a
1154 felony of the first degree, which felony shall be known as
1155 "trafficking in amphetamine," punishable as provided in s.
1156 775.082, s. 775.083, or s. 775.084. If the quantity involved:

1157 a. Is 14 grams or more, but less than 28 grams, such
1158 person shall be sentenced to a mandatory minimum term of
1159 imprisonment of 3 years, and the defendant shall be ordered to
1160 pay a fine of \$50,000.

1161 b. Is 28 grams or more, but less than 200 grams, such
1162 person shall be sentenced to a mandatory minimum term of
1163 imprisonment of 7 years, and the defendant shall be ordered to
1164 pay a fine of \$100,000.

1165 c. Is 200 grams or more, such person shall be sentenced to
1166 a mandatory minimum term of imprisonment of 15 calendar years
1167 and pay a fine of \$250,000.

1168 2. Any person who knowingly manufactures or brings into
1169 this state 400 grams or more of amphetamine, as described in s.
1170 893.03(2)(c)2., or methamphetamine, as described in s.
1171 893.03(2)(c)5., or of any mixture containing amphetamine or
1172 methamphetamine, or phenylacetone, phenylacetic acid,
1173 pseudoephedrine, or ephedrine in conjunction with other
1174 chemicals and equipment used in the manufacture of amphetamine
1175 or methamphetamine, and who knows that the probable result of

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1176 such manufacture or importation would be the death of any person
1177 commits capital manufacture or importation of amphetamine, a
1178 capital felony punishable as provided in ss. 775.082 and
1179 921.142. Any person sentenced for a capital felony under this
1180 paragraph shall also be sentenced to pay the maximum fine
1181 provided under subparagraph 1.

1182 (g)1. Any person who knowingly sells, purchases,
1183 manufactures, delivers, or brings into this state, or who is
1184 knowingly in actual or constructive possession of, 4 grams or
1185 more of flunitrazepam or any mixture containing flunitrazepam as
1186 described in s. 893.03(1)(a) commits a felony of the first
1187 degree, which felony shall be known as "trafficking in
1188 flunitrazepam," punishable as provided in s. 775.082, s.
1189 775.083, or s. 775.084. If the quantity involved:

1190 a. Is 4 grams or more but less than 14 grams, such person
1191 shall be sentenced to a mandatory minimum term of imprisonment
1192 of 3 years, and the defendant shall be ordered to pay a fine of
1193 \$50,000.

1194 b. Is 14 grams or more but less than 28 grams, such person
1195 shall be sentenced to a mandatory minimum term of imprisonment
1196 of 7 years, and the defendant shall be ordered to pay a fine of
1197 \$100,000.

1198 c. Is 28 grams or more but less than 30 kilograms, such
1199 person shall be sentenced to a mandatory minimum term of
1200 imprisonment of 25 calendar years and pay a fine of \$500,000.

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1201 2. Any person who knowingly sells, purchases,
1202 manufactures, delivers, or brings into this state or who is
1203 knowingly in actual or constructive possession of 30 kilograms
1204 or more of flunitrazepam or any mixture containing flunitrazepam
1205 as described in s. 893.03(1)(a) commits the first degree felony
1206 of trafficking in flunitrazepam. A person who has been convicted
1207 of the first degree felony of trafficking in flunitrazepam under
1208 this subparagraph shall be punished by life imprisonment and is
1209 ineligible for any form of discretionary early release except
1210 pardon or executive clemency or conditional medical release
1211 under s. 947.149. However, if the court determines that, in
1212 addition to committing any act specified in this paragraph:

1213 a. The person intentionally killed an individual or
1214 counseled, commanded, induced, procured, or caused the
1215 intentional killing of an individual and such killing was the
1216 result; or

1217 b. The person's conduct in committing that act led to a
1218 natural, though not inevitable, lethal result,

1219
1220 such person commits the capital felony of trafficking in
1221 flunitrazepam, punishable as provided in ss. 775.082 and
1222 921.142. Any person sentenced for a capital felony under this
1223 paragraph shall also be sentenced to pay the maximum fine
1224 provided under subparagraph 1.

1225 (h)1. Any person who knowingly sells, purchases,

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1226 manufactures, delivers, or brings into this state, or who is
1227 knowingly in actual or constructive possession of, 1 kilogram or
1228 more of gamma-hydroxybutyric acid (GHB), as described in s.
1229 893.03(1)(d), or any mixture containing gamma-hydroxybutyric
1230 acid (GHB), commits a felony of the first degree, which felony
1231 shall be known as "trafficking in gamma-hydroxybutyric acid
1232 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.
1233 775.084. If the quantity involved:

1234 a. Is 1 kilogram or more but less than 5 kilograms, such
1235 person shall be sentenced to a mandatory minimum term of
1236 imprisonment of 3 years, and the defendant shall be ordered to
1237 pay a fine of \$50,000.

1238 b. Is 5 kilograms or more but less than 10 kilograms, such
1239 person shall be sentenced to a mandatory minimum term of
1240 imprisonment of 7 years, and the defendant shall be ordered to
1241 pay a fine of \$100,000.

1242 c. Is 10 kilograms or more, such person shall be sentenced
1243 to a mandatory minimum term of imprisonment of 15 calendar years
1244 and pay a fine of \$250,000.

1245 2. Any person who knowingly manufactures or brings into
1246 this state 150 kilograms or more of gamma-hydroxybutyric acid
1247 (GHB), as described in s. 893.03(1)(d), or any mixture
1248 containing gamma-hydroxybutyric acid (GHB), and who knows that
1249 the probable result of such manufacture or importation would be
1250 the death of any person commits capital manufacture or

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1251 importation of gamma-hydroxybutyric acid (GHB), a capital felony
1252 punishable as provided in ss. 775.082 and 921.142. Any person
1253 sentenced for a capital felony under this paragraph shall also
1254 be sentenced to pay the maximum fine provided under subparagraph
1255 1.

1256 (i)1. Any person who knowingly sells, purchases,
1257 manufactures, delivers, or brings into this state, or who is
1258 knowingly in actual or constructive possession of, 1 kilogram or
1259 more of gamma-butyrolactone (GBL), as described in s.
1260 893.03(1)(d), or any mixture containing gamma-butyrolactone
1261 (GBL), commits a felony of the first degree, which felony shall
1262 be known as "trafficking in gamma-butyrolactone (GBL),"
1263 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
1264 If the quantity involved:

1265 a. Is 1 kilogram or more but less than 5 kilograms, such
1266 person shall be sentenced to a mandatory minimum term of
1267 imprisonment of 3 years, and the defendant shall be ordered to
1268 pay a fine of \$50,000.

1269 b. Is 5 kilograms or more but less than 10 kilograms, such
1270 person shall be sentenced to a mandatory minimum term of
1271 imprisonment of 7 years, and the defendant shall be ordered to
1272 pay a fine of \$100,000.

1273 c. Is 10 kilograms or more, such person shall be sentenced
1274 to a mandatory minimum term of imprisonment of 15 calendar years
1275 and pay a fine of \$250,000.

1276 2. Any person who knowingly manufactures or brings into
1277 the state 150 kilograms or more of gamma-butyrolactone (GBL), as
1278 described in s. 893.03(1)(d), or any mixture containing gamma-
1279 butyrolactone (GBL), and who knows that the probable result of
1280 such manufacture or importation would be the death of any person
1281 commits capital manufacture or importation of gamma-
1282 butyrolactone (GBL), a capital felony punishable as provided in
1283 ss. 775.082 and 921.142. Any person sentenced for a capital
1284 felony under this paragraph shall also be sentenced to pay the
1285 maximum fine provided under subparagraph 1.

1286 (j)1. Any person who knowingly sells, purchases,
1287 manufactures, delivers, or brings into this state, or who is
1288 knowingly in actual or constructive possession of, 1 kilogram or
1289 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of
1290 any mixture containing 1,4-Butanediol, commits a felony of the
1291 first degree, which felony shall be known as "trafficking in
1292 1,4-Butanediol," punishable as provided in s. 775.082, s.
1293 775.083, or s. 775.084. If the quantity involved:

1294 a. Is 1 kilogram or more, but less than 5 kilograms, such
1295 person shall be sentenced to a mandatory minimum term of
1296 imprisonment of 3 years, and the defendant shall be ordered to
1297 pay a fine of \$50,000.

1298 b. Is 5 kilograms or more, but less than 10 kilograms,
1299 such person shall be sentenced to a mandatory minimum term of
1300 imprisonment of 7 years, and the defendant shall be ordered to

1301 pay a fine of \$100,000.

1302 c. Is 10 kilograms or more, such person shall be sentenced
 1303 to a mandatory minimum term of imprisonment of 15 calendar years
 1304 and pay a fine of \$500,000.

1305 2. Any person who knowingly manufactures or brings into
 1306 this state 150 kilograms or more of 1,4-Butanediol as described
 1307 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,
 1308 and who knows that the probable result of such manufacture or
 1309 importation would be the death of any person commits capital
 1310 manufacture or importation of 1,4-Butanediol, a capital felony
 1311 punishable as provided in ss. 775.082 and 921.142. Any person
 1312 sentenced for a capital felony under this paragraph shall also
 1313 be sentenced to pay the maximum fine provided under subparagraph
 1314 1.

1315 (k)1. A person who knowingly sells, purchases,
 1316 manufactures, delivers, or brings into this state, or who is
 1317 knowingly in actual or constructive possession of, 10 grams or
 1318 more of a:

1319 a. Substance described in s. 893.03(1)(c)4., 5., 10., 11.,
 1320 15., 17., 21.-27., 29., 39., 40.-45., 58., 72.-80., 81.-86.,
 1321 90.-102., 104.-108., 110.-113., 143.-145., 148.-150., 160.-163.,
 1322 165., or 187.-189., a substituted cathinone, as described in s.
 1323 893.03(1)(c)191., or substituted phenethylamine, as described in
 1324 s. 893.03(1)(c)192.;

1325 b. Mixture containing any substance described in sub-

1326 | subparagraph a.; or
 1327 | c. Salt, isomer, ester, or ether or salt of an isomer,
 1328 | ester, or ether of a substance described in sub-subparagraph a.,
 1329 |
 1330 | commits a felony of the first degree, which felony shall be
 1331 | known as "trafficking in phenethylamines," punishable as
 1332 | provided in s. 775.082, s. 775.083, or s. 775.084.
 1333 | 2. If the quantity involved under subparagraph 1.:
 1334 | a. Is 10 grams or more, but less than 200 grams, such
 1335 | person shall be sentenced to a mandatory minimum term of
 1336 | imprisonment of 3 years and shall be ordered to pay a fine of
 1337 | \$50,000.
 1338 | b. Is 200 grams or more, but less than 400 grams, such
 1339 | person shall be sentenced to a mandatory minimum term of
 1340 | imprisonment of 7 years and shall be ordered to pay a fine of
 1341 | \$100,000.
 1342 | c. Is 400 grams or more, such person shall be sentenced to
 1343 | a mandatory minimum term of imprisonment of 15 years and shall
 1344 | be ordered to pay a fine of \$250,000.
 1345 | 3. A person who knowingly manufactures or brings into this
 1346 | state 30 kilograms or more of a substance described in sub-
 1347 | subparagraph 1.a., a mixture described in sub-subparagraph 1.b.,
 1348 | or a salt, isomer, ester, or ether or a salt of an isomer,
 1349 | ester, or ether described in sub-subparagraph 1.c., and who
 1350 | knows that the probable result of such manufacture or

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1351 importation would be the death of any person commits capital
1352 manufacture or importation of phenethylamines, a capital felony
1353 punishable as provided in ss. 775.082 and 921.142. A person
1354 sentenced for a capital felony under this paragraph shall also
1355 be sentenced to pay the maximum fine under subparagraph 2.

1356 (1)1. Any person who knowingly sells, purchases,
1357 manufactures, delivers, or brings into this state, or who is
1358 knowingly in actual or constructive possession of, 1 gram or
1359 more of lysergic acid diethylamide (LSD) as described in s.
1360 893.03(1)(c), or of any mixture containing lysergic acid
1361 diethylamide (LSD), commits a felony of the first degree, which
1362 felony shall be known as "trafficking in lysergic acid
1363 diethylamide (LSD)," punishable as provided in s. 775.082, s.
1364 775.083, or s. 775.084. If the quantity involved:

1365 a. Is 1 gram or more, but less than 5 grams, such person
1366 shall be sentenced to a mandatory minimum term of imprisonment
1367 of 3 years, and the defendant shall be ordered to pay a fine of
1368 \$50,000.

1369 b. Is 5 grams or more, but less than 7 grams, such person
1370 shall be sentenced to a mandatory minimum term of imprisonment
1371 of 7 years, and the defendant shall be ordered to pay a fine of
1372 \$100,000.

1373 c. Is 7 grams or more, such person shall be sentenced to a
1374 mandatory minimum term of imprisonment of 15 calendar years and
1375 pay a fine of \$500,000.

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1376 2. Any person who knowingly manufactures or brings into
1377 this state 7 grams or more of lysergic acid diethylamide (LSD)
1378 as described in s. 893.03(1)(c), or any mixture containing
1379 lysergic acid diethylamide (LSD), and who knows that the
1380 probable result of such manufacture or importation would be the
1381 death of any person commits capital manufacture or importation
1382 of lysergic acid diethylamide (LSD), a capital felony punishable
1383 as provided in ss. 775.082 and 921.142. Any person sentenced for
1384 a capital felony under this paragraph shall also be sentenced to
1385 pay the maximum fine provided under subparagraph 1.

1386 (m)1. A person who knowingly sells, purchases,
1387 manufactures, delivers, or brings into this state, or who is
1388 knowingly in actual or constructive possession of, 280 grams or
1389 more of a:

1390 a. Substance described in s. 893.03(1)(c)30., 46.-50.,
1391 114.-142., 151.-156., 166.-173., or 176.-186. or a synthetic
1392 cannabinoid, as described in s. 893.03(1)(c)190.; or

1393 b. Mixture containing any substance described in sub-
1394 subparagraph a.,

1395
1396 commits a felony of the first degree, which felony shall be
1397 known as "trafficking in synthetic cannabinoids," punishable as
1398 provided in s. 775.082, s. 775.083, or s. 775.084.

1399 2. If the quantity involved under subparagraph 1.:

1400 a. Is 280 grams or more, but less than 500 grams, such

1401 person shall be sentenced to a mandatory minimum term of
 1402 imprisonment of 3 years, and the defendant shall be ordered to
 1403 pay a fine of \$50,000.

1404 b. Is 500 grams or more, but less than 1,000 grams, such
 1405 person shall be sentenced to a mandatory minimum term of
 1406 imprisonment of 7 years, and the defendant shall be ordered to
 1407 pay a fine of \$100,000.

1408 c. Is 1,000 grams or more, but less than 30 kilograms,
 1409 such person shall be sentenced to a mandatory minimum term of
 1410 imprisonment of 15 years, and the defendant shall be ordered to
 1411 pay a fine of \$200,000.

1412 d. Is 30 kilograms or more, such person shall be sentenced
 1413 to a mandatory minimum term of imprisonment of 25 years, and the
 1414 defendant shall be ordered to pay a fine of \$750,000.

1415 (n)1. A person who knowingly sells, purchases,
 1416 manufactures, delivers, or brings into this state, or who is
 1417 knowingly in actual or constructive possession of, 14 grams or
 1418 more of:

1419 a. A substance described in s. 893.03(1)(c)164., 174., or
 1420 175., a n-benzyl phenethylamine compound, as described in s.
 1421 893.03(1)(c)193.; or

1422 b. A mixture containing any substance described in sub-
 1423 subparagraph a.,

1424
 1425 commits a felony of the first degree, which felony shall be

1426 known as "trafficking in n-benzyl phenethylamines," punishable
 1427 as provided in s. 775.082, s. 775.083, or s. 775.084.

1428 2. If the quantity involved under subparagraph 1.:

1429 a. Is 14 grams or more, but less than 100 grams, such
 1430 person shall be sentenced to a mandatory minimum term of
 1431 imprisonment of 3 years, and the defendant shall be ordered to
 1432 pay a fine of \$50,000.

1433 b. Is 100 grams or more, but less than 200 grams, such
 1434 person shall be sentenced to a mandatory minimum term of
 1435 imprisonment of 7 years, and the defendant shall be ordered to
 1436 pay a fine of \$100,000.

1437 c. Is 200 grams or more, such person shall be sentenced to
 1438 a mandatory minimum term of imprisonment of 15 years, and the
 1439 defendant shall be ordered to pay a fine of \$500,000.

1440 3. A person who knowingly manufactures or brings into this
 1441 state 400 grams or more of a substance described in sub-
 1442 subparagraph 1.a. or a mixture described in sub-subparagraph
 1443 1.b., and who knows that the probable result of such manufacture
 1444 or importation would be the death of any person commits capital
 1445 manufacture or importation of a n-benzyl phenethylamine
 1446 compound, a capital felony punishable as provided in ss. 775.082
 1447 and 921.142. A person sentenced for a capital felony under this
 1448 paragraph shall also be sentenced to pay the maximum fine under
 1449 subparagraph 2.

1450 Section 12. This act shall take effect upon becoming a

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1451 | law, if HB 1363 or similar legislation is adopted in the same
1452 | legislative session or an extension thereof and becomes law.