

By Senator Bracy

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1 A bill to be entitled
2 An act relating to legalization of recreational
3 marijuana; amending s. 20.165, F.S.; renaming the
4 Division of Alcoholic Beverages and Tobacco of the
5 Department of Business and Professional Regulation;
6 amending s. 561.025, F.S.; renaming the Alcoholic
7 Beverage and Tobacco Trust Fund; specifying
8 distribution of funds; providing directives to the
9 Division of Law Revision; creating ch. 566, F.S.,
10 entitled "Recreational Marijuana"; defining terms;
11 exempting certain activities involving marijuana from
12 use and possession offenses; authorizing persons age
13 21 and over to engage in certain activities involving
14 personal use of marijuana in limited amounts;
15 providing limits on where persons may engage in
16 specified activities; prohibiting the use of false
17 identification by persons under 21 years of age for
18 specified activities relating to recreational
19 marijuana; providing civil penalties; providing for
20 personal cultivation; specifying possession limits;
21 specifying duties of the Division of Alcoholic
22 Beverages, Marijuana, and Tobacco; providing for
23 issuance of early approval adult use dispensing
24 organization licenses; specifying selection criteria;
25 providing for conditional adult use dispensing
26 organization licenses; providing for the issuance of
27 such licenses after a specified date; providing for
28 adult use dispensing organization licenses; providing
29 for identification cards for dispensing organization

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30 agents; requiring owners, managers, employees, and
31 agents of adult use dispensing organizations to
32 complete certain training by a specified date;
33 providing requirements for the training program;
34 providing for the renewal of adult use dispensing
35 organization licenses; requiring disclosure of
36 ownership and control of dispensing organizations;
37 requiring evidence of financial responsibility for
38 issuance, maintenance, or reactivation of a license;
39 providing requirements for such evidence; providing
40 for changes to dispensing organizations; providing for
41 administration of dispensing organizations; providing
42 operational requirements; providing requirements for
43 inventory control systems; providing storage
44 requirements; providing dispensing requirements;
45 providing requirements for destruction and disposal of
46 cannabis; requiring designation of an agent-in-charge;
47 providing requirements for such agents; requiring
48 dispensaries to have specified security measures;
49 specifying requirements for such security measures;
50 requiring dispensaries to keep and maintain certain
51 records; specifying recordkeeping requirements;
52 providing for the closure of dispensaries; providing
53 the department with inspection and investigative
54 authority; providing for nondisciplinary citations for
55 minor violations; specifying grounds for disciplinary
56 actions; authorizing temporary suspension of licenses;
57 authorizing consent orders to resolve certain
58 disciplinary complaints; providing for hearings on

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59 disciplinary complaints; authorizing the department to
60 issue subpoenas and administer oaths; providing for
61 issuance of adult use cultivation center licenses;
62 providing license requirements; providing for early
63 approval of adult use cultivation center licenses;
64 providing for conditional adult use cultivation center
65 license applications; providing requirements for such
66 centers; providing for scoring of applications;
67 providing for denial of applications under certain
68 circumstances; providing cultivation center
69 requirements and prohibitions; providing for
70 cultivation center agent identification cards;
71 requiring cultivation center agent background checks;
72 providing for renewal of cultivation center licenses
73 and agent identification cards; providing for
74 licensure of craft growers; providing license
75 requirements; providing for applications and scoring;
76 prohibiting issuance of craft grower licenses to
77 specified persons under certain circumstances;
78 providing for denial of applications under certain
79 circumstances; providing requirements and prohibitions
80 for craft growers; providing for craft grower
81 identification cards; requiring background checks;
82 providing for renewal of licenses and identification
83 cards; providing for licensing of infuser
84 organizations; providing license requirements;
85 providing for applications and scoring; providing for
86 denial of applications under certain circumstances;
87 providing infuser organization requirements and

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88 prohibitions; providing for infuser organization
89 identification cards; providing requirements for the
90 adequate supply of cannabis-infused products;
91 requiring background checks; providing for renewal of
92 licenses and identification cards; providing for
93 licensing of transporting organizations; providing
94 license requirements; providing for applications and
95 scoring; providing for denial of applications under
96 certain circumstances; providing transporting
97 organization requirements and prohibitions; providing
98 for identification cards; requiring background checks;
99 providing for renewal of licenses and identification
100 cards; providing for cannabis testing facilities;
101 requiring approval of testing facilities; providing
102 requirements for such facilities; requiring certain
103 tests to be performed before manufacturing or natural
104 processing of any cannabis or cannabis-infused product
105 or packaging cannabis for sale to a dispensary;
106 requiring the department to establish certain
107 standards; authorizing the department to adopt rules;
108 authorizing certain enforcement actions by the
109 department; authorizing the Attorney General to
110 enforce certain provisions under the Florida Deceptive
111 and Unfair Trade Practices Act; providing immunity
112 from prosecution or discipline under certain
113 provisions for licensees for engaging in licensed
114 conduct; providing construction; providing standards
115 and requirements for advertising and promotions;
116 providing standards and requirements for packaging and

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117 labeling; requiring certain warning labels; providing
118 for certain local zoning ordinances for regulated
119 businesses; providing for nonconflicting local
120 ordinances and rules; authorizing certain local
121 regulation of on-premises cannabis consumption;
122 defining terms; authorizing establishment of
123 restricted cannabis zones; providing a process for
124 local governments to create such zones; providing
125 requirements for such zones; requiring the Attorney
126 General to advocate to quash certain federal
127 subpoenas; authorizing certain scientific and medical
128 researchers to purchase, possess, securely store,
129 administer, and distribute marijuana under certain
130 circumstances and for specified purposes; providing
131 construction; authorizing the department to adopt
132 rules; providing that engaging in certain conduct may
133 not be the basis for certain findings related to good
134 moral character; providing criminal penalties;
135 providing for enforcement of certain tax provisions;
136 providing for search, seizure, and forfeiture of
137 cannabis under certain circumstances; amending s.
138 500.03, F.S.; providing that marijuana establishments
139 that sell food containing marijuana are considered
140 food establishments for the purposes of specified
141 regulations; creating s. 500.105, F.S.; specifying
142 that food products containing marijuana which are
143 prepared in permitted food establishments and sold by
144 licensed retail marijuana stores are not considered
145 adulterated; amending s. 562.13, F.S.; prohibiting

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146 licensed marijuana establishments from employing
147 person under 18 years of age; amending s. 569.0073,
148 F.S.; exempting licensed marijuana establishments from
149 specified provisions regulating the sale of pipes and
150 smoking devices; amending s. 893.03, F.S.; removing
151 cannabis from the schedule of controlled substances;
152 amending ss. 893.13 and 893.135, F.S.; providing that
153 conduct authorized under ch. 566, F.S., is not
154 prohibited by specified controlled substance
155 prohibitions; removing restrictions on possession and
156 sale of cannabis; creating s. 893.13501, F.S.;

157 providing for retroactive effect of amendments to ss.
158 893.03, 893.13, and 893.135, F.S., by this act;
159 providing for sentence review for certain offenders;
160 requiring notice to certain offenders; providing
161 procedures for resentencing or release of offenders;
162 providing exceptions; creating s. 943.0586, F.S.;

163 defining terms; authorizing an individual convicted of
164 certain offenses to have his or her criminal history
165 record sealed or petition the court for expunction of
166 his or her criminal history record under certain
167 circumstances; requiring the individual to first
168 obtain a certificate of eligibility from the
169 Department of Law Enforcement; requiring the
170 department to adopt rules establishing the procedures
171 for applying for and issuing such certificates;
172 requiring the department to issue a certificate under
173 certain circumstances; providing for the expiration of
174 and reapplication for the certificate; providing for

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175 sealing of certain records upon the department's
176 determination of eligibility; providing requirements
177 for a petition for expunction; providing criminal
178 penalties; providing for the court's authority over
179 its own procedures, with an exception; requiring the
180 court to order the expunction of a criminal history
181 record under certain circumstances; providing that
182 expunction of certain criminal history records does
183 not affect eligibility for expunction of other
184 criminal history records; providing procedures for
185 processing expunction petitions and orders; providing
186 that a person granted an expunction may lawfully deny
187 or fail to acknowledge the underlying arrest or
188 conviction, with exceptions; providing that a person
189 may not be deemed to have committed perjury or
190 otherwise held liable for giving a false statement if
191 he or she fails to recite or acknowledge an expunged
192 criminal history record; amending s. 943.0595, F.S.;
193 conforming provisions to changes made by the act;
194 defining terms; requiring the department to establish
195 and administer the Florida College System Cannabis
196 Vocational Pilot Program in coordination with the
197 Board of Education; authorizing the department to
198 issue a specified number of program licenses by a
199 specified date; authorizing Florida College System
200 institutions awarded program licenses to offer a
201 Career in Cannabis Certificate; providing requirements
202 for the certificate; authorizing the department to
203 adopt rules; providing for the issuance of program

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204 licenses; providing requirements and prohibitions for
205 program licensees; providing for faculty
206 identification cards; providing enforcement authority
207 to the department; providing for inspections;
208 providing requirements for faculty identification
209 cards; requiring the board to submit a report to the
210 Governor and the Legislature by a specified date;
211 providing requirements for the report; providing for
212 the repeal of the pilot program; amending ss.
213 456.0635, 772.12, 893.055, 893.0551, 893.15, 893.21,
214 921.0022, and 948.20, F.S.; conforming provisions to
215 changes made by the act; providing an effective date.
216

217 Be It Enacted by the Legislature of the State of Florida:
218

219 Section 1. Paragraph (b) of subsection (2) of section
220 20.165, Florida Statutes, is amended to read:

221 20.165 Department of Business and Professional Regulation.—
222 There is created a Department of Business and Professional
223 Regulation.

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

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

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

230 561.025 Alcoholic Beverage, Marijuana, and Tobacco Trust
231 Fund.—There is created within the State Treasury the Alcoholic
232 Beverage, Marijuana, and Tobacco Trust Fund. All funds collected

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233 by the division under ss. 210.15, 210.40, or under s. 569.003
234 and the Beverage Law with the exception of state funds collected
235 pursuant to ss. 563.05, 564.06, and 565.12 shall be deposited in
236 the State Treasury to the credit of the trust fund,
237 notwithstanding any other provision of law to the contrary. In
238 addition, funds collected by the division under chapter 566
239 shall be deposited into the trust fund. Moneys deposited to the
240 credit of the trust fund shall be used to operate the division
241 and to provide a proportionate share of the operation of the
242 office of the secretary and the Division of Administration of
243 the Department of Business and Professional Regulation; except
244 that:

245 (1) The revenue transfer provisions of ss. 561.32 and
246 561.342(1) and (2) shall continue in full force and effect, and
247 the division shall cause such revenue to be returned to the
248 municipality or county in the manner provided for in s. 561.32
249 or s. 561.342(1) and (2). ~~and~~

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

255 Section 3. (1) The Division of Law Revision is directed to
256 prepare a reviser's bill for the 2022 Regular Session of the
257 Legislature to:

258 (a) Redesignate the Division of Alcoholic Beverages and
259 Tobacco of the Department of Business and Professional
260 Regulation as the "Division of Alcoholic Beverages, Marijuana,
261 and Tobacco" and the Alcoholic Beverage and Tobacco Trust Fund

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262 as the "Alcoholic Beverage, Marijuana, and Tobacco Trust Fund,"
263 respectively, wherever those terms appear in the Florida
264 Statutes.

265 (b) Correct any cross-references in the Florida Statutes
266 that need revision due to the changes made by this act.

267 (2) The Division of Law Revision is directed to substitute
268 the date this act becomes law for the phrase "the effective date
269 of this act" wherever it occurs in the text of this act or any
270 bill adhering to this act.

271 Section 4. Chapter 566, Florida Statutes, consisting of
272 sections 566.011-566.806, is created to read:

273 CHAPTER 566

274 RECREATIONAL MARIJUANA

275 566.011 Definitions.—As used in this chapter, the term:

276 (1) "Adult use cultivation center license" means a license
277 issued by the department which permits a person to act as a
278 cultivation center under this chapter and any rule adopted
279 pursuant thereto.

280 (2) "Adult use dispensing organization license" means a
281 license issued by the department which permits a person to act
282 as a medical marijuana treatment center under this chapter and
283 any rule adopted pursuant thereto.

284 (3) "Advertise" means to engage in promotional activities,
285 including, but not limited to, newspaper, radio, Internet and
286 electronic media, and television advertising; the distribution
287 of fliers and circulars; and the display of window and interior
288 signs.

289 (4) "BLS region" means a region in this state used by the
290 United States Bureau of Labor Statistics to gather and

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291 categorize employment and wage data.

292 (5) "Cannabis" means marijuana, hashish, and other
293 substances that are identified as including any parts of the
294 plant *Cannabis sativa* and including derivatives or subspecies,
295 such as indica, of all strains of cannabis, whether growing or
296 not; the seeds thereof and the resin extracted from any part of
297 the plant; and any compound, manufacture, salt, derivative,
298 mixture, or preparation of the plant, its seeds, or its resin,
299 including tetrahydrocannabinol (THC) and all other naturally
300 produced cannabinol derivatives, whether produced directly or
301 indirectly by extraction; however, "cannabis" does not include
302 the mature stalks of the plant, fiber produced from the stalks,
303 oil or cake made from the seeds of the plant, or any other
304 compound, manufacture, salt, derivative, mixture, or preparation
305 of the mature stalks; except, the resin extracted from it,
306 fiber, oil or cake, or the sterilized seed of the plant that is
307 incapable of germination. "Cannabis" does not include industrial
308 hemp as defined and authorized under the Industrial Hemp Act.
309 "Cannabis" also means concentrate and cannabis-infused products.

310 (6) "Cannabis business establishment" means a cultivation
311 center, craft grower, processing organization, dispensing
312 organization, or transporting organization.

313 (7) "Cannabis concentrate" means a product derived from
314 cannabis that is produced by extracting cannabinoids from the
315 plant through the use of a solvent approved by the department.

316 (8) "Cannabis container" means a sealed, traceable,
317 container or package used for the purpose of containment of
318 cannabis or cannabis-infused product during transportation.

319 (9) "Cannabis flower" means marijuana, hashish, and other

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320 substances that are identified as including any parts of and any
321 derivatives or subspecies from the plant *Cannabis sativa*, such
322 as indica, of all strains of cannabis, including raw kief,
323 leaves, and buds, but not resin that has been extracted from any
324 part of such plant. The term includes any compound, manufacture,
325 salt, derivative, mixture, or preparation of such plant, its
326 seeds, or its resin.

327 (10) "Cannabis-infused product" means a beverage, food,
328 oil, ointment, tincture, topical formulation, or any other
329 product containing cannabis that is not intended to be smoked.

330 (11) "Cannabis plant monitoring system" or "plant
331 monitoring system" means a system that includes, but is not
332 limited to, testing and data collection established and
333 maintained by the cultivation center, craft grower, or
334 processing organization and that is available to the department,
335 the Department of Revenue, and the Department of Law Enforcement
336 for the purposes of documenting each cannabis plant and
337 monitoring plant development throughout the life cycle of a
338 cannabis plant cultivated for the intended use by a customer
339 from seed planting to final packaging.

340 (12) "Cannabis testing facility" means an entity registered
341 by the department to test cannabis for potency and contaminants.

342 (13) "Clone" means a plant section from a female cannabis
343 plant not yet rootbound, growing in a water solution or other
344 propagation matrix, that is capable of developing into a new
345 plant.

346 (14) "Conditional adult use cultivation center license"
347 means a license awarded to top-scoring applicants which allows
348 an adult to use the license and reserves the right for an adult

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349 use cultivation center license if the applicant meets certain
350 conditions as determined by the department by rule, but does not
351 entitle the recipient to begin growing, processing, or selling
352 cannabis or cannabis-infused products.

353 (15) "Conditional adult use dispensing organization
354 license" means a license awarded to top-scoring applicants for
355 an adult use dispensing organization license which reserves the
356 right to an adult use dispensing organization license if the
357 applicant meets certain conditions described in this chapter,
358 but does not entitle the recipient to begin purchasing or
359 selling cannabis or cannabis-infused products.

360 (16) "Consumer" means a person 21 years of age or older who
361 purchases marijuana or marijuana products for personal use by
362 persons 21 years of age or older but not for resale to other
363 persons.

364 (17) "Craft grower" means a facility operated by an
365 organization or business that is licensed by the department to
366 cultivate, dry, cure, and package cannabis and perform other
367 necessary activities to make cannabis available for sale at a
368 dispensing organization or use at a processing organization. A
369 craft grower may contain up to 5,000 square feet of canopy space
370 on its premises for plants in the flowering state. The
371 department may authorize an increase or decrease of flowering
372 stage cultivation space in increments of 3,000 square feet by
373 rule based on market need, craft grower capacity, and the
374 licensee's history of compliance or noncompliance, with a
375 maximum space of 14,000 square feet for cultivating plants in
376 the flowering stage, which must be cultivated in all stages of
377 growth in an enclosed and secure area. A craft grower may share

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378 premises with a processing organization or a dispensing
379 organization, or both, provided each licensee stores currency
380 and cannabis or cannabis-infused products in a separate secured
381 vault to which the other licensee does not have access or all
382 licensees sharing a vault share more than 50 percent of the same
383 ownership.

384 (18) "Craft grower agent" means a principal officer, board
385 member, employee, or other agent of a craft grower who is 21
386 years of age or older.

387 (19) "Cultivation center" means a facility operated by an
388 organization or business that is licensed by the department,
389 unless otherwise limited by this chapter, to cultivate, process,
390 transport, and perform other necessary activities to provide
391 cannabis and cannabis-infused products to cannabis business
392 establishments.

393 (20) "Cultivation center agent" means a principal officer,
394 board member, employee, or other agent of a cultivation center
395 who is 21 years of age or older.

396 (21) "Department" means the Department of Business and
397 Professional Regulation.

398 (22) "Dispensary" means a facility operated by a dispensing
399 organization at which activities licensed by this chapter may
400 occur.

401 (23) "Dispensing organization" means a facility operated by
402 an organization or business that is licensed by the department
403 to acquire cannabis from a cultivation center, craft grower,
404 processing organization, or another dispensary for the purpose
405 of selling or dispensing cannabis, cannabis-infused products,
406 cannabis seeds, paraphernalia, or related supplies under this

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407 chapter to purchasers or to qualified registered qualified
408 patients and caregivers. "Dispensing organization" includes a
409 medical marijuana treatment center licensed under s. 381.986.

410 (24) "Disproportionately impacted area" means a census
411 tract or comparable geographic area that, as determined by the
412 Department of Economic Opportunity, satisfies the following
413 criteria:

414 (a) The area has a poverty rate of at least 20 percent
415 according to the latest federal decennial census.

416 (b) Seventy-five percent or more of the children in the
417 area participate in the federal free lunch program according to
418 reported statistics from the Department of Education.

419 (c) At least 20 percent of the households in the area
420 receive assistance under the Supplemental Nutrition Assistance
421 Program.

422 (d) The area has an average unemployment rate, as
423 determined by the Department of Economic Opportunity, that is
424 more than 120 percent of the national unemployment average, as
425 determined by the United States Department of Labor, for a
426 period of at least 2 consecutive calendar years preceding the
427 date of the application.

428 (e) The area has a high rate of arrest, conviction, and
429 incarceration related to the sale, possession, use, cultivation,
430 manufacture, or transport of cannabis.

431 (25) "Division" means the Division of Alcoholic Beverages,
432 Marijuana, and Tobacco of the department.

433 (26) "Early approval adult use cultivation center license"
434 means a license that permits a medical marijuana treatment
435 center licensed under s. 381.986 as of the effective date of

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436 this act, unless otherwise provided in this chapter, to begin
437 cultivating, infusing, packaging, transporting, and selling
438 cannabis to cannabis business establishments for resale to
439 purchasers as permitted by this chapter as of January 1, 2022.

440 (27) "Early approval adult use dispensing organization at a
441 secondary site" means a license that permits a medical marijuana
442 treatment center licensed under s. 381.986 as of the effective
443 date of this act to begin selling cannabis to purchasers as
444 permitted by this chapter on January 1, 2022, at a different
445 dispensary location from its existing registered medical
446 dispensary location.

447 (28) "Early approval adult use dispensing organization
448 license" means a license that permits a medical marijuana
449 treatment center licensed under s. 381.986 as of the effective
450 date of this act to begin selling cannabis to purchasers as
451 permitted by this chapter as of January 1, 2022.

452 (29) "Enclosed, locked facility" means a room, greenhouse,
453 building, or other enclosed area equipped with locks or other
454 security devices that permit access only by cannabis business
455 establishment agents working for the licensed cannabis business
456 establishment or acting pursuant to this chapter to cultivate,
457 process, store, or distribute cannabis.

458 (30) "Enclosed, locked space" means a closet, room,
459 greenhouse, building, or other enclosed area equipped with locks
460 or other security devices that permit access only by authorized
461 individuals under this chapter. Enclosed, locked space may
462 include:

463 (a) A space within a residential building that:

464 1. Is the primary residence of the individual cultivating

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465 five or fewer cannabis plants that are more than 5 inches tall;
466 and

467 2. Includes sleeping quarters and indoor plumbing. The
468 space must be accessible only by a key or code that is different
469 from any key or code that can be used to access the residential
470 building from the exterior; or

471 (b) A structure, such as a shed or greenhouse, that lies on
472 the same plot of land as a residential building that:

473 1. Includes sleeping quarters and indoor plumbing; and

474 2. Is used as a primary residence by the person cultivating
475 five or fewer cannabis plants that are more than 5 inches tall.
476 The structure must remain locked when it is unoccupied by
477 people.

478 (31) "Financial institution" has the same meaning as in s.
479 655.005 and also includes the holding companies, subsidiaries,
480 and affiliates of such financial organizations.

481 (32) "Flowering stage" means the stage of cultivation when
482 a cannabis plant is cultivated to produce plant material for
483 cannabis products. This includes mature plants, as follows:

484 (a) If greater than two stigmas are visible at each
485 internode of the plant; or

486 (b) If the cannabis plant is in an area that has been
487 intentionally deprived of light for a period of time intended to
488 produce flower buds and induce maturation, from the moment the
489 light deprivation began through the remainder of the marijuana
490 plant growth cycle.

491 (33) "Individual" means a natural person.

492 (34) "Infuser organization" or "infuser" means a facility
493 operated by an organization or business that is licensed by the

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494 department to directly incorporate cannabis or cannabis
495 concentrate into a product formulation to produce a cannabis-
496 infused product.

497 (35) "Kief" means the resinous crystal-like trichomes that
498 are found on cannabis and that are accumulated, resulting in a
499 higher concentration of cannabinoids, untreated by heat or
500 pressure, or extracted using a solvent.

501 (36) "Labor peace agreement" means an agreement between a
502 cannabis business establishment and any labor organization
503 recognized under the National Labor Relations Act, referred to
504 in this chapter as a bona fide labor organization, that
505 prohibits labor organizations and members from engaging in
506 picketing, work stoppages, boycotts, and any other economic
507 interference with the cannabis business establishment. The
508 agreement provides that the cannabis business establishment has
509 agreed to not disrupt efforts by the bona fide labor
510 organization to communicate with, and attempt to organize and
511 represent, the cannabis business establishment's employees. The
512 agreement must provide a bona fide labor organization access at
513 reasonable times to areas in which the cannabis business
514 establishment's employees work, for the purpose of meeting with
515 employees to discuss their right to representation, employment
516 rights under state law, and terms and conditions of employment.
517 The agreement may not mandate a particular method of election or
518 certification of the bona fide labor organization.

519 (37) "Licensee" means any individual, partnership,
520 corporation, firm, association, or other legal entity holding a
521 marijuana establishment license within the state.

522 (38) "Limited access area" means a building, room, or other

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523 area under the control of a cannabis dispensing organization
524 licensed under this chapter and upon the licensed premises with
525 access limited to purchasers, dispensing organization owners and
526 other dispensing organization agents, or service professionals
527 conducting business with the dispensing organization.

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

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

538 (41) "Member of an impacted family" means an individual who
539 has a parent, legal guardian, child, spouse, or dependent, or
540 was a dependent of an individual who, before the effective date
541 of this act, was arrested for, convicted of, or adjudicated
542 delinquent for any offense that is eligible for expungement
543 under this chapter.

544 (42) "Minor" means a person under 21 years of age.

545 (43) "Mother plant" means a cannabis plant that is
546 cultivated or maintained for the purpose of generating clones
547 and that will not be used to produce plant material for sale to
548 an infuser or dispensing organization.

549 (44) "Ordinary public view" means within the sight line
550 with normal visual range of a person, unassisted by visual aids,
551 from a public street or sidewalk adjacent to real property or

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552 from within an adjacent property.

553 (45) "Ownership and control" means ownership of at least 51
554 percent of the business, including corporate stock of a
555 corporation, and control over the management and day-to-day
556 operations of the business and an interest in the capital,
557 assets, and profits and losses of the business proportionate to
558 percentage of ownership.

559 (46) "Possession limit" means the amount of cannabis
560 requirements under s. 566.013 that may be possessed at any one
561 time by a person 21 years of age or older or who is a registered
562 qualified patient or caregiver under s. 381.986.

563 (47) "Primary residence" means a dwelling where a person
564 usually stays or stays more often than other locations. It may
565 be determined by, without limitation, presence, tax filings, the
566 address on a driver license, a state issued identification card,
567 or voter registration. A person may not have more than one
568 primary residence.

569 (48) "Principal officer" includes a cannabis business
570 establishment applicant or licensed cannabis business
571 establishment's board member, owner with more than 1 percent
572 interest of the total cannabis business establishment or more
573 than 5 percent interest of the total cannabis business
574 establishment of a publicly traded company, president, vice
575 president, secretary, treasurer, partner, officer, member,
576 manager member, or person with a profit sharing, financial
577 interest, or revenue sharing arrangement with the business. The
578 term includes a person with authority to control the cannabis
579 business establishment, a person who assumes responsibility for
580 the debts of the cannabis business establishment, and persons

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581 otherwise described in this chapter.

582 (49) "Processing organization" or "processor" means a
583 facility operated by an organization or business that is
584 licensed by the department to either extract constituent
585 chemicals or compounds to produce cannabis concentrate or
586 incorporate cannabis or cannabis concentrate into a product
587 formulation to produce a cannabis product.

588 (50) "Processing organization agent" means a principal
589 officer, board member, employee, or agent of a processing
590 organization.

591 (51) "Processing organization agent identification card"
592 means a document issued by the department which identifies a
593 person as a processing organization agent.

594 (52) "Purchaser" means a person who acquires cannabis for a
595 valuable consideration. "Purchaser" does not include a
596 cardholder under s. 381.986.

597 (53) "Residence" or "resided" means an individual's primary
598 residence area as established by the following:

599 (a) A signed lease agreement that includes the applicant's
600 name.

601 (b) A property deed that includes the applicant's name.

602 (c) School records.

603 (d) A voter registration card.

604 (e) A driver license from this state or a state-issued
605 identification card.

606 (f) A paycheck stub.

607 (g) A utility bill.

608 (h) Any other proof of residency or other information
609 necessary to establish residence as provided by rule.

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

613 (55) "Smoking" means the inhalation of smoke caused by the
614 combustion of cannabis.

615 (56) "Social equity applicant" means an applicant that is a
616 resident of this state who meets one of the following criteria:

617 (a) An applicant with at least 51 percent ownership and
618 control by one or more individuals who have resided for at least
619 5 of the preceding 10 years in a disproportionately impacted
620 area;

621 (b) An applicant with at least 51 percent ownership and
622 control by one or more individuals who:

623 1. Have been arrested for, convicted of, or
624 adjudicated delinquent for any offense that is eligible for
625 expungement under this chapter; or

626 2. Is a member of an impacted family;

627 (c) For applicants with a minimum of 10 full-time
628 employees, an applicant with at least 51 percent of current
629 employees who:

630 1. Currently reside in a disproportionately impacted area;
631 or

632 2. Have been arrested for, convicted of, or adjudicated
633 delinquent for any offense that is eligible for expungement
634 under this chapter; or

635 3. Are members of impacted families.

636
637 This chapter does not permit an employer to require an employee
638 to disclose sealed or expunged offenses, unless otherwise

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639 required by law.

640 (57) "Tincture" means a cannabis-infused solution,
641 typically consisting of alcohol, glycerin, or vegetable oils,
642 derived either directly from the cannabis plant or from a
643 processed cannabis extract. The term does not include an
644 alcoholic beverage as defined in s. 561.01 but does include a
645 calibrated dropper or other similar device capable of accurately
646 measuring servings.

647 (58) "Transporting organization" or "transporter" means an
648 organization or business that is licensed by the department to
649 transport cannabis on behalf of a cannabis business
650 establishment or a community college licensed under the Florida
651 College System Cannabis Vocational Training Pilot Program
652 created by this act.

653 (59) "Transporting organization agent" means a principal
654 officer, board member, employee, or agent of a transporting
655 organization.

656 (60) "Unit of local government" means any county,
657 municipality, or incorporated town.

658 566.012 Exemption from criminal and noncriminal penalties,
659 seizure, or forfeiture.—Notwithstanding chapter 893 or any other
660 law, and except as provided in this chapter, the actions
661 specified in this chapter are legal under the laws of this state
662 and do not constitute a civil or criminal offense under the laws
663 of this state or under the laws of any political subdivision
664 within this state or serve as a basis for seizure or forfeiture
665 of assets under state law.

666 566.013 Personal use of marijuana.—

667 (1) A person who is 21 years of age or older may do any of

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668 the following:

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

671 (b) Transfer or furnish, without remuneration, up to 2.5
672 ounces of marijuana and up to six seedlings to a person who is
673 21 years of age or older.

674 (c) Possess, grow, cultivate, process, or transport up to
675 six marijuana plants, including seedlings, and possess the
676 marijuana produced by the marijuana plants on the premises where
677 the plants were grown.

678 (d) Purchase up to 2.5 ounces of marijuana, up to six
679 seedlings, and marijuana accessories from a retail marijuana
680 store.

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

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

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

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

696 (a) This subsection does not permit a person to consume

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697 marijuana in a manner that endangers others.

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

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

704 566.0131 False identification.—

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

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

711 (b) Gaining access to marijuana.

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

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

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

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

721

722 When a minor is adjudged to have committed a first offense under
723 subsection (1), the judge shall inform that minor that the
724 noncriminal penalties for the second and subsequent offenses are
725 mandatory and may be suspended only as provided in paragraph

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726 (b). Failure to inform the minor that subsequent noncriminal
727 penalties are mandatory is not a ground for suspension of any
728 subsequent civil penalty.

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

734 566.014 Personal cultivation.—

735 (1) Notwithstanding any other law, and except as otherwise
736 provided in this chapter, the following acts are not a violation
737 of this chapter and shall not be a criminal or civil offense
738 under state law or the ordinances of any unit of local
739 government of this state or be a basis for seizure or forfeiture
740 of assets under state law for persons other than natural
741 individuals under 21 years of age:

742 (a) Possessing, consuming, using, purchasing, obtaining, or
743 transporting an amount of cannabis for personal use which does
744 not exceed the possession limit under s. 566.013 or otherwise in
745 accordance with the requirements of this chapter.

746 (b) Cultivation of cannabis for personal use in accordance
747 with the requirements of this chapter.

748 (c) Controlling property if actions that are authorized by
749 this chapter occur on the property in accordance with this
750 chapter.

751 (2) Notwithstanding any other law, and except as otherwise
752 provided in this chapter, possessing, consuming, using,
753 purchasing, obtaining, or transporting an amount of cannabis
754 purchased or produced in accordance with this chapter which does

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755 not exceed the possession limit under s. 566.013(1) shall not be
756 a basis for seizure or forfeiture of assets under state law.

757 (3) Cultivating cannabis for personal use is subject to the
758 following limitations:

759 (a) A resident of this state who is 21 years of age or
760 older and is a registered qualified patient under s. 381.986 may
761 cultivate cannabis plants, with a limit of five plants that are
762 more than 5 inches tall, per household without a cultivation
763 center or craft grower license.

764 (b) Cannabis cultivation must take place in an enclosed,
765 locked space.

766 (c) Adult registered qualified patients may purchase
767 cannabis seeds from a dispensary for the purpose of home
768 cultivation. Seeds may not be given or sold to any other person.

769 (d) Cannabis plants may not be stored or placed in a
770 location where they are subject to ordinary public view. A
771 registered qualified patient who cultivates cannabis under this
772 section shall take reasonable precautions to ensure the plants
773 are secure from unauthorized access, including unauthorized
774 access by a person under 21 years of age.

775 (4) Cannabis cultivation may occur only on residential
776 property lawfully in possession of the cultivator or with the
777 consent of the person in lawful possession of the property. An
778 owner or lessor of residential property may prohibit the
779 cultivation of cannabis by a lessee.

780 (5) A dwelling; a residence; an apartment; a condominium
781 unit; an enclosed, locked space; or a piece of property not
782 divided into multiple dwelling units may not contain more than
783 five plants at any one time.

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784 (6) Cannabis plants may be tended only by registered
785 qualified patients who reside at the residence or their
786 authorized agent attending to the residence for brief periods,
787 such as when the qualified patient is temporarily away from the
788 residence.

789 (7) A registered qualified patient who cultivates more than
790 the allowable number of cannabis plants, or who sells or gives
791 away cannabis plants, cannabis, or cannabis-infused products
792 produced under this section, is liable for penalties as provided
793 by law, in addition to loss of home cultivation privileges as
794 established by rule.

795 566.015 Possession limits.—

796 (1) (a) Except as otherwise authorized by this chapter, for
797 a person who is 21 years of age or older and a resident of this
798 state, the possession limit is as follows:

- 799 1. Thirty grams of cannabis flower.
800 2. No more than 500 milligrams of tetrahydrocannabinol
801 (THC) contained in cannabis-infused product.
802 3. Five grams of cannabis concentrate.

803 (b) For registered qualified patients, any cannabis
804 produced by cannabis plants grown under s. 566.012(2), provided
805 any amount of cannabis produced in excess of 30 grams of raw
806 cannabis or its equivalent must remain secured within the
807 residence or residential property in which it was grown.

808 (2) (a) For a person who is 21 years of age or older and who
809 is not a resident of this state, the possession limit is:

- 810 1. Fifteen grams of cannabis flower.
811 2. Two and one-half grams of cannabis concentrate.
812 3. Two hundred fifty milligrams of THC contained in a

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813 cannabis-infused product.

814 (b) The possession limits found in subparagraphs (a)1. and
815 2. are to be considered cumulative.

816 (3) A person may not knowingly obtain, seek to obtain, or
817 possess an amount of cannabis from a dispensing organization or
818 craft grower that would cause him or her to exceed the
819 possession limit under this section, including cannabis that is
820 cultivated by a person under this chapter or obtained under s.
821 381.986.

822 566.201 Duties of the division.—The division shall do all
823 of the following:

824 (1) Enforce the laws and rules relating to the
825 manufacturing, processing, labeling, storing, transporting,
826 testing, and selling of marijuana by marijuana establishments
827 and administer those laws relating to licensing and the
828 collection of taxes.

829 (2) Adopt rules consistent with this chapter for the
830 administration and enforcement of laws regulating and licensing
831 marijuana establishments.

832 (3) If determined necessary by the division, enter into a
833 memorandum of understanding with the Department of Law
834 Enforcement, a county sheriff, or another state or municipal law
835 enforcement agency to perform inspections of marijuana
836 establishments.

837 (4) Issue marijuana cultivation facility, marijuana testing
838 facility, marijuana product manufacturing facility, and retail
839 marijuana store licenses.

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

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

845 (7) Post on the department's publicly accessible website
846 this chapter and all rules adopted under this chapter. The
847 division shall notify all licensees of changes in the law and
848 rules through a publicly accessible website posting within 90
849 days after adjournment of each session of the Legislature. The
850 division shall update the posting on the department's publicly
851 accessible website to reflect new laws and rules before the
852 effective date of the laws and rules.

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

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

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

870 (b) Possess marijuana for up to 7 days after revocation of

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871 its license, during which time the marijuana establishment shall
872 dispose of its inventory of marijuana in accordance with
873 division rules.

874 (10) Beginning January 15, 2023, and annually thereafter,
875 report to the committees of each house of the Legislature having
876 jurisdiction over marijuana regulation. The report must include,
877 but is not limited to, all rules adopted by the division and
878 statistics regarding the number of marijuana establishment
879 applications received and licenses granted and the licensing
880 fees collected within the previous year.

881 566.202 Early approval adult use dispensing organization
882 license.—

883 (1) Any medical marijuana dispensary holding a valid
884 registration under s. 381.986 as of the effective date of this
885 act may, within 60 days after the effective date of this act,
886 apply to the department for an early approval adult use
887 dispensing organization license to serve purchasers at any
888 medical cannabis dispensing location in operation on the
889 effective date of this act, pursuant to this section.

890 (2) A medical marijuana dispensary seeking issuance of an
891 early approval adult use dispensing organization license to
892 serve purchasers at any medical cannabis dispensing location in
893 operation as of the effective date of this act shall submit an
894 application on forms provided by the department. The application
895 must be submitted by the same person or entity that holds the
896 medical marijuana dispensary registration and include all of the
897 following:

898 (a) Payment of a nonrefundable fee as provided in s.
899 566.801 to be deposited into the Alcoholic Beverage, Marijuana,

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900 and Tobacco Trust Fund.

901 (b) Proof of registration as a medical marijuana dispensary
902 that is in good standing.

903 (c) Certification that the applicant will comply with the
904 requirements contained in s. 381.986 except as provided in this
905 chapter.

906 (d) The legal name of the dispensing organization.

907 (e) The physical address of the dispensing organization.

908 (f) The name, address, social security number, and date of
909 birth of each principal officer and board member of the
910 dispensing organization, each of whom must be at least 21 years
911 of age.

912 (g) A nonrefundable cannabis business development fee as
913 provided in s. 566.801 to be deposited with the department to be
914 used to encourage development of businesses of social equity
915 applicants.

916 (h) Identification of one of the following social equity
917 inclusion plans to be completed by March 31, 2023:

918 1. Make a contribution to the department to be used to
919 encourage development of businesses of social equity applicants
920 as provided in s. 566.804. This is in addition to the fee
921 required by paragraph (g);

922 2. Make a grant provided in s. 566.804 to a cannabis
923 industry training or education program at a Florida College
924 System institution;

925 3. Make a donation provided in s. 566.804 or more to a
926 program that provides job training services to persons recently
927 incarcerated or that operates in a disproportionately impacted
928 area;

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929 4. Participate as a host in a cannabis business
930 establishment incubator program approved by the Department of
931 Economic Opportunity, and in which an early approval adult use
932 dispensing organization licensee agrees to provide a loan of at
933 least \$100,000 and mentorship to incubate a licensee that
934 qualifies as a social equity applicant for at least a year. As
935 used in this subparagraph, the term "incubate" means providing
936 direct financial assistance and training necessary to engage in
937 licensed cannabis industry activity similar to that of the host
938 licensee. The early approval adult use dispensing organization
939 licensee or the same entity holding any other licenses issued
940 pursuant to this chapter shall not take an ownership stake of
941 greater than 10 percent in any business receiving incubation
942 services to comply with this paragraph. If an early approval
943 adult use dispensing organization licensee fails to find a
944 business to incubate to comply with this paragraph before its
945 early approval adult use dispensing organization license
946 expires, it may opt to meet the requirement of this paragraph by
947 completing another item from this paragraph; or

948 5. Participate in a sponsorship program for at least 2
949 years approved by the Department of Economic Opportunity in
950 which an early approval adult use dispensing organization
951 licensee agrees to provide an interest-free loan of at least
952 \$200,000 to a social equity applicant. The sponsor shall not
953 take an ownership stake in any cannabis business establishment
954 receiving sponsorship services to comply with this paragraph.

955 (3) The license fee required by paragraph (2) (a) shall be
956 in addition to any license fee required for the renewal of a
957 registered medical marijuana dispensary license.

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958 (4) Applicants must submit all required information,
959 including the requirements in subsection (2), to the department.
960 Failure by an applicant to submit all required information may
961 result in the application being disqualified.

962 (5) If the department receives an application that fails to
963 provide the required elements contained in subsection (2), the
964 department shall issue a deficiency notice to the applicant. The
965 applicant shall have 10 calendar days after the date of the
966 deficiency notice to submit complete information. Applications
967 that are still incomplete after this opportunity to cure may be
968 disqualified.

969 (6) If an applicant meets all the requirements of
970 subsection (2), the department shall issue the early approval
971 adult use dispensing organization license within 14 days after
972 receiving a completed application unless:

973 (a) The licensee or a principal officer is delinquent in
974 filing any required tax returns or paying any amounts owed to
975 the state;

976 (b) The department determines there is reason to conclude,
977 based on documented compliance violations, the licensee is not
978 entitled to an early approval adult use dispensing organization
979 license; or

980 (c) Any principal officer fails to register and remain in
981 compliance with this chapter or s. 381.986.

982 (7) A medical marijuana treatment center that obtains an
983 early approval adult use dispensing organization license may
984 begin selling cannabis, cannabis-infused products,
985 paraphernalia, and related items to purchasers under the rules
986 of this chapter no sooner than January 1, 2022.

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987 (8) A medical marijuana treatment center under s. 381.986
988 must maintain an adequate supply of cannabis and cannabis-
989 infused products for purchase by qualified patients. For the
990 purposes of this subsection, "adequate supply" means a monthly
991 inventory level that is comparable in type and quantity to those
992 medical cannabis products provided to patients and caregivers on
993 an average monthly basis for the 6 months before the effective
994 date of this act.

995 (9) If there is a shortage of cannabis or cannabis-infused
996 products, a medical marijuana treatment center holding both a
997 medical marijuana treatment center license and a license under
998 this chapter shall prioritize serving qualified patients and
999 caregivers before serving purchasers.

1000 (10) Notwithstanding any law or rule to the contrary, a
1001 medical marijuana treatment center licensed under s. 381.986
1002 which is also an early approval adult use dispensing
1003 organization licensee may allow purchasers into a limited access
1004 area as that term is defined in rules adopted pursuant to s.
1005 381.986.

1006 (11) An early approval adult use dispensing organization
1007 license is valid until March 31, 2023. For medical marijuana
1008 treatment centers that obtain early approval adult use
1009 dispensing organization licenses, the department shall provide
1010 written or electronic notice 90 days before the expiration of
1011 the license that the license will expire and inform the licensee
1012 that it may renew its early approval adult use dispensing
1013 organization license. The department shall renew the early
1014 approval adult use dispensing organization license within 60
1015 days after it deems the renewal application complete if:

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1016 (a) The medical marijuana treatment center submits an
1017 application and the required nonrefundable renewal fee, as
1018 provided in s. 566.801, to be deposited into the Alcoholic
1019 Beverage, Marijuana, and Tobacco Trust Fund.

1020 (b) The department has not suspended or revoked the early
1021 approval adult use dispensing organization license or a medical
1022 marijuana treatment center license on the same premises for
1023 violations of this chapter or s. 381.986 or rules adopted
1024 pursuant thereto.

1025 (c) The medical marijuana treatment center has completed a
1026 social equity inclusion plan as required by paragraph (2) (h).

1027 (12) The early approval adult use dispensing organization
1028 license renewed pursuant to subsection (11) shall expire March
1029 31, 2024. For early approval adult use dispensing organization
1030 licensees, the department shall provide written or electronic
1031 notice 90 days before the expiration of the license that the
1032 license will expire and inform the licensee that it may apply
1033 for an adult use dispensing organization license. The department
1034 shall grant an adult use dispensing organization license within
1035 60 days after it deems an application complete if the applicant
1036 has met all of the criteria in s. 566.2032.

1037 (13) If a dispensary fails to submit an application for an
1038 adult use dispensing organization license before the expiration
1039 of the early approval adult use dispensing organization license
1040 pursuant to subsection (11), the medical marijuana treatment
1041 center shall cease serving purchasers and cease all operations
1042 until it receives an adult use dispensing organization license.

1043 (14) A medical marijuana treatment center agent who holds a
1044 valid medical marijuana treatment center agent identification

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1045 card issued under s. 381.986 and is an officer, director,
1046 manager, or employee of the medical marijuana treatment center
1047 licensed under this section may engage in all activities
1048 authorized by this chapter to be performed by a medical
1049 marijuana treatment center agent.

1050 (15) (a) If the department suspends or revokes the early
1051 approval adult use dispensing organization license of a
1052 dispensing organization that is also a medical marijuana
1053 treatment center licensed under s. 381.986, the department may
1054 consider the suspension or revocation as grounds to take
1055 disciplinary action against the medical cannabis dispensing
1056 organization license.

1057 (b) If, within 360 days after the effective date of this
1058 act, a dispensing organization is unable to find a location
1059 within the BLS regions prescribed in which to operate an early
1060 approval adult use dispensing organization at a secondary site
1061 because no jurisdiction within the prescribed area allows the
1062 operation of an adult use cannabis dispensing organization, the
1063 department may waive the geographic restrictions and specify
1064 another BLS region in which the dispensary may be placed.

1065 (c) A medical marijuana treatment center licensed under s.
1066 381.986 as of the effective date of this act may, within 60 days
1067 after the effective date of this act, apply to the department
1068 for an early approval adult use dispensing organization license
1069 to operate a dispensing organization to serve purchasers at a
1070 secondary site not within 1,500 feet of another medical
1071 marijuana treatment center.

1072 (d) A medical marijuana treatment center licensed under s.
1073 381.986 seeking issuance of an early approval adult use

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1074 dispensing organization license at a secondary site to serve
1075 purchasers at a secondary site as prescribed in this section
1076 must submit an application on forms provided by the department.

1077 The application must meet or include the following
1078 qualifications:

1079 1. Payment of a nonrefundable application fee as provided
1080 in s. 566.801.

1081 2. Proof of registration as a medical marijuana treatment
1082 center licensed under s. 381.986 that is in good standing.

1083 3. Submission of the application by the same person or
1084 entity that holds the medical cannabis dispensing organization
1085 registration.

1086 4. The legal name of the medical marijuana treatment
1087 center.

1088 5. The physical address of the medical cannabis treatment
1089 center and the proposed physical address of the secondary site.

1090 6. A copy of the current local zoning ordinance sections
1091 relevant to dispensary operations and documentation of the
1092 approval, the conditional approval, or the status of a request
1093 for zoning approval from the local zoning office that the
1094 proposed dispensary location is in compliance with the local
1095 zoning rules.

1096 7. A plot plan of the dispensary drawn to scale. The
1097 applicant shall submit general specifications of the building
1098 exterior and interior layout.

1099 8. A statement that the dispensing organization agrees to
1100 respond to the department's supplemental requests for
1101 information.

1102 9. For the building or land to be used as the proposed

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1103 dispensary:

1104 a. If the property is not owned by the applicant, a written
1105 statement from the property owner and landlord, if any,
1106 certifying consent that the applicant may operate a dispensary
1107 on the premises; or

1108 b. If the property is owned by the applicant, confirmation
1109 of ownership.

1110 10. A copy of the proposed operating bylaws.

1111 11. A copy of the proposed business plan that complies with
1112 the requirements in this chapter, including, at a minimum, the
1113 following:

1114 a. A description of services to be offered.

1115 b. A description of the process of dispensing cannabis.

1116 12. A copy of the proposed security plan that complies with
1117 the requirements in this chapter, including:

1118 a. A description of the delivery process by which cannabis
1119 will be received from a transporting organization, including
1120 receipt of manifests and protocols that will be used to avoid
1121 diversion, theft, or loss at the dispensary acceptance point.

1122 b. The process or controls that will be implemented to
1123 monitor the dispensary; secure the premises, agents, patients,
1124 and currency; and prevent the diversion, theft, or loss of
1125 cannabis.

1126 c. The process to ensure that access to the restricted
1127 access areas is restricted to registered agents, service
1128 professionals, transporting organization agents, department
1129 inspectors, and security personnel.

1130 13. A proposed inventory control plan that complies with
1131 this section.

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1132 14. The name, address, social security number, and date of
1133 birth of each principal officer and board member of the
1134 dispensing organization, each of whom must be at least 21 years
1135 of age.

1136 15. A nonrefundable cannabis business development fee as
1137 provided in s. 566.804, to be paid to the department to be used
1138 to encourage development of businesses of social equity
1139 applicants.

1140 16. A commitment to completing one of the social equity
1141 inclusion plans in paragraph (e).

1142 (e) Before receiving an early approval adult use dispensing
1143 organization license at a secondary site, a dispensing
1144 organization shall indicate from the following list which social
1145 equity inclusion plan the applicant plans to achieve before the
1146 expiration of the early approval adult use dispensing
1147 organization license:

1148 1. Make a contribution of 3 percent of total sales from
1149 June 1, 2018, to June 1, 2019, or \$100,000, whichever is less,
1150 to the department to be used to encourage development of
1151 businesses of social equity applicants. This is in addition to
1152 the fee required by subparagraph (d)15.;

1153 2. Make a grant of 3 percent of total sales from June 1,
1154 2018, to June 1, 2019, or \$100,000, whichever is less, to a
1155 cannabis industry training or education program at a Florida
1156 College System institution;

1157 3. Make a donation of \$100,000 or more to a program that
1158 provides job training services to persons recently incarcerated
1159 or that operates in a disproportionately impacted area;

1160 4. Participate as a host in a cannabis business

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1161 establishment incubator program approved by the Department of
1162 Economic Opportunity, and in which an early approval adult use
1163 dispensing organization license at a secondary site holder
1164 agrees to provide a loan of at least \$100,000 and mentorship to
1165 incubate a licensee that qualifies as a social equity applicant
1166 for at least 1 year. As used in this subparagraph, the term
1167 "incubate" means providing direct financial assistance and
1168 training necessary to engage in licensed cannabis industry
1169 activity similar to that of the host licensee. The early
1170 approval adult use dispensing organization licensee or the same
1171 entity holding any other licenses issued under this chapter may
1172 not take an ownership stake of greater than 10 percent in any
1173 business receiving incubation services to comply with this
1174 paragraph. If an early approval adult use dispensing
1175 organization license at a secondary site holder fails to find a
1176 business to incubate in order to comply with this paragraph
1177 before its early approval adult use dispensing organization
1178 license at a secondary site expires, it may opt to meet the
1179 requirement of this paragraph by completing another item from
1180 this paragraph before the expiration of its early approval adult
1181 use dispensing organization license at a secondary site to avoid
1182 a penalty; or

1183 5. Participate for at least 2 years in a sponsorship
1184 program approved by the Department of Economic Opportunity in
1185 which an early approval adult use dispensing organization
1186 license at a secondary site holder agrees to provide an
1187 interest-free loan of at least \$200,000 to a social equity
1188 applicant. The sponsor may not take an ownership stake of
1189 greater than 10 percent in any business receiving sponsorship

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1190 services to comply with this paragraph.

1191 (f) The license fee required by subparagraph (d)1. is in
1192 addition to any license fee required for the renewal of a
1193 medical marijuana treatment center license.

1194 (g) Applicants must submit all required information,
1195 including the requirements in paragraph (d), to the department.
1196 Failure by an applicant to submit all required information may
1197 result in the application being disqualified.

1198 (h) If the department receives an application that fails to
1199 provide the required elements contained in paragraph (d), the
1200 department shall issue a deficiency notice to the applicant. The
1201 applicant shall have 10 calendar days after the date of the
1202 deficiency notice to submit complete information. Applications
1203 that are still incomplete after this opportunity to cure may be
1204 disqualified.

1205 (i) Once all required information and documents have been
1206 submitted, the department shall review the application. The
1207 department may request revisions and retains authority for final
1208 approval over dispensary features. Once the application is
1209 complete and meets the department's approval, the department
1210 shall conditionally approve the license. Final approval is
1211 contingent on the buildout and department inspection.

1212 (j) Upon submission of the early approval adult use
1213 dispensing organization at a secondary site application, the
1214 applicant shall request an inspection and the department may
1215 inspect the early approval adult use dispensing organization's
1216 secondary site to confirm compliance with the application and
1217 this chapter.

1218 (k) The department may issue an early approval adult use

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1219 dispensing organization license at a secondary site only after
1220 the completion of a successful inspection.

1221 (l) If an applicant passes the inspection under this
1222 subsection, the department shall issue the early approval adult
1223 use dispensing organization license at a secondary site within
1224 10 business days unless:

1225 1. The licensee; a principal officer, board member, or
1226 person having a financial or voting interest of 5 percent or
1227 greater in the licensee; or an agent is delinquent in filing any
1228 required tax returns or paying any amounts owed to the state; or

1229 2. The department determines there is reason to conclude,
1230 based on documented compliance violations, that the licensee is
1231 not entitled to an early approval adult use dispensing
1232 organization license at its secondary site.

1233 (m) Once the department has issued a license, the
1234 dispensing organization shall notify the department of the
1235 proposed opening date.

1236 (n) A medical marijuana treatment center that obtains an
1237 early approval adult use dispensing organization license at a
1238 secondary site may begin selling cannabis, cannabis-infused
1239 products, paraphernalia, and related items to purchasers under
1240 the rules of this chapter no earlier than January 1, 2022.

1241 (o) If there is a shortage of cannabis or cannabis-infused
1242 products, a dispensing organization that is a medical marijuana
1243 treatment center under s. 381.986 and is licensed under this
1244 section shall prioritize serving qualified patients and
1245 caregivers before serving purchasers.

1246 (p) An early approval adult use dispensing organization
1247 license at a secondary site is valid until March 31, 2023. For

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1248 medical marijuana treatment centers that obtain early approval
1249 adult use dispensing organization licenses at secondary sites,
1250 the department shall provide written or electronic notice 90
1251 days before the expiration of the license that the license will
1252 expire and inform the licensee that it may renew its early
1253 approval adult use dispensing organization license at a
1254 secondary site. The department shall renew an early approval
1255 adult use dispensing organization license at a secondary site
1256 within 60 days after it deems the renewal application complete
1257 if:

1258 1. The dispensing organization submits an application and
1259 the required nonrefundable renewal fee as provided in s.
1260 566.801, to be deposited into the Alcoholic Beverage, Marijuana,
1261 and Tobacco Trust Fund;

1262 2. The person's or entity's early approval adult use
1263 dispensing organization license or a medical marijuana treatment
1264 center license has not been suspended or revoked for violation
1265 of applicable statutes or rules; and

1266 3. The dispensing organization has completed a social
1267 equity inclusion plan as required by this section.

1268 (q) For early approval adult use dispensing organization
1269 licensees at secondary sites renewed pursuant to paragraph (p),
1270 the department shall provide written or electronic notice 90
1271 days before the expiration of the license that the license will
1272 expire and inform the licensee that it may apply for an adult
1273 use dispensing organization license. The department shall grant
1274 an adult use dispensing organization license within 60 days
1275 after it deems an application complete if the applicant has met
1276 all of the criteria for such a license.

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1277 (r) If a dispensing organization fails to submit an
1278 application for renewal of an early approval adult use
1279 dispensing organization license or for an adult use dispensing
1280 organization license before the expiration dates provided in
1281 paragraphs (p) and (q), the dispensing organization shall cease
1282 servicing purchasers until it receives a renewal or an adult use
1283 dispensing organization license.

1284 (s) A medical marijuana treatment center agent who holds a
1285 valid medical marijuana treatment center agent identification
1286 card issued under s. 381.986 and is an officer, director,
1287 manager, or employee of the medical marijuana treatment center
1288 licensed under this section may engage in all activities
1289 authorized by this chapter to be performed by a medical
1290 marijuana treatment center agent.

1291 (t) If the department suspends or revokes the early
1292 approval adult use dispensing organization license of a
1293 dispensing organization that also holds a medical marijuana
1294 treatment center license, the Department of Health may consider
1295 the suspension or revocation as grounds to take disciplinary
1296 action against the medical marijuana treatment center.

1297 (u) All fees or fines collected from an early approval
1298 adult use dispensing organization license at a secondary site
1299 holder as a result of a disciplinary action in the enforcement
1300 of this chapter shall be deposited into the Alcoholic Beverage,
1301 Marijuana, and Tobacco Trust Fund and be appropriated to the
1302 department for the ordinary and contingent expenses of the
1303 department in the administration and enforcement of this
1304 section.

1305 (16) All fees collected pursuant to this section shall be

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1306 deposited into the Alcoholic Beverage, Marijuana, and Tobacco
1307 Trust Fund, unless otherwise specified.

1308 566.203 Awarding of conditional adult use dispensing
1309 organization licenses.-

1310 (1) The department shall issue up to 75 conditional adult
1311 use dispensing organization licenses before May 1, 2022.

1312 (2) The department shall make the application for a
1313 conditional adult use dispensing organization license available
1314 no later than October 1, 2021, and shall accept applications no
1315 later than January 1, 2022.

1316 (3) To ensure the geographic dispersion of conditional
1317 adult use dispensing organization licensees, the number of
1318 licenses shall be awarded in each BLS region as determined by
1319 each region's percentage of the state's population.

1320 (4) An applicant seeking issuance of a conditional adult
1321 use dispensing organization license shall submit an application
1322 on forms provided by the department. An applicant must meet the
1323 following requirements:

1324 (a) Payment of a nonrefundable application fee as provided
1325 in s. 588.801 for each license for which the applicant is
1326 applying, which shall be deposited into the Alcoholic Beverage,
1327 Marijuana, and Tobacco Trust Fund.

1328 (b) Certification that the applicant will comply with the
1329 requirements of this chapter.

1330 (c) The legal name of the proposed dispensing organization.

1331 (d) A statement that the dispensing organization agrees to
1332 respond to the department's supplemental requests for
1333 information.

1334 (e) From each principal officer, a statement indicating

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1335 whether that person:

1336 1. Has previously held or currently holds an ownership
1337 interest in a cannabis business establishment in this state; or

1338 2. Has held an ownership interest in a dispensing
1339 organization or its equivalent in another state or territory of
1340 the United States that had the dispensing organization
1341 registration or license suspended, revoked, placed on
1342 probationary status, or subjected to other disciplinary action.

1343 (f) Disclosure of whether any principal officer has ever
1344 filed for bankruptcy or defaulted on a spousal support or child
1345 support obligation.

1346 (g) A resume for each principal officer, including whether
1347 that person has an academic degree, certification, or relevant
1348 experience with a cannabis business establishment or in a
1349 related industry.

1350 (h) A description of the training and education that will
1351 be provided to dispensing organization agents.

1352 (i) A copy of the proposed operating bylaws.

1353 (j) A copy of the proposed business plan that complies with
1354 the requirements in this chapter, including, at a minimum, the
1355 following:

1356 1. A description of services to be offered.

1357 2. A description of the process of dispensing cannabis.

1358 (k) A copy of the proposed security plan that complies with
1359 the requirements in this chapter, including:

1360 1. The process or controls that will be implemented to
1361 monitor the dispensary, secure the premises, agents, and
1362 currency, and prevent the diversion, theft, or loss of cannabis.

1363 2. The process to ensure that access to the restricted

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1364 access areas is restricted to registered agents, service
1365 professionals, transporting organization agents, department
1366 inspectors, and security personnel.

1367 (l) A proposed inventory control plan that complies with
1368 this section.

1369 (m) A proposed floor plan, a square footage estimate, and a
1370 description of proposed security devices, including, without
1371 limitation, cameras, motion detectors, servers, video storage
1372 capabilities, and alarm service providers.

1373 (n) The name, address, social security number, and date of
1374 birth of each principal officer and board member of the
1375 dispensing organization, each of whom must be at least 21 years
1376 of age.

1377 (o) Evidence of the applicant's status as a social equity
1378 applicant, if applicable, and whether such applicant plans to
1379 apply for a loan or grant issued by the Department of Economic
1380 Opportunity.

1381 (p) The address, telephone number, and e-mail address of
1382 the applicant's principal place of business, if applicable. A
1383 post office box is not permitted.

1384 (q) Written summaries of any information regarding
1385 instances in which a business or nonprofit organization that a
1386 prospective board member previously managed or served on was
1387 fined or censured or had its registration suspended or revoked
1388 in any administrative or judicial proceeding.

1389 (r) A plan for community engagement.

1390 (s) Procedures to ensure accurate recordkeeping and
1391 security measures that are in accordance with this chapter and
1392 department rules.

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1393 (t) The estimated volume of cannabis it plans to store at
1394 the dispensary.

1395 (u) A description of the features that will provide
1396 accessibility to purchasers as required by the Americans with
1397 Disabilities Act.

1398 (v) A detailed description of air treatment systems that
1399 will be installed to reduce odors.

1400 (w) A reasonable assurance that the issuance of a license
1401 will not have a detrimental impact on the community in which the
1402 applicant wishes to locate.

1403 (x) The dated signature of each principal officer.

1404 (y) A description of the enclosed, locked facility where
1405 cannabis will be stored by the dispensing organization.

1406 (z) Signed statements from each dispensing organization
1407 agent stating that he or she will not divert cannabis.

1408 (aa) The number of licenses it is applying for in each BLS
1409 region.

1410 (bb) A diversity plan that includes a narrative of at least
1411 2,500 words that establishes a goal of diversity in ownership,
1412 management, employment, and contracting to ensure that diverse
1413 participants and groups are afforded equal opportunities.

1414 (cc) A contract with a private security contractor that is
1415 licensed under part III of chapter 493 in order for the
1416 dispensary to have adequate security at its facility.

1417 (5) An applicant who receives a conditional adult use
1418 dispensing organization license under this section has 180 days
1419 after the date of award to identify a physical location for the
1420 dispensing organization retail storefront. Before a conditional
1421 licensee receives an authorization to build out the dispensing

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1422 organization from the department, the department shall inspect
1423 the physical space selected by the conditional licensee. The
1424 department shall verify the site is suitable for public access,
1425 the layout promotes the safe dispensing of cannabis, the
1426 location is sufficient in size, power allocation, lighting,
1427 parking, handicapped accessible parking spaces, accessible entry
1428 and exits as required by the Americans with Disabilities Act,
1429 product handling, and storage. The applicant shall also provide
1430 a statement of reasonable assurance that the issuance of a
1431 license will not have a detrimental impact on the community. The
1432 applicant shall also provide evidence that the location is not
1433 within 1,500 feet of an existing dispensing organization. If an
1434 applicant is unable to find a physical location suitable to the
1435 department within 180 days after the issuance of the conditional
1436 adult use dispensing organization license, the department may
1437 extend the period for finding a physical location for an
1438 additional 180 days if the conditional adult use dispensing
1439 organization licensee demonstrates concrete attempts to secure a
1440 location and a hardship. If the department denies the extension
1441 or the conditional adult use dispensing organization licensee is
1442 unable to find a location or become operational within 360 days
1443 after being awarded a conditional license, the department shall
1444 rescind the conditional license and award it to the next highest
1445 scoring applicant in the BLS region for which the license was
1446 assigned, provided the applicant receiving the license:

1447 (a) Confirms a continued interest in operating a dispensing
1448 organization.

1449 (b) Can provide evidence that the applicant continues to
1450 meet the financial requirements of this section.

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1451 (c) Has not otherwise become ineligible to be awarded a
1452 dispensing organization license. If the new awardee is unable to
1453 accept the conditional adult use dispensing organization
1454 license, the department shall award the conditional adult use
1455 dispensing organization license to the next highest scoring
1456 applicant in the same manner. The new awardee shall be subject
1457 to the same required deadlines as provided in this subsection.

1458 (6) If within 180 days after being awarded a conditional
1459 adult use dispensing organization license, a dispensing
1460 organization is unable to find a location within the BLS region
1461 in which it was awarded a conditional adult use dispensing
1462 organization license because no jurisdiction within the BLS
1463 region allows for the operation of an adult use dispensing
1464 organization, the department may authorize the conditional adult
1465 use dispensing organization licensee to transfer its license to
1466 a different BLS region specified by the department.

1467 (7) A dispensing organization that is awarded a conditional
1468 adult use dispensing organization license pursuant to the
1469 criteria in s. 566.202 may not purchase, possess, sell, or
1470 dispense cannabis or cannabis-infused products until the person
1471 has received an adult use dispensing organization license issued
1472 by the department pursuant to s. 566.2032. The department may
1473 not issue an adult use dispensing organization license until:

1474 (a) The department has inspected the dispensary site and
1475 proposed operations and verified that they are in compliance
1476 with this chapter and local zoning laws.

1477 (b) The conditional adult use dispensing organization
1478 licensee has paid a registration fee as provided in s. 566.801,
1479 or a prorated amount accounting for the difference of time

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1480 between when the adult use dispensing organization license is
1481 issued and March 31 of the next even-numbered year.

1482 (8) The department shall conduct a background check of the
1483 prospective organization agents in order to carry out its duties
1484 under this chapter. The Department of Law Enforcement may charge
1485 a fee as provided in s. 943.053. Each person applying as a
1486 dispensing organization agent shall submit a full set of
1487 fingerprints to the Department of Law Enforcement for the
1488 purpose of obtaining a state and federal criminal records check.
1489 These fingerprints shall be checked against the fingerprint
1490 records now and hereafter, to the extent allowed by law, filed
1491 in the Department of Law Enforcement criminal history records
1492 databases. The Department of Law Enforcement shall furnish,
1493 following positive identification, all this state's conviction
1494 information to the department.

1495 (9) Applicants for a conditional adult use dispensing
1496 organization license must submit all required information,
1497 including the information required in s. 566.203, to the
1498 department. Failure by an applicant to submit all required
1499 information may result in the application being disqualified.

1500 (10) If the department receives an application that fails
1501 to provide the required elements contained in this section, the
1502 department shall issue a deficiency notice to the applicant. The
1503 applicant shall have 10 calendar days after the date of the
1504 deficiency notice to resubmit the incomplete information.
1505 Applications that are still incomplete after this opportunity to
1506 cure will not be scored and will be disqualified.

1507 (11) The department shall award up to 250 points to
1508 complete applications based on the sufficiency of the

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1509 applicant's responses to required information. Applicants will
1510 be awarded points based on a determination that the application
1511 satisfactorily includes the following elements:

1512 (a) Suitability of employee training plan (15 points).—The
1513 plan includes an employee training plan that demonstrates that
1514 employees will understand the laws and rules to be followed by
1515 dispensary employees, have knowledge of any security measures
1516 and operating procedures of the dispensary, and are able to
1517 advise purchasers on how to safely consume cannabis and use
1518 individual products offered by the dispensary.

1519 (b) Security and recordkeeping (65 points).—

1520 1. The security plan accounts for the prevention of the
1521 theft or diversion of cannabis. The security plan demonstrates
1522 safety procedures for dispensary agents and purchasers, and for
1523 safe delivery and storage of cannabis and currency. It
1524 demonstrates compliance with all security requirements in this
1525 section and rules.

1526 2. A plan for recordkeeping, tracking, and monitoring
1527 inventory, quality control, and other policies and procedures
1528 that will promote standard recordkeeping and discourage unlawful
1529 activity. This plan includes the applicant's strategy to
1530 communicate with the department and the Department of Law
1531 Enforcement on the destruction and disposal of cannabis. The
1532 plan must also demonstrate compliance with this chapter and
1533 rules adopted pursuant thereto.

1534 3. The security plan shall also detail which private
1535 security contractor licensed under part III of chapter 493 the
1536 dispensary will contract with in order to provide adequate
1537 security at its facility.

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1538 (c) Applicant's business plan, financials, operating and
1539 floor plan (65 points).-

1540 1. The business plan shall describe, at a minimum, how the
1541 dispensing organization will be managed on a long-term basis.
1542 This shall include a description of the dispensing
1543 organization's point-of-sale system, purchases and denials of
1544 sale, confidentiality, and products and services to be offered.
1545 It will demonstrate compliance with this chapter and rules
1546 adopted pursuant thereto.

1547 2. The operating plan shall include, at a minimum, best
1548 practices for day-to-day dispensary operation and staffing. The
1549 operating plan may also include information about employment
1550 practices, including information about the percentage of full-
1551 time employees who will be provided a living wage.

1552 3. The proposed floor plan must be suitable for public
1553 access, the layout must promote safe dispensing of cannabis,
1554 must comply with the Americans with Disabilities Act, and must
1555 facilitate safe product handling and storage.

1556 (d) Knowledge and experience (30 points).-

1557 1. The applicant's principal officers must demonstrate
1558 experience and qualifications in business management or
1559 experience with the cannabis industry. This includes ensuring
1560 optimal safety and accuracy in the dispensing and sale of
1561 cannabis.

1562 2. The applicant's principal officers must demonstrate
1563 knowledge of various cannabis product strains or varieties and
1564 describe the types and quantities of products planned to be
1565 sold. This includes confirmation of whether the dispensing
1566 organization plans to sell cannabis paraphernalia or edibles.

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1567 3. Knowledge and experience may be demonstrated through
1568 experience in other comparable industries that reflect on the
1569 applicant's ability to operate a cannabis business
1570 establishment.

1571 (e) Status as a social equity applicant (50 points).—The
1572 applicant meets the qualifications for a social equity applicant
1573 as set forth in this chapter.

1574 (f) Labor and employment practices (5 points).—The
1575 applicant may describe plans to provide a safe, healthy, and
1576 economically beneficial working environment for its agents,
1577 including, but not limited to, codes of conduct, health care
1578 benefits, educational benefits, retirement benefits, living wage
1579 standards, and entering a labor peace agreement with employees.

1580 (g) Environmental plan (5 points).—The applicant may
1581 demonstrate an environmental plan of action to minimize the
1582 carbon footprint, environmental impact, and resource needs for
1583 the dispensary, which may include, but need not be limited to,
1584 recycling cannabis product packaging.

1585 (h) Florida owner (5 points).—Fifty-one percent or more of
1586 the applicant business is owned and controlled by a Florida
1587 resident who can prove residency in this state for each of the
1588 past 5 years with tax records.

1589 (i) Status as a veteran (5 points).—Fifty-one percent or
1590 more of the applicant business is controlled and owned by an
1591 individual or individuals who meet the qualifications of a
1592 veteran as defined s. 1.01(14).

1593 (j) A diversity plan (5 points).—The applicant must provide
1594 a diversity plan that includes a narrative of no more than 2,500
1595 words which establishes a goal of diversity in ownership,

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1596 management, employment, and contracting to ensure that diverse
1597 participants and groups are afforded equal opportunities.

1598 (12) The department may also award up to 2 bonus points if
1599 an applicant includes a plan to engage with the community. The
1600 applicant may demonstrate a desire to engage with its community
1601 by participating in one or more of, but not limited to, the
1602 following actions:

1603 1. Establishing an incubator program designed to increase
1604 participation in the cannabis industry by persons who would
1605 qualify as social equity applicants;

1606 2. Providing financial assistance to substance abuse
1607 treatment centers;

1608 3. Educating children and teens about the potential harms
1609 of cannabis use; or

1610 4. Other measures demonstrating a commitment to the
1611 applicant's community. Bonus points will only be awarded if the
1612 department receives more than one application for a particular
1613 BLS region which receive an equal score.

1614 (13) The department may verify information contained in
1615 each application and accompanying documentation to assess the
1616 applicant's veracity and fitness to operate a dispensing
1617 organization.

1618 (14) The department may refuse to issue an authorization to
1619 any applicant who:

1620 (a) Is unqualified to perform the duties required of the
1621 applicant;

1622 (b) Fails to disclose or states falsely any information
1623 called for in the application;

1624 (c) Has been found guilty of a violation of this chapter,

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1625 or whose medical marijuana dispensary license, early approval
1626 adult use dispensing organization license, early approval adult
1627 use dispensing organization license at a secondary site, or
1628 early approval cultivation center license was suspended,
1629 restricted, revoked, or denied for just cause, or the
1630 applicant's cannabis business establishment license was
1631 suspended, restricted, revoked, or denied in any other state; or

1632 (d) Has engaged in a pattern or practice of unfair or
1633 illegal practices, methods, or activities in the conduct of
1634 owning a cannabis business establishment or other business.

1635 (15) The department shall deny the license if any principal
1636 officer, board member, or person having a financial or voting
1637 interest of 5 percent or greater in the licensee is delinquent
1638 in filing any required tax returns or paying any amounts owed to
1639 the state.

1640 (16) The department shall verify an applicant's compliance
1641 with the requirements of this chapter and rules adopted pursuant
1642 thereto before issuing a dispensing organization license.

1643 (17) If an applicant is awarded a license, the information
1644 and plans provided in the application, including any plans
1645 submitted for bonus points, shall become a condition of the
1646 conditional adult use dispensing organization license, except as
1647 otherwise provided by this chapter or rule adopted pursuant
1648 thereto. Dispensing organizations have a duty to disclose any
1649 material changes to the application. The department shall review
1650 all material changes disclosed by the dispensing organization
1651 and may reevaluate its prior decision regarding the awarding of
1652 a license, including, but not limited to, suspending or revoking
1653 a license. Failure to comply with the conditions or requirements

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1654 in the application may subject the dispensing organization to
1655 discipline, up to and including suspension or revocation of its
1656 authorization or license by the department.

1657 (18) If an applicant has not begun operating as a
1658 dispensing organization within 1 year after the issuance of the
1659 conditional adult use dispensing organization license, the
1660 department may revoke the conditional adult use dispensing
1661 organization license and award it to the next highest scoring
1662 applicant in the BLS region if a suitable applicant indicates a
1663 continued interest in the license or begin a new selection
1664 process to award a conditional adult use dispensing organization
1665 license.

1666 (19) The department shall deny an application if granting
1667 that application would result in a single person or entity
1668 having a direct or indirect financial interest in more than 10
1669 early approval adult use dispensing organization licenses,
1670 conditional adult use dispensing organization licenses, or adult
1671 use dispensing organization licenses. Any entity that is awarded
1672 a license that results in a single person or entity having a
1673 direct or indirect financial interest in more than 10 licenses
1674 shall forfeit the most recently issued license and be subject to
1675 a penalty to be determined by the department, unless the entity
1676 declines the license at the time it is awarded.

1677 566.2031 Conditional adult use dispensing organization
1678 licenses after January 1, 2023.-

1679 (1) In addition to any of the licenses issued under this
1680 chapter, by December 21, 2021, the department shall issue up to
1681 110 conditional adult use dispensing organization licenses
1682 pursuant to the application process under this section. Before

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1683 issuing such licenses, the department may adopt rules through
1684 emergency rulemaking in accordance with chapter 120. Such rules
1685 may:

1686 (a) Modify or change the BLS regions as they apply to this
1687 chapter or modify or raise the number of adult conditional use
1688 dispensing organization licenses assigned to each region based
1689 on the following factors:

1690 1. Purchaser wait times.

1691 2. Travel time to the nearest dispensary for potential
1692 purchasers.

1693 3. Percentage of cannabis sales occurring in this state
1694 which are not in the regulated market and tourism data from
1695 VISIT Florida to ascertain total cannabis consumption in this
1696 state compared to the amount of sales in licensed dispensing
1697 organizations.

1698 4. Whether there is an adequate supply of cannabis and
1699 cannabis-infused products to serve registered qualified
1700 patients.

1701 5. Population increases or shifts.

1702 6. Density of dispensing organizations in a region.

1703 7. The department's capacity to appropriately regulate
1704 additional licenses.

1705 8. Any other criteria the department deems relevant.

1706 (b) Make modifications to remedy evidence of
1707 discrimination.

1708 (2) After January 1, 2023, the department may by rule
1709 modify or raise the number of adult use dispensing organization
1710 licenses assigned to each region and modify or change the
1711 licensing application process to reduce or eliminate barriers

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1712 based on the criteria in subsection (1). The department may not
1713 issue more than 500 adult use dispensary organization licenses.

1714 566.2032 Adult use dispensing organization license.—

1715 (1) A person is eligible to receive an adult use dispensing
1716 organization only if the person has been awarded a conditional
1717 adult use dispensing organization license pursuant to this
1718 chapter or has renewed its license pursuant to s. 566.202(11) or
1719 (12).

1720 (2) The department shall not issue an adult use dispensing
1721 organization license until:

1722 (a) The department has inspected the dispensary site and
1723 proposed operations and verified that they are in compliance
1724 with this chapter and local zoning laws;

1725 (b) The conditional adult use dispensing organization
1726 licensee has paid a registration fee as provided in s. 566.801
1727 or a prorated amount accounting for the difference of time
1728 between when the adult use dispensing organization license is
1729 issued and March 31 of the next even-numbered year; and

1730 (c) The conditional adult use dispensing organization
1731 licensee has met all the requirements in this chapter and rules.

1732 (3) A person or an entity may not hold any legal,
1733 equitable, ownership, or beneficial interest, directly or
1734 indirectly, of more than 10 dispensing organizations licensed
1735 under this chapter. Further, a person or an entity that is:

1736 (a) Employed by, is an agent of, or participates in the
1737 management of a dispensing organization or registered medical
1738 marijuana dispensary;

1739 (b) A principal officer of a dispensing organization or
1740 registered medical marijuana dispensary; or

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1741 (c) An entity controlled by or affiliated with a principal
1742 officer of a dispensing organization or registered medical
1743 marijuana dispensary;

1744
1745 may not hold any legal, equitable, ownership, or beneficial
1746 interest, directly or indirectly, in a dispensing organization
1747 which would result in such person or entity owning or
1748 participating in the management of more than 10 dispensing
1749 organizations. For the purpose of this paragraph, the term
1750 "participating in management" includes, without limitation,
1751 controlling decisions regarding staffing, pricing, purchasing,
1752 marketing, store design, hiring, and website design.

1753 (4) The department shall deny an application if granting
1754 that application would result in a person or entity obtaining
1755 direct or indirect financial interest in more than 10 early
1756 approval adult use dispensing organization licenses, conditional
1757 adult use dispensing organization licenses, adult use dispensing
1758 organization licenses, or any combination thereof. If a person
1759 or entity is awarded a conditional adult use dispensing
1760 organization license that would cause the person or entity to be
1761 in violation of this subsection, he, she, or it shall choose
1762 which license application it wants to abandon and such license
1763 shall become available to the next qualified applicant in the
1764 region in which the abandoned license was awarded.

1765 566.2033 Dispensing organization agent identification card;
1766 agent training.-

1767 (1) The department shall:

1768 (a) Verify the information contained in an application or
1769 renewal for a dispensing organization agent identification card

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1770 submitted under this chapter, and approve or deny an application
1771 or renewal, within 30 days after receiving a completed
1772 application or renewal application and all supporting
1773 documentation required by rule.

1774 (b) Issue a dispensing organization agent identification
1775 card to a qualifying agent within 15 business days after
1776 approving the application or renewal.

1777 (c) Enter the registry identification number of the
1778 dispensing organization where the agent works.

1779 (d) Within 1 year after the effective date of this act,
1780 allow for an electronic application process and confirm by
1781 electronic means or other methods that an application has been
1782 submitted.

1783 (e) Collect a nonrefundable fee as provided in s. 566.801
1784 from the applicant to be deposited into the Alcoholic Beverage,
1785 Marijuana, and Tobacco Trust Fund.

1786 (2) A dispensing agent must keep his or her identification
1787 card visible at all times when on the property of the dispensing
1788 organization.

1789 (3) The dispensing organization agent identification cards
1790 shall contain all of the following:

1791 (a) The name of the cardholder.

1792 (b) The date of issuance and expiration date of the
1793 dispensing organization agent identification cards.

1794 (c) A random 10-digit alphanumeric identification number
1795 containing at least four numbers and at least four letters which
1796 is unique to the cardholder.

1797 (d) A photograph of the cardholder.

1798 (4) The dispensing organization agent identification cards

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1799 shall be immediately returned to the dispensing organization
1800 upon termination of employment.

1801 (5) The department shall not issue an agent identification
1802 card if the applicant is delinquent in filing any required tax
1803 returns or paying any amounts owed to the state.

1804 (6) A card lost by a dispensing organization agent shall be
1805 reported to the Department of Law Enforcement and the department
1806 immediately upon discovery of the loss.

1807 (7) An applicant shall be denied a dispensing organization
1808 agent identification card if he or she fails to complete the
1809 training provided for in this section.

1810 (8) A dispensing organization agent shall be required to
1811 hold only one card for the same employer regardless of what type
1812 of dispensing organization license the employer holds.

1813 (9) (a) Within 90 days after September 1, 2021, or 90 days
1814 after employment, whichever is later, all owners, managers,
1815 employees, and agents involved in the handling or sale of
1816 cannabis or cannabis-infused product employed by an adult use
1817 dispensing organization or medical marijuana dispensary shall
1818 attend and successfully complete a responsible vendor program.

1819 (b) Each owner, manager, employee, and agent of an adult
1820 use dispensing organization or medical marijuana dispensary
1821 shall successfully complete the program annually.

1822 (c) Responsible vendor program training modules shall
1823 include at least 2 hours of instruction time approved by the
1824 department which includes:

1825 1. Health and safety concerns of cannabis use, including
1826 the responsible use of cannabis, its physical effects, onset of
1827 physiological effects, recognizing signs of impairment, and

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1828 appropriate responses in the event of overconsumption.

1829 2. Training on laws and rules relating to driving while

1830 under the influence.

1831 3. Training on state laws and rules relating to the

1832 prohibition on the sale of cannabis to minors.

1833 4. Training on state laws and rules relating to quantity

1834 limitations on sales to purchasers.

1835 5. Training on acceptable forms of identification,

1836 including, but not limited to:

1837 a. How to check identification.

1838 b. Common mistakes made in verification.

1839 6. Safe storage of cannabis.

1840 7. Compliance with all inventory tracking system

1841 regulations.

1842 8. Waste handling, management, and disposal.

1843 9. Health and safety standards.

1844 10. Maintenance of records.

1845 11. Security and surveillance requirements.

1846 12. Permitting inspections by state and local licensing and

1847 enforcement authorities.

1848 13. Privacy issues.

1849 14. Packaging and labeling requirement for sales to

1850 purchasers.

1851 15. Other areas as determined by department rule.

1852 (10) Upon the successful completion of the responsible

1853 vendor program, the provider shall deliver proof of completion

1854 either through mail or electronic communication to the

1855 dispensing organization, which shall retain a copy of the

1856 certificate.

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1857 (11) The license of a dispensing organization or medical
1858 marijuana dispensary whose owners, managers, employees, or
1859 agents fail to comply with this section may be suspended or
1860 revoked under s. 566.2068 or may face other disciplinary action.

1861 (12) The regulation of dispensing organization and medical
1862 cannabis dispensing employer and employee training is an
1863 exclusive function of the state, and regulation by a unit of
1864 local government is prohibited.

1865 (13) Persons seeking department approval to offer the
1866 training required by paragraph (9) (c) may apply for such
1867 approval between August 1 and August 15 of each odd-numbered
1868 year in a manner prescribed by the department.

1869 (14) Persons seeking department approval to offer the
1870 training required by paragraph (9) (c) shall submit a
1871 nonrefundable application fee as provided in s. 566.801 to be
1872 deposited into the Alcoholic Beverage, Marijuana, and Tobacco
1873 Trust Fund or a fee as may be set by rule. Any changes made to
1874 the training module shall be approved by the department.

1875 (15) The department shall not unreasonably deny approval of
1876 a training module that meets all the requirements of paragraph
1877 (9) (c). A denial of approval must include a detailed description
1878 of the reasons for the denial.

1879 (16) Any person approved to provide the training required
1880 by paragraph (9) (c) shall submit an application for reapproval
1881 between August 1 and August 15 of each odd-numbered year and
1882 include a nonrefundable application fee as provided in s.
1883 566.801 to be deposited into the Alcoholic Beverage, Marijuana,
1884 and Tobacco Trust Fund or a fee as may be set by rule.

1885 566.20331 Renewal of adult use dispensing organization

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1886 licenses.-

1887 (1) Adult use dispensing organization licenses shall expire
1888 on March 31 of even-numbered years.

1889 (2) Agent identification cards shall expire 1 year after
1890 the date they are issued.

1891 (3) Licensees and dispensing agents shall submit renewal
1892 applications as provided by the department and pay the renewal
1893 fees provided in s. 566.801(3)(b) and (4)(a)1., respectively.
1894 The department shall require an agent, employee, contracting,
1895 and subcontracting diversity report and an environmental impact
1896 report with its renewal application. No license or agent
1897 identification card shall be renewed if it is currently under
1898 revocation or suspension for violation of this chapter or any
1899 rules that may be adopted under this chapter or the licensee,
1900 principal officer, board member, person having a financial or
1901 voting interest of 5 percent or greater in the licensee, or
1902 agent is delinquent in filing any required tax returns or paying
1903 any amounts owed to the state.

1904 (4) Renewal fees collected under subsection (3) are to be
1905 deposited into the Alcoholic Beverage, Marijuana, and Tobacco
1906 Trust Fund.

1907 (5) If a dispensing organization fails to renew its license
1908 before expiration, the dispensing organization shall cease
1909 operations until the license is renewed.

1910 (6) If a dispensing organization agent fails to renew his
1911 or her registration before its expiration, he or she shall cease
1912 to perform duties authorized by this chapter at a dispensing
1913 organization until his or her registration is renewed.

1914 (7) Any dispensing organization that continues to operate

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1915 after failing to renew its license or a dispensing agent who
1916 continues to perform duties authorized by this chapter at a
1917 dispensing organization that fails to renew its license is
1918 subject to penalty as provided in this chapter, or any rules
1919 that may be adopted pursuant to this chapter.

1920 (8) The department may not renew a license if the applicant
1921 is delinquent in filing any required tax returns or paying any
1922 amounts owed to the state. The department shall not renew a
1923 dispensing agent identification card if the applicant is
1924 delinquent in filing any required tax returns or paying any
1925 amounts owed to the state.

1926 566.20332 Disclosure of ownership and control.—

1927 (1) Each dispensing organization applicant and licensee
1928 shall file and maintain a table of organization, ownership, and
1929 control with the department. The table of organization,
1930 ownership, and control shall contain the information required by
1931 this section in sufficient detail to identify all owners,
1932 directors, and principal officers, and the title of each
1933 principal officer or business entity that, through direct or
1934 indirect means, manages, owns, or controls the applicant or
1935 licensee.

1936 (2) The table of organization, ownership, and control shall
1937 identify the following information:

1938 (a) The management structure, ownership, and control of the
1939 applicant or licensee including the name of each principal
1940 officer or business entity, the office or position held, and the
1941 percentage ownership interest, if any.

1942 (b) If the business entity has a parent company, the name
1943 of each owner, board member, and officer of the parent company

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1944 and his or her percentage ownership interest in the parent
1945 company and the dispensing organization.

1946 (c) If the applicant or licensee is a business entity with
1947 publicly traded stock, the identification of ownership shall be
1948 provided as required in subsection (3).

1949 (3) If a business entity identified in subsection (2) is a
1950 publicly traded company, the following information shall be
1951 provided in the table of organization, ownership, and control:

1952 (a) The name and percentage of ownership interest of each
1953 individual or business entity with ownership of more than 5
1954 percent of the voting shares of the entity, to the extent that
1955 such information is known or contained in 13D or 13G Securities
1956 and Exchange Commission filings.

1957 (b) To the extent known, the names and percentage of
1958 interest of ownership of persons who are relatives of one
1959 another and who together exercise control over or own more than
1960 10 percent of the voting shares of the entity.

1961 (4) A dispensing organization with a parent company or
1962 companies or that is partially owned or controlled by another
1963 entity must disclose to the department the relationship and all
1964 owners, board members, officers, or individuals with control or
1965 management of those entities. A dispensing organization may not
1966 shield its ownership or control from the department.

1967 (5) All principal officers must submit a complete online
1968 application with the department within 14 days after the
1969 dispensing organization is licensed by the department or within
1970 14 days after the department submits notice of approval of a new
1971 principal officer.

1972 (6) A principal officer may not allow his or her

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1973 registration to expire.

1974 (7) A dispensing organization separating with a principal
1975 officer must do so under this chapter. The principal officer
1976 must communicate the separation to the department within 5
1977 business days.

1978 (8) A principal officer not in compliance with the
1979 requirements of this chapter shall be removed from his or her
1980 position with the dispensing organization or shall otherwise
1981 terminate his or her affiliation. Failure to do so may subject
1982 the dispensing organization to discipline, suspension, or
1983 revocation of its license by the department.

1984 (9) It is the responsibility of the dispensing organization
1985 and its principal officers to promptly notify the department of
1986 any change of the principal place of business address, hours of
1987 operation, or change in the dispensing organization's ownership,
1988 control, or primary or secondary contact information. Any
1989 changes must be made to the department in writing.

1990 566.20333 Financial responsibility.—Evidence of financial
1991 responsibility is a requirement for the issuance, maintenance,
1992 or reactivation of a license under this chapter. Evidence of
1993 financial responsibility shall be used to guarantee that the
1994 dispensing organization timely and successfully completes
1995 dispensary construction, operates in a manner that provides an
1996 uninterrupted supply of cannabis, faithfully pays registration
1997 renewal fees, keeps accurate books and records, makes regularly
1998 required reports, complies with state tax requirements, and
1999 conducts the dispensing organization in conformity with this
2000 chapter and rules adopted pursuant thereto. Evidence of
2001 financial responsibility shall be provided by one of the

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2002 following:

2003 (1) Establishing and maintaining an escrow or surety
2004 account in a financial institution in the amount of \$50,000,
2005 with escrow terms, approved by the department, that it shall be
2006 payable to the department in the event of circumstances outlined
2007 in this chapter and rules adopted pursuant thereto.

2008 (a) A financial institution may not return money in an
2009 escrow or surety account to the dispensing organization that
2010 established the account or a representative of the organization
2011 unless the organization or representative presents a statement
2012 issued by the department indicating that the account may be
2013 released.

2014 (b) The escrow or surety account shall not be canceled on
2015 less than 30 days' notice in writing to the department, unless
2016 otherwise approved by the department. If an escrow or surety
2017 account is canceled and the registrant fails to secure a new
2018 account with the required amount on or before the effective date
2019 of cancellation, the registrant's registration may be revoked.
2020 The total and aggregate liability of the surety on the bond is
2021 limited to the amount specified in the escrow or surety account.

2022 (2) Providing a surety bond in the amount of \$50,000,
2023 naming the dispensing organization as principal of the bond,
2024 with terms, approved by the department, that the bond defaults
2025 to the department in the event of circumstances outlined in this
2026 chapter and rules adopted pursuant thereto. Bond terms must
2027 require that:

2028 (a) The business name and registration number on the bond
2029 must correspond exactly with the business name and registration
2030 number in the department's records.

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2031 (b) The bond must be written on a form approved by the
2032 department.

2033 (c) A copy of the bond must be received by the department
2034 within 90 days after the effective date.

2035 (d) The bond shall not be canceled by a surety on less than
2036 30 days' notice in writing to the department. If a bond is
2037 canceled and the registrant fails to file a new bond with the
2038 department in the required amount on or before the effective
2039 date of cancellation, the registrant's registration may be
2040 revoked. The total and aggregate liability of the surety on the
2041 bond is limited to the amount specified in the bond.

2042 566.20334 Changes to a dispensing organization.—

2043 (1) A license shall be issued to the specific dispensing
2044 organization identified on the application and for the specific
2045 location proposed. The license is valid only as designated on
2046 the license and for the location for which it is issued.

2047 (2) A dispensing organization may add principal officers
2048 only after being approved by the department.

2049 (3) A dispensing organization shall provide written notice
2050 of the removal of a principal officer within 5 business days
2051 after removal. The notice shall include the written agreement of
2052 the principal officer being removed, unless otherwise approved
2053 by the department, and allocation of ownership shares after
2054 removal in an updated ownership chart.

2055 (4) A dispensing organization shall provide a written
2056 request to the department for the addition of principal
2057 officers. A dispensing organization shall submit proposed
2058 principal officer applications on forms approved by the
2059 department.

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2060 (5) All proposed new principal officers shall be subject to
2061 the requirements of this chapter and any rules that may be
2062 adopted pursuant to this chapter.

2063 (6) The department may prohibit the addition of a principal
2064 officer to a dispensing organization for failure to comply with
2065 this chapter and any rules that may be adopted pursuant to this
2066 chapter.

2067 (7) A dispensing organization may not assign a license.

2068 (8) A dispensing organization may not transfer a license
2069 without prior department approval. Such approval may be withheld
2070 if the person to whom the license is being transferred does not
2071 commit to the same or a similar community engagement plan
2072 provided as part of the dispensing organization's application
2073 under s. 566.202(4), and such transferee's license shall be
2074 conditional upon that commitment.

2075 (9) With the addition or removal of principal officers, the
2076 department will review the ownership structure to determine
2077 whether the change in ownership has had the effect of a transfer
2078 of the license. The dispensing organization shall supply all
2079 ownership documents requested by the department.

2080 (10) A dispensing organization may apply to the department
2081 to approve a sale of the dispensing organization. A request to
2082 sell the dispensing organization must be on application forms
2083 provided by the department. A request for an approval to sell a
2084 dispensing organization must comply with the following:

2085 (a) New application materials shall comply with this
2086 chapter and any rules that may be adopted pursuant to this
2087 chapter.

2088 (b) Application materials shall include a change of

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2089 ownership fee as provided in s. 566.801 to be deposited into the
2090 Alcoholic Beverage, Marijuana, and Tobacco Trust Fund.

2091 (c) The application materials shall provide proof that the
2092 transfer of ownership will not have the effect of granting any
2093 of the owners or principal officers direct or indirect ownership
2094 or control of more than 10 adult use dispensing organization
2095 licenses.

2096 (d) New principal officers shall each complete the proposed
2097 new principal officer application.

2098 (e) If the department approves the application materials
2099 and proposed new principal officer applications, it will perform
2100 an inspection before approving the sale and issuing the
2101 dispensing organization license.

2102 (f) If a new license is approved, the department will issue
2103 a new license number and certificate to the new dispensing
2104 organization.

2105 (11) The dispensing organization shall provide the
2106 department with the personal information for all new dispensing
2107 organizations agents as required in this chapter, and all new
2108 dispensing organization agents shall be subject to the
2109 requirements of this chapter. A dispensing organization agent
2110 must obtain an agent identification card from the department
2111 before beginning work at a dispensary.

2112 (12) Before remodeling, expansion, reduction, or other
2113 physical, noncosmetic alteration of a dispensary, the dispensing
2114 organization must notify the department and confirm the
2115 alterations are in compliance with this chapter and any rules
2116 that may be adopted pursuant to this chapter.

2117 566.204 Administration.-

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2118 (1) A dispensing organization shall establish, maintain,
2119 and comply with written policies and procedures as submitted in
2120 the business, financial, and operating plan as required in this
2121 chapter or by rules established by the department, and approved
2122 by the department, for the security, storage, inventory, and
2123 distribution of cannabis. These policies and procedures shall
2124 include methods for identifying, recording, and reporting
2125 diversion, theft, or loss and for correcting errors and
2126 inaccuracies in inventories. At a minimum, dispensing
2127 organizations shall ensure the written policies and procedures
2128 provide for the following:

2129 (a) Mandatory and voluntary recalls of cannabis products.
2130 The policies shall be adequate to deal with recalls due to any
2131 action initiated at the request of the department and any
2132 voluntary action by the dispensing organization to remove
2133 defective or potentially defective cannabis from the market or
2134 any action undertaken to promote public health and safety,
2135 including:

2136 1. A mechanism reasonably calculated to contact purchasers
2137 who have, or likely have, obtained the product from the
2138 dispensary, including information on the policy for return of
2139 the recalled product.

2140 2. A mechanism to identify and contact the adult use
2141 cultivation center, craft grower, or infuser that manufactured
2142 the cannabis.

2143 3. Policies for communicating with the department and the
2144 Department of Health within 24 hours after discovering defective
2145 or potentially defective cannabis.

2146 4. Policies for destruction of any recalled cannabis

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2147 product.

2148 (b) Responses to local, state, or national emergencies,
2149 including natural disasters, that affect the security or
2150 operation of a dispensary.

2151 (c) Segregation and destruction of outdated, damaged,
2152 deteriorated, misbranded, or adulterated cannabis. This
2153 procedure shall provide for written documentation of the
2154 cannabis disposition.

2155 (d) Ensuring the oldest stock of a cannabis product is
2156 distributed first. The procedure may permit deviation from this
2157 requirement, if such deviation is temporary and appropriate.

2158 (e) Training of dispensing organization agents in this
2159 chapter and rules, to effectively operate the point-of-sale
2160 system and the state's verification system, proper inventory
2161 handling and tracking, specific uses of cannabis or cannabis-
2162 infused products, instruction regarding regulatory inspection
2163 preparedness and law enforcement interaction, awareness of the
2164 legal requirements for maintaining status as an agent, and other
2165 topics as specified by the dispensing organization or the
2166 department. The dispensing organization shall maintain evidence
2167 of all training provided to each agent in its files which is
2168 subject to inspection and audit by the department. The
2169 dispensing organization shall ensure agents receive a minimum of
2170 8 hours of training annually, subject to the requirements in s.
2171 566.2033(9), unless otherwise approved by the department.

2172 (f) Maintenance of business records consistent with
2173 industry standards, including bylaws, consents, manual or
2174 computerized records of assets and liabilities, audits, monetary
2175 transactions, journals, ledgers, and supporting documents,

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2176 including agreements, checks, invoices, receipts, and vouchers.
2177 Records shall be maintained in a manner consistent with this
2178 chapter and shall be retained for a minimum of 5 years.

2179 (g) Inventory control, including:

2180 1. Tracking purchases and denials of sale.

2181 2. Disposal of unusable or damaged cannabis as required by
2182 this chapter and rules.

2183 (h) Purchaser education and support, including:

2184 1. Whether possession of cannabis is illegal under federal
2185 law.

2186 2. Current educational information issued by the Department
2187 of Public Health about the health risks associated with the use
2188 or abuse of cannabis.

2189 3. Information about possible side effects.

2190 4. Prohibition on smoking cannabis in public places.

2191 5. Offering any other appropriate purchaser education or
2192 support materials.

2193 (2) A dispensing organization shall maintain copies of the
2194 policies and procedures on the dispensary premises and provide
2195 copies to the department upon request. The dispensing
2196 organization shall review the dispensing organization policies
2197 and procedures at least once every 12 months from the issue date
2198 of the license and update as needed due to changes in industry
2199 standards or as requested by the department.

2200 (3) A dispensing organization shall ensure that each
2201 principal officer and each dispensing organization agent has a
2202 current agent identification card in the agent's immediate
2203 possession when the agent is at the dispensary.

2204 (4) A dispensing organization shall provide prompt written

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2205 notice to the department, including the date of the event, when
2206 a dispensing organization agent no longer is employed by the
2207 dispensing organization.

2208 (5) A dispensing organization shall promptly document and
2209 report any loss or theft of cannabis from the dispensary to the
2210 Department of Law Enforcement and the department. It is the duty
2211 of any dispensing organization agent who becomes aware of the
2212 loss or theft to report it as provided in this chapter.

2213 (6) A dispensing organization shall post the following
2214 information in a conspicuous location in an area of the
2215 dispensary accessible to consumers:

2216 (a) The dispensing organization's license.

2217 (b) The hours of operation.

2218 (7) (a) All dispensing organizations must display a placard
2219 that states the following: "Cannabis can impair cognition and
2220 driving, is for adult use only, may be habit-forming, and should
2221 not be used by pregnant or breastfeeding women."

2222 (b) Any dispensing organization that sells edible cannabis-
2223 infused products must display a placard that states the
2224 following:

2225 1. "Edible cannabis-infused products were produced in a
2226 kitchen that may also process common food allergens"; and

2227 2. "The effects of cannabis products can vary from person
2228 to person, and it can take as long as 2 hours to feel the
2229 effects of some cannabis-infused products. Carefully review the
2230 portion size information and warnings contained on the product
2231 packaging before consuming."

2232 (c) All of the required signage in this subsection shall be
2233 no smaller than 24 inches tall by 36 inches wide, with typed

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2234 letters no smaller than 2 inches. The signage shall be clearly
2235 visible and readable by customers. The signage shall be placed
2236 in the area where cannabis and cannabis-infused products are
2237 sold and may be translated into additional languages as needed.
2238 The department may require a dispensary to display the required
2239 signage in a different language, other than English, if the
2240 department deems it necessary.

2241 (8) A dispensing organization shall prominently post
2242 notices inside the dispensing organization which state
2243 activities that are strictly prohibited and punishable by law,
2244 including, but not limited to:

2245 (a) No minors permitted on the premises unless the minor is
2246 a minor qualified patient.

2247 (b) Distribution to persons under the age of 21 is
2248 prohibited.

2249 (c) Transportation of cannabis or cannabis products across
2250 state lines is prohibited.

2251 566.2042 Operational requirements; prohibitions.—

2252 (1) A dispensing organization shall operate in accordance
2253 with the representations made in its application and license
2254 materials. It shall be in compliance with this chapter and
2255 rules.

2256 (2) A dispensing organization must include the legal name
2257 of the dispensary on the packaging of any cannabis product it
2258 sells.

2259 (3) All cannabis, cannabis-infused products, and cannabis
2260 seeds must be obtained from a registered adult use cultivation
2261 center in this state, craft grower, infuser, or another
2262 dispensary.

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2263 (4) Dispensing organizations are prohibited from selling
2264 any product containing alcohol except tinctures, which must be
2265 limited to containers that are no larger than 100 milliliters.

2266 (5) A dispensing organization shall inspect and count
2267 product received by the adult use cultivation center before
2268 dispensing it.

2269 (6) A dispensing organization may accept cannabis
2270 deliveries only into a restricted access area. Deliveries may
2271 not be accepted through the public or limited access areas
2272 unless otherwise approved by the department.

2273 (7) A dispensing organization shall maintain compliance
2274 with state and local building, fire, and zoning requirements or
2275 regulations.

2276 (8) A dispensing organization shall submit a list to the
2277 department of the names of all service professionals that will
2278 work at the dispensary. The list shall include a description of
2279 the type of business or service provided. Changes to the service
2280 professional list shall be promptly provided. No service
2281 professional shall work in the dispensary until the name is
2282 provided to the department on the service professional list.

2283 (9) A dispensing organization's license allows for a
2284 dispensary to be operated only at a single location.

2285 (10) A dispensary may operate between 6 a.m. and 10 p.m.
2286 local time.

2287 (11) A dispensing organization must keep all lighting
2288 outside and inside the dispensary in good working order and
2289 wattage sufficient for security cameras.

2290 (12) A dispensing organization shall ensure that any
2291 building or equipment used by a dispensing organization for the

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2292 storage or sale of cannabis is maintained in a clean and
2293 sanitary condition.

2294 (13) The dispensary shall be free from infestation by
2295 insects, rodents, or pests.

2296 (14) A dispensing organization shall not:

2297 (a) Produce or manufacture cannabis.

2298 (b) Accept a cannabis product from an adult use cultivation
2299 center, craft grower, infuser, dispensing organization, or
2300 transporting organization unless it is pre-packaged and labeled
2301 in accordance with this chapter and any rules that may be
2302 adopted pursuant to this chapter.

2303 (c) Obtain cannabis or cannabis-infused products from
2304 outside this state.

2305 (d) Sell cannabis or cannabis-infused products to a
2306 purchaser unless the dispensary organization is a medical
2307 marijuana treatment center and the individual is a registered
2308 qualified patient or caregiver under s. 381.986 or the purchaser
2309 has been verified to be over the age of 21.

2310 (e) Enter into an exclusive agreement with any adult use
2311 cultivation center, craft grower, or infuser. Dispensaries shall
2312 provide consumers an assortment of products from various
2313 cannabis business establishment licensees such that the
2314 inventory available for sale at any dispensary from any single
2315 cultivation center, craft grower, processor, or infuser entity
2316 shall not be more than 40 percent of the total inventory
2317 available for sale. For the purpose of this subsection, a
2318 cultivation center, craft grower, processor, or infuser shall be
2319 considered part of the same entity if the licensees share at
2320 least one principal officer. The department may request that a

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2321 dispensary diversify its products as needed or otherwise
2322 discipline a dispensing organization for violating this
2323 requirement.

2324 (f) Refuse to conduct business with an adult use
2325 cultivation center, craft grower, transporting organization, or
2326 infuser that has the ability to properly deliver the product and
2327 is permitted by the Department of Agriculture, on the same terms
2328 as other adult use cultivation centers, craft growers, infusers,
2329 or transporters with whom it is dealing.

2330 (g) Operate drive-through windows.

2331 (h) Allow for the dispensing of cannabis or cannabis-
2332 infused products in vending machines.

2333 (i) Transport cannabis to residences or other locations
2334 where purchasers may be for delivery.

2335 (j) Enter into agreements to allow persons who are not
2336 dispensing organization agents to deliver cannabis or to
2337 transport cannabis to purchasers.

2338 (k) Operate a dispensary if its video surveillance
2339 equipment is inoperative.

2340 (l) Operate a dispensary if the point-of-sale equipment is
2341 inoperative.

2342 (m) Operate a dispensary if the state's cannabis electronic
2343 verification system is inoperative.

2344 (n) Have fewer than two people working at the dispensary at
2345 any time while the dispensary is open.

2346 (o) Be located within 1,500 feet of the property line of a
2347 preexisting dispensing organization.

2348 (p) Sell clones or any other live plant material.

2349 (q) Sell cannabis, cannabis concentrate, or cannabis-

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2350 infused products in combination or bundled with each other or
2351 any other items for one price, and each item of cannabis,
2352 concentrate, or cannabis-infused product must be separately
2353 identified by quantity and price on the receipt.

2354 (r) Violate any other requirements or prohibitions set by
2355 department rules.

2356 (15) It is unlawful for any person having an early approval
2357 adult use cannabis dispensing organization license, a
2358 conditional adult use cannabis dispensing organization, an adult
2359 use dispensing organization license, or a medical marijuana
2360 treatment center or any officer, associate, member,
2361 representative, or agent of such licensee to accept, receive, or
2362 borrow money or anything else of value or accept or receive
2363 credit, other than merchandising credit in the ordinary course
2364 of business for a period not to exceed 30 days, directly or
2365 indirectly, from any adult use cultivation center, craft grower,
2366 infuser, or transporting organization. This includes anything
2367 received or borrowed or from any stockholders, officers, agents,
2368 or persons connected with an adult use cultivation center, craft
2369 grower, infuser, or transporting organization. This also
2370 excludes any received or borrowed in exchange for preferential
2371 placement by the dispensing organization, including preferential
2372 placement on the dispensing organization's shelves, display
2373 cases, or website.

2374 (16) It is unlawful for any person having an early approval
2375 adult use cannabis dispensing organization license, a
2376 conditional adult use cannabis dispensing organization, an adult
2377 use dispensing organization license, or a medical marijuana
2378 treatment center to enter into any contract with any person

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2379 licensed to cultivate, process, or transport cannabis whereby
2380 such dispensary organization agrees not to sell any cannabis
2381 cultivated, processed, transported, manufactured, or distributed
2382 by any other cultivator, transporter, or infuser, and any
2383 provision in any contract in violation of this section shall
2384 render the whole of such contract void and no action shall be
2385 brought thereon in any court.

2386 566.2043 Inventory control system.-

2387 (1) A dispensing organization agent-in-charge shall have
2388 primary oversight of the dispensing organization's cannabis
2389 inventory verification system and its point-of-sale system. The
2390 inventory point-of-sale system shall be real-time, web-based,
2391 and accessible by the department at any time. The point-of-sale
2392 system shall track, at a minimum, the date of sale, amount,
2393 price, and currency.

2394 (2) A dispensing organization shall establish an account
2395 with the state's verification system that documents:

2396 (a) Each sales transaction at the time of sale and each
2397 day's beginning inventory, acquisitions, sales, disposal, and
2398 ending inventory.

2399 (b) Acquisition of cannabis and cannabis-infused products
2400 from a licensed adult use cultivation center, craft grower,
2401 infuser, or transporter, including:

2402 1. A description of the products, including the quantity,
2403 strain, variety, and batch number of each product received.

2404 2. The name and registry identification number of the
2405 licensed adult use cultivation center, craft grower, or infuser
2406 providing the cannabis and cannabis-infused products.

2407 3. The name and registry identification number of the

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2408 licensed adult use cultivation center, craft grower, infuser, or
2409 transportation agent delivering the cannabis.

2410 4. The name and registry identification number of the
2411 dispensing organization agent receiving the cannabis.

2412 5. The date of acquisition.

2413 (c) The disposal of cannabis, including:

2414 1. A description of the products, including the quantity,
2415 strain, variety, batch number, and reason for the cannabis being
2416 disposed.

2417 2. The method of disposal.

2418 3. The date and time of disposal.

2419 (3) Upon cannabis delivery, a dispensing organization shall
2420 confirm the product's name, strain name, weight, and
2421 identification number on the manifest matches the information on
2422 the cannabis product label and package. The product name listed
2423 and the weight listed in the state's verification system shall
2424 match the product packaging.

2425 (a) The agent-in-charge shall conduct daily inventory
2426 reconciliation documenting and balancing cannabis inventory by
2427 confirming the state's verification system matches the
2428 dispensing organization's point-of-sale system and the amount of
2429 physical product at the dispensary.

2430 (b) A dispensing organization must receive department
2431 approval before completing an inventory adjustment. It shall
2432 provide a detailed reason for the adjustment. Inventory
2433 adjustment documentation shall be kept at the dispensary for 2
2434 years after the date performed.

2435 (c) If the dispensing organization identifies an imbalance
2436 in the amount of cannabis after the daily inventory

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2437 reconciliation due to mistake, the dispensing organization shall
2438 determine how the imbalance occurred and immediately upon
2439 discovery take and document corrective action. If the dispensing
2440 organization cannot identify the reason for the mistake within 2
2441 calendar days after first discovery, it shall inform the
2442 department immediately in writing of the imbalance and the
2443 corrective action taken to date. The dispensing organization
2444 shall work diligently to determine the reason for the mistake.

2445 (d) If the dispensing organization identifies an imbalance
2446 in the amount of cannabis after the daily inventory
2447 reconciliation or through other means due to theft, criminal
2448 activity, or suspected criminal activity, the dispensing
2449 organization shall immediately determine how the reduction
2450 occurred and take and document corrective action. Within 24
2451 hours after the first discovery of the reduction due to theft,
2452 criminal activity, or suspected criminal activity, the
2453 dispensing organization shall inform the department and the
2454 Department of Law Enforcement in writing.

2455 (e) The dispensing organization shall file an annual
2456 compilation report with the department, including a financial
2457 statement that shall include, but not be limited to, an income
2458 statement, balance sheet, profit and loss statement, statement
2459 of cash flow, wholesale cost and sales, and any other
2460 documentation requested by the department in writing. The
2461 financial statement shall include any other information the
2462 department deems necessary in order to effectively administer
2463 this chapter and all rules, orders, and final decisions
2464 promulgated under this chapter. Statements required by this
2465 section shall be filed with the department within 60 days after

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2466 the end of the calendar year. The compilation report shall
2467 include a letter authored by a licensed certified public
2468 accountant that it has been reviewed and is accurate based on
2469 the information provided. The dispensing organization, financial
2470 statement, and accompanying documents are not required to be
2471 audited unless specifically requested by the department.

2472 (4) A dispensing organization shall:

2473 (a) Maintain the documentation required in this section in
2474 a secure locked location at the dispensing organization for 5
2475 years after the date on the document.

2476 (b) Provide any documentation required to be maintained in
2477 this section to the department for review upon request.

2478 (c) If maintaining a bank account, retain for a period of 5
2479 years a record of each deposit or withdrawal from the account.

2480 (5) If a dispensing organization chooses to have a return
2481 policy for cannabis and cannabis products, the dispensing
2482 organization shall seek prior approval from the department.

2483 566.2044 Storage requirements.—

2484 (1) Authorized on-premises storage. A dispensing
2485 organization must store inventory on its premises. All inventory
2486 stored on the premises must be secured in a restricted access
2487 area and tracked consistently with the inventory tracking rules.

2488 (2) A dispensary shall be of suitable size and construction
2489 to facilitate cleaning, maintenance, and proper operations.

2490 (3) A dispensary shall maintain adequate lighting,
2491 ventilation, temperature, humidity control, and equipment.

2492 (4) Containers storing cannabis that have been tampered
2493 with, damaged, or opened shall be labeled with the date opened
2494 and quarantined from other cannabis products in the vault until

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2495 they are disposed of.

2496 (5) Cannabis that was tampered with, expired, or damaged
2497 shall not be stored at the premises for more than 7 calendar
2498 days.

2499 (6) Cannabis samples shall be in a sealed container and
2500 maintained in the restricted access area.

2501 (7) The dispensary storage areas shall be maintained in
2502 accordance with the security requirements in this chapter and
2503 rules.

2504 (8) Cannabis must be stored at appropriate temperatures and
2505 under appropriate conditions to help ensure that its packaging,
2506 strength, quality, and purity are not adversely affected.

2507 566.2046 Dispensing cannabis.—

2508 (1) Before a dispensing organization agent dispenses
2509 cannabis to a purchaser, the agent shall:

2510 (a) Verify the age of the purchaser by checking a
2511 government-issued identification card by use of an electronic
2512 reader or electronic scanning device to scan a purchaser's
2513 government-issued identification, if applicable, to determine
2514 the purchaser's age and the validity of the identification.

2515 (b) Verify the validity of the government-issued
2516 identification card.

2517 (c) Offer any appropriate purchaser education or support
2518 materials.

2519 (d) Enter the following information into the state's
2520 cannabis electronic verification system:

2521 1. The dispensing organization agent's identification
2522 number.

2523 2. The dispensing organization's identification number.

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2524 3. The amount and type, including strain, if applicable, of
2525 cannabis or cannabis-infused product dispensed.

2526 4. The date and time the cannabis was dispensed.

2527 (2) A dispensing organization shall refuse to sell cannabis
2528 or cannabis-infused products to any person unless the person
2529 produces a valid identification showing that the person is 21
2530 years of age or older. A medical cannabis dispensing
2531 organization may sell cannabis or cannabis-infused products to a
2532 person who is under 21 years of age if the sale complies with
2533 the provisions of the s. 381.986 and rules adopted pursuant
2534 thereto.

2535 (3) For the purposes of this section, valid identification
2536 must:

2537 (a) Be valid and unexpired.

2538 (b) Contain a photograph and the date of birth of the
2539 person.

2540 566.2047 Destruction and disposal of cannabis.-

2541 (1) Cannabis and cannabis-infused products must be
2542 destroyed by rendering them unusable using methods approved by
2543 the department which comply with this chapter and rules.

2544 (2) Cannabis waste rendered unusable must be promptly
2545 disposed of according to this chapter and rules. Disposal of the
2546 cannabis waste rendered unusable may be delivered to a permitted
2547 solid waste facility for final disposition. Acceptable permitted
2548 solid waste facilities include, but are not limited to:

2549 (a) For compostable mixed waste, a compost, an anaerobic
2550 digester, or another facility approved by the jurisdictional
2551 health department.

2552 (b) For noncompostable mixed waste, a landfill, an

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2553 incinerator, or another facility approved by the jurisdictional
2554 health department.

2555 (3) All waste and unusable product shall be weighed,
2556 recorded, and entered into the inventory system before rendering
2557 it unusable. All waste and unusable cannabis concentrates and
2558 cannabis-infused products shall be recorded and entered into the
2559 inventory system before rendering it unusable. Verification of
2560 this event shall be performed by an agent-in-charge and
2561 conducted in an area with video surveillance.

2562 (4) Electronic documentation of destruction and disposal
2563 shall be maintained for a period of at least 5 years.

2564 566.2048 Agent-in-charge.—

2565 (1) Every dispensing organization shall designate, at a
2566 minimum, one agent-in-charge for each licensed dispensary. The
2567 designated agent-in-charge must hold a dispensing organization
2568 agent identification card. Maintaining an agent-in-charge is a
2569 continuing requirement for the license, except as provided in
2570 subsection (6).

2571 (2) The agent-in-charge shall be a principal officer or a
2572 full-time agent of the dispensing organization and shall manage
2573 the dispensary. Managing the dispensary includes, but is not
2574 limited to, responsibility for opening and closing the
2575 dispensary, delivery acceptance, oversight of sales and
2576 dispensing organization agents, recordkeeping, inventory,
2577 dispensing organization agent training, and compliance with this
2578 chapter and rules. Participation in affairs also includes the
2579 responsibility for maintaining all files subject to audit or
2580 inspection by the department at the dispensary.

2581 (3) The agent-in-charge is responsible for promptly

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2582 notifying the department of any change of information required
2583 to be reported to the department.

2584 (4) In determining whether an agent-in-charge manages the
2585 dispensary, the department may consider the responsibilities
2586 identified in this section, the number of dispensing
2587 organization agents under the supervision of the agent-in-
2588 charge, and the employment relationship between the agent-in-
2589 charge and the dispensing organization, including the existence
2590 of a contract for employment and any other relevant fact or
2591 circumstance.

2592 (5) The agent-in-charge is responsible for notifying the
2593 department of a change in the employment status of all
2594 dispensing organization agents within 5 business days after the
2595 change, including notice to the department if the termination of
2596 an agent was for diversion of product or theft of currency.

2597 (6) In the event of the separation of an agent-in-charge
2598 due to death, incapacity, termination, or any other reason and
2599 if the dispensary does not have an active agent-in-charge, the
2600 dispensing organization shall immediately contact the department
2601 and request a temporary certificate of authority allowing the
2602 continuing operation. The request shall include the name of an
2603 interim agent-in-charge until a replacement is identified, or
2604 shall include the name of the replacement. The department shall
2605 issue the temporary certificate of authority promptly after it
2606 approves the request. If a dispensing organization fails to
2607 promptly request a temporary certificate of authority after the
2608 separation of the agent-in-charge, its registration shall cease
2609 until the department approves the temporary certificate of
2610 authority or registers a new agent-in-charge. No temporary

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2611 certificate of authority shall be valid for more than 90 days.
2612 The succeeding agent-in-charge shall register with the
2613 department in compliance with this chapter. Once the permanent
2614 succeeding agent-in-charge is registered with the department,
2615 the temporary certificate of authority is void. No temporary
2616 certificate of authority shall be issued for the separation of
2617 an agent-in-charge due to disciplinary action by the department
2618 related to his or her conduct on behalf of the dispensing
2619 organization.

2620 (7) The dispensing organization agent-in-charge
2621 registration shall expire one year after the date it is issued.
2622 The agent-in-charge's registration shall be renewed annually.
2623 The department shall review the dispensing organization's
2624 compliance history when determining whether to grant the request
2625 to renew.

2626 (8) Upon termination of an agent-in-charge's employment,
2627 the dispensing organization shall immediately reclaim the
2628 dispensing agent identification card. The dispensing
2629 organization shall promptly return the identification card to
2630 the department.

2631 (9) The department may deny an application or renewal or
2632 discipline or revoke an agent-in-charge identification card for
2633 any of the following reasons:

2634 (a) Submission of misleading, incorrect, false, or
2635 fraudulent information in the application or renewal
2636 application;

2637 (b) Violation of the requirements of this chapter or rules
2638 adopted pursuant thereto;

2639 (c) Fraudulent use of the agent-in-charge identification

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- 2640 card;
- 2641 (d) Selling, distributing, transferring in any manner, or
- 2642 giving cannabis to any unauthorized person;
- 2643 (e) Theft of cannabis, currency, or any other items from a
- 2644 dispensary;
- 2645 (f) Tampering with, falsifying, altering, modifying, or
- 2646 duplicating an agent-in-charge identification card;
- 2647 (g) Tampering with, falsifying, altering, or modifying the
- 2648 surveillance video footage, the point-of-sale system, or the
- 2649 state's verification system;
- 2650 (h) Failure to notify the department immediately upon
- 2651 discovery that the agent-in-charge identification card has been
- 2652 lost, stolen, or destroyed;
- 2653 (i) Failure to notify the department within 5 business days
- 2654 after a change in the information provided in the application
- 2655 for an agent-in-charge identification card;
- 2656 (j) Conviction of a felony offense in accordance with or
- 2657 any incident listed in this chapter or rules following the
- 2658 issuance of an agent-in-charge identification card;
- 2659 (k) Dispensing to purchasers in amounts above the limits
- 2660 provided in this chapter; or
- 2661 (l) Delinquency in filing any required tax returns or
- 2662 paying any amounts owed to the state.
- 2663 566.20485 Security.—
- 2664 (1) A dispensing organization shall implement security
- 2665 measures to deter and prevent entry into the facility and theft
- 2666 of cannabis or currency.
- 2667 (2) A dispensing organization shall submit any changes to
- 2668 the floor plan or security plan to the department for

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2669 preapproval. All cannabis shall be maintained and stored in a
2670 restricted access area during construction.

2671 (3) The dispensing organization shall implement security
2672 measures to protect the premises, purchasers, and dispensing
2673 organization agents, including, but not limited to, measures
2674 that:

2675 (a) Establish a locked door or barrier between the
2676 facility's entrance and the limited access area.

2677 (b) Prevent individuals from remaining on the premises if
2678 they are not engaging in activity permitted by this chapter or
2679 rules adopted pursuant thereto.

2680 (c) Develop a policy that addresses the maximum capacity
2681 and purchaser flow in the waiting rooms and limited access
2682 areas.

2683 (d) Dispose of cannabis in accordance with this chapter and
2684 rules adopted pursuant thereto.

2685 (e) During the hours of operation, store and dispense all
2686 cannabis from the restricted access area. During operational
2687 hours, cannabis shall be stored in an enclosed locked room or
2688 cabinet and accessible only to specifically authorized
2689 dispensing organization agents.

2690 (f) When the dispensary is closed, store all cannabis and
2691 currency in a reinforced vault room in the restricted access
2692 area and in a manner as to prevent diversion, theft, or loss.

2693 (g) Keep the reinforced vault room and any other equipment
2694 or cannabis storage areas securely locked and protected from
2695 unauthorized entry.

2696 (h) Keep an electronic daily log of dispensing organization
2697 agents with access to the reinforced vault room and knowledge of

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- 2698 the access code or combination.
- 2699 (i) Keep all locks and security equipment in good working
2700 order.
- 2701 (j) Maintain an operational security and alarm system at
2702 all times.
- 2703 (k) Prohibit keys, if applicable, from being left in the
2704 locks, or stored or placed in a location accessible to persons
2705 other than specifically authorized personnel.
- 2706 (l) Prohibit accessibility of security measures, including
2707 combination numbers, passwords, or electronic or biometric
2708 security systems, to persons other than specifically authorized
2709 dispensing organization agents.
- 2710 (m) Ensure that the dispensary interior and exterior
2711 premises are sufficiently lit to facilitate surveillance.
- 2712 (n) Ensure that trees, bushes, and other foliage outside of
2713 the dispensary premises do not allow for a person or persons to
2714 conceal themselves from sight.
- 2715 (o) Develop emergency policies and procedures for securing
2716 all product and currency following any instance of diversion,
2717 theft, or loss of cannabis, and conduct an assessment to
2718 determine whether additional safeguards are necessary.
- 2719 (p) Develop sufficient additional safeguards in response to
2720 any special security concerns, or as required by the department.
- 2721 (4) The department may request or approve alternative
2722 security provisions that it determines are an adequate
2723 substitute for a security requirement specified in this chapter.
2724 Any additional protections may be considered by the department
2725 in evaluating overall security measures.
- 2726 (5) A dispensary organization may share premises with a

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2727 craft grower or an infuser organization, or both, provided each
2728 licensee stores currency and cannabis or cannabis-infused
2729 products in a separate secured vault to which the other licensee
2730 does not have access or all licensees sharing a vault share more
2731 than 50 percent of the same ownership.

2732 (6) A dispensing organization shall provide additional
2733 security as needed and in a manner appropriate for the community
2734 where it operates.

2735 (7) All restricted access areas must:

2736 (a) Be identified by the posting of a sign that is a
2737 minimum of 12 inches by 12 inches and that states "Do Not Enter
2738 - Restricted Access Area - Authorized Personnel Only" in
2739 lettering no smaller than one inch in height.

2740 (b) Be clearly described in the floor plan of the premises,
2741 in the form and manner determined by the department, reflecting
2742 walls, partitions, counters, and all areas of entry and exit.
2743 The floor plan shall show all storage, disposal, and retail
2744 sales areas.

2745 (c) Be secure, with locking devices that prevent access
2746 from the limited access areas.

2747 (8) (a) A dispensing organization shall have an adequate
2748 security plan and security system to prevent and detect
2749 diversion, theft, or loss of cannabis, currency, or unauthorized
2750 intrusion using commercial grade equipment installed by a
2751 licensed private alarm contractor or private alarm contractor
2752 agency which shall, at a minimum, include:

2753 1. A perimeter alarm on all entry points and glass break
2754 protection on perimeter windows.

2755 2. Security shatterproof tinted film on exterior windows.

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2756 3. A failure notification system that provides an audible,
2757 text, or visual notification of any failure in the surveillance
2758 system, including, but not limited to, panic buttons, alarms,
2759 and video monitoring system. The failure notification system
2760 shall provide an alert to designated dispensing organization
2761 agents within 5 minutes after the failure, either by telephone
2762 or text message.

2763 4. A duress alarm, panic button, and alarm, or holdup alarm
2764 and after-hours intrusion detection alarm that by design and
2765 purpose will directly or indirectly notify, by the most
2766 efficient means, the public safety answering point for the law
2767 enforcement agency having primary jurisdiction.

2768 5. Security equipment to deter and prevent unauthorized
2769 entrance into the dispensary, including electronic door locks on
2770 the limited and restricted access areas which include devices or
2771 a series of devices to detect unauthorized intrusion which may
2772 include a signal system interconnected with a radio frequency
2773 method, cellular, private radio signals or other mechanical or
2774 electronic device.

2775 (b) All security system equipment and recordings shall be
2776 maintained in good working order, in a secure location so as to
2777 prevent theft, loss, destruction, or alterations.

2778 (c) Access to surveillance monitoring recording equipment
2779 shall be limited to persons who are essential to surveillance
2780 operations, law enforcement authorities acting within their
2781 jurisdiction, security system service personnel, and the
2782 department. A current list of authorized dispensing organization
2783 agents and service personnel that have access to the
2784 surveillance equipment must be available to the department upon

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2785 request.

2786 (d) All security equipment shall be inspected and tested at
2787 regular intervals, not to exceed one month from the previous
2788 inspection, and tested to ensure the systems remain functional.

2789 (e) The security system shall provide protection against
2790 theft and diversion that is facilitated or hidden by tampering
2791 with computers or electronic records.

2792 (f) The dispensary shall ensure all access doors are not
2793 solely controlled by an electronic access panel to ensure that
2794 locks are not released during a power outage.

2795 (9) To monitor the dispensary, the dispensing organization
2796 shall incorporate continuous electronic video monitoring
2797 including the following:

2798 (a) All monitors must be 19 inches or greater.

2799 (b) Unobstructed video surveillance of all enclosed
2800 dispensary areas, unless prohibited by law, including all points
2801 of entry and exit that shall be appropriate for the normal
2802 lighting conditions of the area under surveillance. The cameras
2803 shall be directed so all areas are captured, including, but not
2804 limited to, safes, vaults, sales areas, and areas where cannabis
2805 is stored, handled, dispensed, or destroyed. Cameras shall be
2806 angled to allow for facial recognition, the capture of clear and
2807 certain identification of any person entering or exiting the
2808 dispensary area and in lighting sufficient during all times of
2809 night or day.

2810 (c) Unobstructed video surveillance of outside areas, the
2811 storefront, and the parking lot, which shall be appropriate for
2812 the normal lighting conditions of the area under surveillance.
2813 Cameras shall be angled so as to allow for the capture of facial

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2814 recognition, clear and certain identification of any person
2815 entering or exiting the dispensary and the immediate surrounding
2816 area, and license plates of vehicles in the parking lot.

2817 (d) Twenty-four hour recordings from all video cameras
2818 available for immediate viewing by the department upon request.
2819 Recordings shall not be destroyed or altered and shall be
2820 retained for at least 90 days. Recordings shall be retained as
2821 long as necessary if the dispensing organization is aware of the
2822 loss or theft of cannabis or a pending criminal, civil, or
2823 administrative investigation or legal proceeding for which the
2824 recording may contain relevant information.

2825 (e) The ability to immediately produce a clear, color still
2826 photo from the surveillance video, either live or recorded.

2827 (f) A date and time stamp embedded on all video
2828 surveillance recordings. The date and time shall be synchronized
2829 and set correctly and shall not significantly obscure the
2830 picture.

2831 (g) The ability to remain operational during a power outage
2832 and ensure all access doors are not solely controlled by an
2833 electronic access panel to ensure that locks are not released
2834 during a power outage.

2835 (h) All video surveillance equipment shall allow for the
2836 exporting of still images in an industry standard image format,
2837 including .jpg, .bmp, and .gif. Exported video shall have the
2838 ability to be archived in a proprietary format that ensures
2839 authentication of the video and guarantees that no alteration of
2840 the recorded image has taken place. Exported video shall also
2841 have the ability to be saved in an industry standard file format
2842 that can be played on a standard computer operating system. All

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2843 recordings shall be erased or destroyed before disposal.

2844 (i) The video surveillance system shall be operational
2845 during a power outage with a 4-hour minimum battery backup.

2846 (j) A video camera or cameras recording at each point-of-
2847 sale location allowing for the identification of the dispensing
2848 organization agent distributing the cannabis and any purchaser.
2849 The camera or cameras shall capture the sale, the individuals
2850 and the computer monitors used for the sale.

2851 (k) A failure notification system that provides an audible
2852 and visual notification of any failure in the electronic video
2853 monitoring system.

2854 (l) All electronic video surveillance monitoring must
2855 record at least the equivalent of 8 frames per second and be
2856 available as recordings to the department and the Department of
2857 Law Enforcement 24 hours a day via a secure web-based portal
2858 with reverse functionality.

2859 (10) The requirements contained in this chapter are minimum
2860 requirements for operating a dispensing organization. The
2861 department may establish additional requirements by rule.

2862 566.2049 Recordkeeping.—

2863 (1) Dispensing organization records must be maintained
2864 electronically for 3 years and be available for inspection by
2865 the department upon request. Required written records include,
2866 but are not limited to, the following:

2867 (a) Operating procedures.

2868 (b) Inventory records, policies, and procedures.

2869 (c) Security records.

2870 (d) Audit records.

2871 (e) Staff training plans and completion documentation.

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2872 (f) Staffing plan.

2873 (g) Business records, including, but not limited to:

2874 1. Assets and liabilities.

2875 2. Monetary transactions.

2876 3. Written or electronic accounts, including bank

2877 statements, journals, ledgers, and supporting documents,

2878 agreements, checks, invoices, receipts, and vouchers.

2879 4. Any other financial accounts reasonably related to the

2880 dispensary operations.

2881 (2) Storage and transfer of records. If a dispensary closes

2882 due to insolvency, revocation, bankruptcy, or for any other

2883 reason, all records must be preserved at the expense of the

2884 dispensing organization for at least 3 years in a form and

2885 location in this state acceptable to the department. The

2886 dispensing organization shall keep the records longer if

2887 requested by the department. The dispensing organization shall

2888 notify the department of the location where the dispensary

2889 records are stored or to which they are transferred.

2890 566.205 Closure of a dispensary.—

2891 (1) If a dispensing organization decides not to renew its

2892 license or decides to close its business, it shall promptly

2893 notify the department not less than 3 months before the

2894 effective date of the closing date or as otherwise authorized by

2895 the department.

2896 (2) The dispensing organization shall work with the

2897 department to develop a closure plan that addresses, at a

2898 minimum, the transfer of business records, transfer of cannabis

2899 products, and anything else the department finds necessary.

2900 566.206 Investigations.—

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2901 (1) Dispensing organizations are subject to random and
2902 unannounced dispensary inspections and cannabis testing by the
2903 department, the Department of Law Enforcement, and local law
2904 enforcement.

2905 (2) The department and its authorized representatives may
2906 enter any place, including a vehicle, in which cannabis is held,
2907 stored, dispensed, sold, produced, delivered, transported,
2908 manufactured, or disposed of and inspect, in a reasonable
2909 manner, the place and all pertinent equipment, containers and
2910 labeling, and all things, including records, files, financial
2911 data, sales data, shipping data, pricing data, personnel data,
2912 research, papers, processes, controls, and facility, and
2913 inventory any stock of cannabis and obtain samples of any
2914 cannabis or cannabis-infused product, any labels or containers
2915 for cannabis, or paraphernalia.

2916 (3) The department may conduct an investigation of an
2917 applicant, application, dispensing organization, principal
2918 officer, dispensary agent, third party vendor, or other party
2919 associated with a dispensing organization for an alleged
2920 violation of this chapter or rules or to determine
2921 qualifications to be granted a registration by the department.

2922 (4) The department may require an applicant or holder of
2923 any license issued pursuant to this chapter to produce
2924 documents, records, or any other material pertinent to the
2925 investigation of an application or alleged violations of this
2926 chapter or rules. Failure to provide the required material may
2927 be grounds for denial or discipline.

2928 (5) Every person charged with preparing, obtaining, or
2929 keeping records, logs, reports, or other documents in connection

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2930 with this chapter and rules and every person in charge, or
2931 having custody, of those documents shall, upon request by the
2932 department, make the documents immediately available for
2933 inspection and copying by the department, the department's
2934 authorized representative, or others authorized by law to review
2935 the documents.

2936 566.2065 Citations.—The department may issue
2937 nondisciplinary citations for minor violations. Any such
2938 citation issued by the department may be accompanied by a fee.
2939 The fee shall not exceed \$20,000 per violation. The citation
2940 shall be issued to the licensee and shall contain the licensee's
2941 name and address, the licensee's license number, a brief factual
2942 statement, the sections of the law allegedly violated, and the
2943 fee, if any, imposed. The citation must clearly state that the
2944 licensee may choose, in lieu of accepting the citation, to
2945 request a hearing. If the licensee does not dispute the matter
2946 in the citation with the department within 30 days after the
2947 citation is served, then the citation shall become final and not
2948 subject to appeal. The penalty shall be a fee or other
2949 conditions as established by rule.

2950 566.2068 Grounds for discipline.—

2951 (1) The department may deny issuance, refuse to renew or
2952 restore, or reprimand, place on probation, suspend, revoke, or
2953 take other disciplinary or nondisciplinary action against any
2954 license or agent identification card or may impose a fine for
2955 any of the following:

2956 (a) Material misstatement in furnishing information to the
2957 department.

2958 (b) Violations of this chapter or rules.

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2959 (c) Obtaining an authorization or license by fraud or
2960 misrepresentation.

2961 (d) A pattern of conduct that demonstrates incompetence or
2962 that the applicant has engaged in conduct or actions that would
2963 constitute grounds for discipline under this chapter.

2964 (e) Aiding or assisting another person in violating any
2965 provision of this chapter or rules.

2966 (f) Failing to respond to a written request for information
2967 by the department within 30 days.

2968 (g) Engaging in unprofessional, dishonorable, or unethical
2969 conduct of a character likely to deceive, defraud, or harm the
2970 public.

2971 (h) Adverse action by another United States jurisdiction or
2972 foreign nation.

2973 (i) A finding by the department that the licensee, after
2974 having his or her license placed on suspended or probationary
2975 status, has violated the terms of the suspension or probation.

2976 (j) Conviction, entry of a plea of guilty or nolo
2977 contendere, or the equivalent in a state or federal court of a
2978 principal officer or agent-in-charge of a felony offense.

2979 (k) Excessive use or addiction to alcohol, narcotics,
2980 stimulants, or any other chemical agent or drug.

2981 (l) A finding by the department of a discrepancy in a
2982 department audit of cannabis.

2983 (m) A finding by the department of a discrepancy in a
2984 department audit of capital or funds.

2985 (n) A finding by the department of acceptance of cannabis
2986 from a source other than an adult use cultivation center, craft
2987 grower, infuser, or transporting organization licensed by the

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2988 department, or a dispensing organization licensed by the
2989 department.

2990 (o) An inability to operate using reasonable judgment,
2991 skill, or safety due to physical or mental illness or other
2992 impairment or disability, including, without limitation,
2993 deterioration through the aging process or loss of motor skills
2994 or mental incompetence.

2995 (p) Failing to report to the department within the time
2996 frames established, or, if not identified, 14 days, after any
2997 adverse action taken against the dispensing organization or an
2998 agent by a licensing jurisdiction in any state or any territory
2999 of the United States or any foreign jurisdiction, any
3000 governmental agency, any law enforcement agency, or any court.

3001 (q) Any violation of the dispensing organization's policies
3002 and procedures submitted to the department annually as a
3003 condition for licensure.

3004 (r) Failure to inform the department of any change of
3005 address within 10 business days.

3006 (s) Disclosing customer names, personal information, or
3007 protected health information in violation of any state or
3008 federal law.

3009 (t) Operating a dispensary before obtaining a license from
3010 the department.

3011 (u) Performing duties authorized by this chapter before
3012 receiving a license to perform such duties.

3013 (v) Dispensing cannabis when prohibited by this chapter or
3014 rules.

3015 (w) Any fact or condition that, if it had existed at the
3016 time of the original application for the license, would have

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3017 warranted the denial of the license.

3018 (x) Permitting a person without a valid agent
3019 identification card to perform licensed activities under this
3020 chapter.

3021 (y) Failure to assign an agent-in-charge as required by
3022 this chapter.

3023 (z) Failure to provide the responsible vendor training
3024 required by s. 566.2033(9) (c) within the provided timeframe.

3025 (aa) Personnel insufficient in number or unqualified in
3026 training or experience to properly operate the dispensary
3027 business.

3028 (bb) Any pattern of activity that causes a harmful impact
3029 on the community.

3030 (cc) Failing to prevent diversion, theft, or loss of
3031 cannabis.

3032 (2) All fines and fees imposed under this section shall be
3033 paid within 60 days after the effective date of the order
3034 imposing the fine or as otherwise specified in the order.

3035 (3) A circuit court order establishing that an agent-in-
3036 charge or principal officer holding an agent identification card
3037 is subject to involuntary admission shall operate as a
3038 suspension of that card.

3039 566.2069 Temporary suspension.—

3040 (1) The department may temporarily suspend a dispensing
3041 organization license or an agent registration without a hearing
3042 if the department finds that public safety or welfare requires
3043 emergency action. The department shall cause the temporary
3044 suspension by issuing a suspension notice in connection with the
3045 institution of proceedings for a hearing.

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3046 (2) If the department temporarily suspends a license or
3047 agent registration without a hearing, the licensee or agent is
3048 entitled to a hearing within 45 days after the suspension notice
3049 has been issued. The hearing shall be limited to the issues
3050 cited in the suspension notice, unless all parties agree
3051 otherwise.

3052 (3) If the department does not hold a hearing with 45 days
3053 after the date the suspension notice was issued, the suspended
3054 license or registration shall be automatically reinstated and
3055 the suspension vacated.

3056 (4) The suspended licensee or agent may seek a continuance
3057 of the hearing date, during which time the suspension remains in
3058 effect and the license or registration shall not be
3059 automatically reinstated.

3060 (5) Subsequently discovered causes of action by the
3061 department after the issuance of the suspension notice may be
3062 filed as a separate notice of violation. The department is not
3063 precluded from filing a separate action against the suspended
3064 licensee or agent.

3065 566.20695 Consent to administrative supervision order.—In
3066 appropriate cases, the department may resolve a complaint
3067 against a licensee or agent through the issuance of a consent
3068 order for administrative supervision. A license or agent subject
3069 to a consent order shall be considered by the department to hold
3070 a license or registration in good standing.

3071 566.2072 Notice; hearing.—

3072 (1) The department shall, before disciplining an applicant
3073 or licensee, at least 30 days before the date set for the
3074 hearing:

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3075 (a) Notify the accused in writing of the charges made and
3076 the time and place for the hearing on the charges.

3077 (b) Direct him or her to file a written answer to the
3078 charges under oath within 20 days after service.

3079 (c) Inform the applicant or licensee that failure to answer
3080 will result in a default being entered against the applicant or
3081 licensee.

3082 (2) At the time and place fixed in the notice, the hearing
3083 officer appointed by the department shall proceed to hear the
3084 charges, and the parties or their counsel shall be accorded
3085 ample opportunity to present any pertinent statements,
3086 testimony, evidence, and arguments. The hearing officer may
3087 continue the hearing from time to time. In case the person,
3088 after receiving the notice, fails to file an answer, his or her
3089 license may, in the discretion of the department, having first
3090 received the recommendation of the hearing officer, be
3091 suspended, revoked, or placed on probationary status, or be
3092 subject to whatever disciplinary action the department considers
3093 proper, including a fine, without hearing, if the act or acts
3094 charged constitute sufficient grounds for that action under this
3095 chapter.

3096 (3) The written notice and any notice in the subsequent
3097 proceeding may be served by regular mail or e-mail to the
3098 licensee's or applicant's address of record.

3099 566.2073 Subpoenas; oaths.—The department may subpoena and
3100 bring before it any person and take testimony either orally or
3101 by deposition, or both, with the same fees and mileage and in
3102 the same manner as prescribed by law in judicial proceedings in
3103 civil cases in courts in this state. The department or the

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3104 hearing officer shall each have the power to administer oaths to
3105 witnesses at any hearings that the department is authorized to
3106 conduct.

3107 566.2074 Hearing; motion for rehearing.—

3108 (1) The hearing officer shall hear evidence in support of
3109 the formal charges and evidence produced by the licensee. At the
3110 conclusion of the hearing, the hearing officer shall present to
3111 the department a written report of his or her findings of fact,
3112 conclusions of law, and recommendations.

3113 (2) At the conclusion of the hearing, a copy of the hearing
3114 officer's report shall be served upon the applicant or licensee
3115 by the department, either personally or as provided in this
3116 chapter for the service of a notice of hearing. Within 20
3117 calendar days after service, the applicant or licensee may
3118 present in writing to the department a motion for rehearing,
3119 which must specify the particular grounds for rehearing. The
3120 department may respond to the motion for rehearing within 20
3121 calendar days after its service on the department. If a motion
3122 for rehearing is not filed, upon the expiration of the time
3123 specified for filing such motion or upon denial of a motion for
3124 rehearing, the department may enter an order in accordance with
3125 the recommendation of the hearing officer. If the applicant or
3126 licensee orders from the reporting service and pays for a
3127 transcript of the record within the time for filing a motion for
3128 rehearing, the 20-day period within which a motion may be filed
3129 commences upon the delivery of the transcript to the applicant
3130 or licensee.

3131 (3) If the department disagrees with any aspect of the
3132 report of the hearing officer, the department may issue an order

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3133 contrary to the report.

3134 (4) Whenever the department is not satisfied that
3135 substantial justice has been done, the department may order a
3136 rehearing by the same or another hearing officer.

3137 (5) At any point in an investigation or a disciplinary
3138 proceeding under in this chapter, both parties may agree to a
3139 negotiated consent order. The consent order must be final upon
3140 signature of the secretary.

3141 566.301 Issuance of adult use cultivation center licenses.-
3142 On or after July 1, 2021, the department by rule may:

3143 (1) Modify or change the number of cultivation center
3144 licenses available, which at no time may exceed 30 cultivation
3145 center licenses. In determining whether to exercise the
3146 authority granted under this subsection, the department must
3147 consider all of the following factors:

3148 (a) The percentage of cannabis sales occurring in this
3149 state using the best available data to ascertain total cannabis
3150 consumption in this state compared to the amount of sales in
3151 licensed dispensing organizations.

3152 (b) Whether there is an adequate supply of cannabis and
3153 cannabis-infused products to serve registered qualified
3154 patients.

3155 (c) Whether there is an adequate supply of cannabis and
3156 cannabis-infused products to serve purchasers.

3157 (d) Whether there is an oversupply of cannabis in this
3158 state leading to trafficking of cannabis to any other state.

3159 (e) Population increases or shifts.

3160 (f) Changes to federal law.

3161 (g) The past security records of cultivation centers.

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3162 (h) The department's capacity to appropriately regulate
3163 additional licensees.

3164 (i) Any other criteria the department deems relevant.

3165 (2) Modify or change the licensing application process to
3166 reduce or eliminate the barriers to entry and remedy evidence of
3167 discrimination.

3168 566.3011 Early approval of adult use cultivation center
3169 license.-

3170 (1) Any medical marijuana treatment center licensed and in
3171 good standing as of the effective date of this act may, within
3172 60 days of the effective date of this act, but no later than 180
3173 days from the effective date of this act, apply to the
3174 department for an early approval adult use cultivation center
3175 license to produce cannabis and cannabis-infused products at its
3176 existing facilities as of the effective date of this act.

3177 (2) A medical marijuana treatment center seeking issuance
3178 of an early approval adult use cultivation center license shall
3179 submit an application on forms provided by the department. The
3180 application must meet the following requirements and include the
3181 following information, as applicable:

3182 (a) Payment of a nonrefundable application fee as provided
3183 in s. 566.801 to be deposited into the Alcoholic Beverage,
3184 Marijuana, and Tobacco Trust Fund.

3185 (b) Proof of registration as a medical marijuana treatment
3186 center that is in good standing.

3187 (c) Submission of the application by the same person or
3188 entity that holds the medical marijuana treatment center
3189 registration.

3190 (d) Certification that the applicant will comply with the

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3191 requirements of s. 566.3016.

3192 (e) The legal name of the cultivation center.

3193 (f) The physical address of the cultivation center.

3194 (g) The name, address, social security number, and date of
3195 birth of each principal officer and board member of the
3196 cultivation center, each of whom must be at least 21 years of
3197 age.

3198 (h) Payment of the nonrefundable cannabis business
3199 development fee as provided in s. 566.801, to be deposited into
3200 the Cannabis Business Development Fund.

3201 (i) A commitment to completing one of the following social
3202 equity inclusion plans before the expiration of the early
3203 approval adult use cultivation center license:

3204 1. Making a contribution as provided in s. 566.801 to one
3205 of the following:

3206 a. The Cannabis Business Development Fund. This is in
3207 addition to the fee required by paragraph (h).

3208 b. A cannabis industry training or education program at a
3209 Florida College System institution.

3210 c. A program that provides job training services to persons
3211 recently incarcerated or that operates in a disproportionately
3212 impacted area.

3213 2. Participate as a host for at least 1 year in a cannabis
3214 business incubator program approved by the Department of
3215 Economic Opportunity in which an early approval adult use
3216 cultivation center licensee agrees to provide a loan of at least
3217 \$100,000 and mentorship to incubate a licensee that qualifies as
3218 a social equity applicant. As used in this section, the term
3219 "incubate" means to provide direct financial assistance and

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3220 training necessary to engage in licensed cannabis industry
3221 activity similar to that of the host licensee. The early
3222 approval adult use cultivation center license holder or the same
3223 entity holding any other licenses issued pursuant to this
3224 chapter may not take an ownership stake of greater than 10
3225 percent in any business receiving incubation services to comply
3226 with this subsection. If an early approval adult use cultivation
3227 center licensee fails to identify an incubation partner before
3228 its early approval adult use cultivation center license expires,
3229 the licensee may opt to meet the requirements of this paragraph
3230 by completing another item from this subsection before the
3231 expiration of its early approval adult use cultivation center
3232 license to avoid a penalty.

3233 (3) An early approval adult use cultivation center license
3234 is valid until March 31, 2023. A cultivation center that obtains
3235 an early approval adult use cultivation center license must be
3236 given at least 90 days' advance written or electronic notice of
3237 the expiration of the license, which must inform the licensee
3238 that it may renew its early approval adult use cultivation
3239 center license. The department shall grant a renewal of an early
3240 approval adult use cultivation center license within 60 days
3241 after submission of an application if:

3242 (a) The cultivation center submits an application and the
3243 required renewal fee as provided in s. 566.801 for an early
3244 approval adult use cultivation center license.

3245 (b) The department has not suspended or revoked the license
3246 of the cultivation center for violating this chapter or rules
3247 adopted under this chapter.

3248 (c) The cultivation center has complied with paragraph

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3249 (2) (i).

3250 (d) An early approval adult use cultivation center license
3251 renewed pursuant to this subsection expires March 31, 2022. The
3252 early approval adult use cultivation center licensee must be
3253 given at least 90 days' advance written or electronic notice
3254 that the license will expire, which must inform the licensee
3255 that it may apply for an adult use cultivation center license.
3256 The department shall grant an adult use dispensing organization
3257 license within 60 days after it deems an application complete if
3258 the applicant meets all of the criteria in s. 566.3014.

3259 (4) The license fee imposed by s. 566.801 is in addition to
3260 any license fee required for the renewal of a registered medical
3261 marijuana treatment center license that expires during the
3262 effective period of the early approval adult use cultivation
3263 center license.

3264 (5) Applicants must submit all required information to the
3265 department. Failure by an applicant to submit all such
3266 information may result in the application being disqualified.

3267 (6) If the department receives an application that is
3268 missing information, the department may issue a deficiency
3269 notice to the applicant. The applicant has 10 calendar days
3270 after the date of the deficiency notice to submit the missing
3271 information. Applications that are still incomplete after this
3272 opportunity to cure may be disqualified.

3273 (7) If an applicant meets the requirements of subsection
3274 (2), the department shall issue the early approval adult use
3275 cultivation center license within 14 days after receiving the
3276 application unless any of the following applies:

3277 (a) The licensee; a principal officer, a board member, or a

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3278 person having a financial or voting interest of 5 percent or
3279 greater in the licensee; or an agent is delinquent in filing any
3280 required tax returns or paying any amounts owed to the state.

3281 (b) The department determines there is reason to conclude,
3282 based on the number of documented compliance violations, that
3283 the licensee is not entitled to an early approval adult use
3284 cultivation center license.

3285 (c) The licensee fails to comply with requirements related
3286 to the social equity inclusion plan.

3287 (8) A cultivation center may begin producing cannabis and
3288 cannabis-infused products once the early approval adult use
3289 cultivation center license is approved. A cultivation center
3290 that obtains an early approval adult use cultivation center
3291 license may begin selling cannabis and cannabis-infused products
3292 on December 1, 2021.

3293 (9) An early approval adult use cultivation center licensee
3294 must continue to produce and provide an adequate supply of
3295 cannabis and cannabis-infused products for purchase by qualified
3296 patients and caregivers. For the purposes of this subsection,
3297 the term "adequate supply" means a monthly production level that
3298 is comparable in type and quantity to those medical cannabis
3299 products produced for patients and caregivers on an average
3300 monthly basis for the 6 months before the effective date of this
3301 act.

3302 (10) If there is a shortage of cannabis or cannabis-infused
3303 products, a licensee shall prioritize qualified patients and
3304 caregivers under s. 316.986 over adult use purchasers.

3305 (11) If an early approval adult use cultivation center
3306 licensee fails to submit an application for an adult use

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3307 cultivation center license before the expiration of the early
3308 approval adult use cultivation center license as provided in
3309 subsection (3), the cultivation center must cease adult use
3310 cultivation until it receives an adult use cultivation center
3311 license.

3312 (12) If a cultivation center licensee also holds a medical
3313 marijuana treatment center license issued under s. 381.986, the
3314 department may suspend or revoke the medical marijuana treatment
3315 center license concurrently with the early approval adult use
3316 cultivation center license.

3317 (13) All fees or fines collected from an early approval
3318 adult use cultivation center licensee as a result of a
3319 disciplinary action taken in connection with the enforcement of
3320 this chapter must be deposited into the Alcoholic Beverage,
3321 Marijuana, and Tobacco Trust Fund.

3322 566.3012 Conditional adult use cultivation center
3323 application.-

3324 (1) If the department makes available additional
3325 cultivation center licenses, applicants for a conditional adult
3326 use cultivation center license must electronically submit the
3327 following in such form as the department may direct:

3328 (a) The nonrefundable application fee established by
3329 department rule, to be deposited into the Alcoholic Beverage,
3330 Marijuana, and Tobacco Trust Fund.

3331 (b) The legal name of the cultivation center.

3332 (c) The proposed physical address of the cultivation
3333 center.

3334 (d) The name, address, social security number, and date of
3335 birth of each principal officer and board member of the

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3336 cultivation center, each of whom must be at least 21 years of
3337 age.

3338 (e) The details of any administrative or judicial
3339 proceeding in which any of the principal officers or board
3340 members of the cultivation center pled guilty, were convicted,
3341 were fined, or had a registration or license suspended or
3342 revoked, or managed or served on the board of a business or
3343 nonprofit organization that pled guilty, was convicted, was
3344 fined, or had a registration or license suspended or revoked.

3345 (f) Proposed operating bylaws that include procedures for
3346 the oversight of the cultivation center, including the
3347 development and implementation of a plant monitoring system,
3348 accurate recordkeeping, a staffing plan, and a security plan
3349 approved by the Department of Law Enforcement which are in
3350 accordance with department rule. A cultivation center shall
3351 perform a physical inventory of all plants and cannabis on a
3352 weekly basis by the cultivation center.

3353 (g) Verification from the Department of Law Enforcement
3354 that all background checks of the prospective principal
3355 officers, board members, and agents of the cannabis business
3356 establishment have been conducted.

3357 (h) A copy of any applicable current local zoning ordinance
3358 or permit and verification that the proposed cultivation center
3359 is in compliance with the local zoning rules and any distance
3360 limitations established by the local jurisdiction.

3361 (i) Proposed employment practices, in which the applicant
3362 must demonstrate a plan of action to inform, hire, and educate
3363 minorities, women, veterans, and persons with disabilities;
3364 engage in fair labor practices; and provide worker protections.

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3365 (j) A statement as to whether an applicant can demonstrate
3366 experience in, or business practices that promote, economic
3367 empowerment in disproportionately impacted areas.

3368 (k) Experience with the cultivation of agricultural or
3369 horticultural products or operating an agricultural or
3370 horticultural business.

3371 (l) A description of the enclosed, locked facility where
3372 cannabis will be grown, harvested, manufactured, processed,
3373 packaged, or otherwise prepared for distribution to a dispensing
3374 organization.

3375 (m) A survey of the enclosed, locked facility, including
3376 the space used for cultivation.

3377 (n) Cultivation, processing, inventory, and packaging
3378 plans.

3379 (o) A description of the applicant's experience with
3380 agricultural cultivation techniques and industry standards.

3381 (p) A list of any academic degrees, certifications, or
3382 relevant experience of all prospective principal officers, board
3383 members, and agents of the cultivation center.

3384 (q) The name and address of each person having a financial
3385 or voting interest of 5 percent or greater in the cultivation
3386 center operation with respect to which the license is sought,
3387 whether a trust, corporation, partnership, limited liability
3388 company, or sole proprietorship.

3389 (r) A plan describing how the cultivation center will
3390 address each of the following:

3391 1. Energy needs, including estimates of monthly electricity
3392 and gas usage; the extent to which it will procure energy from a
3393 local utility or from on-site generation; and if it has adopted

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3394 or will adopt a sustainable energy use and energy conservation
3395 policy.

3396 2. Water needs, including estimated water draw, and if it
3397 has adopted or will adopt a sustainable water use and water
3398 conservation policy.

3399 3. Waste management, including if it has adopted or will
3400 adopt a waste reduction policy.

3401 (s) A diversity plan that includes a narrative of not more
3402 than 2,500 words which establishes a goal of diversity in
3403 ownership, management, employment, and contracting to ensure
3404 that diverse participants and groups are afforded equality of
3405 opportunity.

3406 (t) A recycling plan that includes requirements that:

3407 1. Purchaser packaging, including cartridges, be accepted
3408 by the applicant and recycled.

3409 2. Any recyclable waste generated by the cannabis
3410 cultivation facility be recycled per applicable state and local
3411 laws, ordinances, and rules.

3412 3. Any cannabis waste, liquid waste, or hazardous waste be
3413 disposed of so that, to the greatest extent feasible, all
3414 cannabis plant waste will be rendered unusable by grinding and
3415 incorporating the cannabis plant waste with compostable mixed
3416 waste.

3417 (u) A commitment to remain in compliance with applicable
3418 state and federal environmental requirements, including:

3419 1. Storing, securing, and managing all recyclables and
3420 waste, including organic waste composed of or containing
3421 finished cannabis and cannabis products, in accordance with
3422 applicable state and local laws, ordinances, and rules.

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3423 2. Disposing liquid waste containing cannabis or byproducts
3424 of cannabis processing in compliance with all applicable state
3425 and federal requirements, including the cannabis cultivation
3426 facility's permits under the Environmental Protection Act.

3427 (v) A commitment to a technology standard for resource
3428 efficiency of the cultivation center facility.

3429 1. A cannabis cultivation facility must commit to use
3430 resources, including energy and water, efficiently. A cannabis
3431 cultivation facility must commit to meet or exceed the
3432 technology standard identified for the following, which may be
3433 modified by rule:

3434 a. Lighting systems, including light bulbs.

3435 b. HVAC system.

3436 c. Water application system to the crop.

3437 d. Filtration system for removing contaminants from
3438 wastewater.

3439 2. The lighting power densities (LPD) for cultivation space
3440 may not exceed an average of 36 watts per gross square foot of
3441 active and growing space canopy, or all installed lighting
3442 technology must meet a photosynthetic photon efficacy (PPE) of
3443 no less than 2.2 micromoles per joule fixture and must be
3444 included on the DesignLights Consortium (DLC) Horticultural
3445 Specification Qualified Products List (QPL). In the event that
3446 DLC requirement for minimum efficacy exceeds 2.2 micromoles per
3447 joule fixture, that PPE must become the new standard.

3448 3.a. For cannabis grow operations with less than 6,000
3449 square feet of canopy, the licensee must commit that all HVAC
3450 units will be high-efficiency, ductless, split HVAC units, or
3451 other more energy efficient equipment.

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3452 b. For cannabis grow operations with 6,000 square feet of
3453 canopy or more, the licensee must commit that all HVAC units
3454 will be variable-refrigerant-flow HVAC units, or other more
3455 energy efficient equipment.

3456 4.a. The cannabis cultivation facility must commit to the
3457 use of automated watering systems, including drip irrigation and
3458 flood tables, to irrigate cannabis crop.

3459 b. The cannabis cultivation facility must commit to measure
3460 runoff from watering events and report this volume in its water
3461 usage plan, and that on average, watering events will produce no
3462 more than 20 percent of runoff of water.

3463 5. The cultivator must commit that HVAC condensate,
3464 dehumidification water, excess runoff, and other wastewater
3465 produced by the cannabis cultivation facility will be captured
3466 and filtered to the best of the facility's ability to achieve
3467 the quality needed to be reused in subsequent watering rounds.

3468 6. The cannabis cultivation facility must commit to
3469 reporting energy use and efficiency as required by department
3470 rule.

3471 (v) Any other information required by rule.

3472 (2) Applicants must submit all required information to the
3473 department. Failure by an applicant to submit all required
3474 information may result in the application being disqualified.

3475 (3) If the department receives an incomplete application,
3476 the department may issue a deficiency notice to the applicant.
3477 The applicant has 10 calendar days after the date of the
3478 deficiency notice to resubmit the application to cure the
3479 deficiency. Applications that are still incomplete after this
3480 opportunity to cure will not be scored and must be disqualified.

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3481 (4) A cultivation center that is awarded a conditional
3482 adult use cultivation center license may not grow, purchase,
3483 possess, or sell cannabis or cannabis-infused products until it
3484 has received an adult use cultivation center license issued by
3485 the department.

3486 566.3013 Conditional adult use cultivation center license;
3487 scoring applications.-

3488 (1) The department shall by rule develop a system to score
3489 cultivation center applications to administratively rank
3490 applications based on the clarity, organization, and quality of
3491 the applicant's responses to required information. Applicants
3492 shall be awarded points based on the following categories:

3493 (a) Suitability of the proposed facility.

3494 (b) Suitability of employee training plan.

3495 (c) Security and recordkeeping.

3496 (d) Cultivation plan.

3497 (e) Product safety and labeling plan.

3498 (f) Business plan.

3499 (g) The applicant's status as a social equity applicant,
3500 which constitutes at least 20 percent of total available points.

3501 (h) Labor and employment practices, which constitute no
3502 less than 2 percent of total available points.

3503 (i) Environmental plan as described in s. 566.3012(1)(u),
3504 (v), and (w).

3505 (j) Whether at least 51 percent of the applicant business
3506 is owned and controlled by an individual or individuals who have
3507 been residents of this state for the past 5 years as proved by
3508 tax records.

3509 (k) Whether at least 51 percent of the applicant business

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3510 is owned and controlled by an individual or individuals who meet
3511 the qualifications of a veteran as defined s. 1.01(14).

3512 (1) An applicant's diversity plan that includes a narrative
3513 of not more than 2,500 words that establishes a goal of
3514 diversity in ownership, management, employment, and contracting
3515 to ensure that diverse participants and groups are afforded
3516 equality of opportunity.

3517 (m) Any other category the department may set by rule for
3518 points.

3519 (2) If the department receives more than one application
3520 for the same BLS region which receive an equal score, it may
3521 award bonus points to applicants for their plans to engage with
3522 the community.

3523 (3) If an applicant is awarded a cultivation center
3524 license, the information and plans that the applicant provided
3525 in its application, including any plans submitted for the
3526 acquiring of bonus points, become a mandatory condition of the
3527 license. Any variation from or failure to perform such plans may
3528 result in discipline, including the revocation or nonrenewal of
3529 a license.

3530 (4) If an applicant is awarded a cultivation center
3531 license, it shall pay a fee as provided in s. 566.801 before
3532 receiving the license, to be deposited into the Alcoholic
3533 Beverage, Marijuana, and Tobacco Trust Fund.

3534 566.3014 Adult use cultivation center license.-

3535 (1) A person or entity is eligible to receive an adult use
3536 cultivation center license only if the person or entity has
3537 first been awarded a conditional adult use cultivation center
3538 license pursuant to this chapter or the person or entity has

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3539 renewed its early approval cultivation center license.

3540 (2) The department may not issue an adult use cultivation
3541 center license until:

3542 (a) The department has inspected the cultivation center
3543 site and proposed operations and verified that they are in
3544 compliance with this chapter and local zoning laws.

3545 (b) The conditional adult use cultivation center licensee
3546 has paid a registration fee as provided in s. 566.801 or a
3547 prorated amount that takes into account the period of time
3548 between issuance of the adult use cultivation center license and
3549 March 31 of the next even-numbered year.

3550 (c) The conditional adult use cultivation center licensee
3551 has met all the requirements in this chapter and department
3552 rule.

3553 566.3015 Denial of application.—An application for a
3554 cultivation center license must be denied if any of the
3555 following conditions is met:

3556 (1) The applicant failed to submit the materials
3557 required by this chapter.

3558 (2) The applicant, if granted a license to operate a
3559 cultivation center, would violate local zoning rules.

3560 (3) One or more of the prospective principal officers or
3561 board members commits or causes a violation of s. 566.3016.

3562 (4) One or more of the principal officers or board members
3563 is younger than 21 years of age.

3564 (5) The person has submitted an application for a permit
3565 under this chapter which contains false information.

3566 (6) The licensee, a principal officer, a board member, or a
3567 person having a financial or voting interest of 5 percent or

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3568 greater in the licensee, or the agent, is delinquent in filing
3569 any required tax returns or paying any amounts owed to the
3570 state.

3571 566.3016 Cultivation center requirements;
3572 prohibitions.-

3573 (1) The operating documents of a cultivation center must
3574 include procedures for the oversight of the cultivation center;
3575 a cannabis plant monitoring system, including a physical
3576 inventory that is recorded weekly; accurate recordkeeping; and a
3577 staffing plan.

3578 (2) A cultivation center shall implement a security plan
3579 reviewed by the Department of Law Enforcement which includes
3580 facility access controls, perimeter intrusion detection systems,
3581 personnel identification systems, and a 24-hour surveillance
3582 system to monitor the interior and exterior of the cultivation
3583 center facility and which provides authorized law enforcement
3584 officers, the department, and the Department of Health with real
3585 time access to parts of the cultivation center where processing
3586 takes place.

3587 (3) All cultivation of cannabis by a cultivation center
3588 must take place in an enclosed, locked facility at the physical
3589 address provided to the department during the licensing process.
3590 Access to the cultivation center location must be limited to the
3591 agents working for the cultivation center; department staff
3592 during the performance of inspections; Department of Health
3593 staff during the performance of inspections; local and state law
3594 enforcement officers or other emergency personnel; contractors
3595 working on jobs unrelated to cannabis, such as installing or
3596 maintaining security devices or performing electrical wiring;

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3597 transporting organization agents as provided in this chapter;
3598 individuals in a mentoring or educational program approved by
3599 the state; and other individuals as authorized by department
3600 rule.

3601 (4) A cultivation center may not sell or distribute any
3602 cannabis or cannabis-infused products to any person other than a
3603 dispensing organization, a craft grower, an infusing
3604 organization, or a transporter, or as otherwise authorized by
3605 rule.

3606 (5) A cultivation center may not, directly or indirectly,
3607 discriminate in price between different dispensing
3608 organizations, craft growers, or infuser organizations that are
3609 purchasing a like grade, strain, brand, and quality of cannabis
3610 or cannabis-infused product. This subsection does not prevent a
3611 cultivation center from pricing cannabis differently based on
3612 differences in the cost of manufacturing or processing; the
3613 quantities sold, such as through volume discounts; or the way
3614 the products are delivered.

3615 (6) A record of all cannabis harvested by a cultivation
3616 center and intended for distribution to a dispensing
3617 organization must be entered into a data collection system,
3618 packaged and labeled as required by this chapter, and placed
3619 into a cannabis container for transport. All cannabis harvested
3620 by a cultivation center and intended for distribution to a craft
3621 grower or infuser organization must be packaged in a labeled
3622 cannabis container and entered into a data collection system
3623 before transport.

3624 (7) Cultivation centers are subject to random inspections
3625 by the department, the Department of Health, local safety or

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3626 health inspectors, and the Department of Law Enforcement.

3627 (8) A cultivation center agent shall notify local law
3628 enforcement, the Department of Law Enforcement, and the
3629 department within 24 hours after the discovery of any loss or
3630 theft. Notification shall be made by telephone, by written or
3631 electronic communication, or in person.

3632 (9) A cultivation center shall comply with all state and
3633 any applicable federal rules and regulations regarding the use
3634 of pesticides on cannabis plants.

3635 (10) A person or entity may not hold any legal, equitable,
3636 ownership, or beneficial interest, directly or indirectly, of
3637 more than three cultivation centers licensed under this chapter.
3638 Further, a person or entity that is employed by, is an agent of,
3639 has a contract to receive payment in any form from, or is a
3640 principal officer of a cultivation center, or an entity
3641 controlled by or affiliated with a principal officer of a
3642 cultivation center, may not hold any legal, equitable,
3643 ownership, or beneficial interest, directly or indirectly, in a
3644 cultivation center which would result in the person or entity
3645 owning or controlling more than three cultivation center
3646 licenses in combination with any cultivation center, principal
3647 officer of a cultivation center, or entity controlled or
3648 affiliated with a principal officer of a cultivation center that
3649 he, she, or it is employed by, is an agent of, or which it
3650 manages.

3651 (11) A cultivation center may not contain more than 210,000
3652 square feet of canopy space for plants in the flowering stage
3653 for cultivation of adult use cannabis as provided in this
3654 chapter.

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3655 (12) A cultivation center may process cannabis, cannabis
3656 concentrates, and cannabis-infused products. Cannabis
3657 concentrate may be made with propylene glycol, glycerin, butter,
3658 olive oil or other typical cooking fats; water, ice, or dry ice;
3659 or butane, propane, CO2, ethanol, or isopropanol. The use of any
3660 other solvent is expressly prohibited unless approved by the
3661 department.

3662 (13) Beginning July 1, 2022, a cultivation center may not
3663 transport cannabis to a craft grower, a dispensing organization,
3664 an infuser organization, or a laboratory licensed under this
3665 chapter unless it has obtained a transporting organization
3666 license.

3667 (14) It is unlawful for any person having a cultivation
3668 center license, or any officer, associate, member,
3669 representative, or agent of such licensee, to offer or deliver
3670 money, or anything else of value, directly or indirectly, to:

3671 (a) Any person having an early approval adult use
3672 dispensing organization license, a conditional adult use
3673 dispensing organization license, an adult use dispensing
3674 organization license, or a medical marijuana treatment center;

3675 (b) Any person connected with, a family member of a person
3676 holding a license for, or in any way representing an early
3677 approval adult use dispensing organization license, a
3678 conditional adult use dispensing organization license, an adult
3679 use dispensing organization license, or a medical marijuana
3680 treatment center;

3681 (c) Any stockholders in any corporation engaged in the
3682 retail sale of cannabis; or

3683 (d) Any officer, manager, agent, or representative of the

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3684 early approval adult use dispensing organization license, a
3685 conditional adult use dispensing organization license, an adult
3686 use dispensing organization license, or a medical marijuana
3687 treatment center,

3688
3689 to obtain preferential placement within the dispensing
3690 organization, including, without limitation, on shelves and in
3691 display cases where purchasers can view products, or on the
3692 dispensing organization's website.

3693 (15) A cultivation center must comply with any other
3694 requirements or prohibitions set by administrative rule of the
3695 department.

3696 566.3017 Cultivation center agent identification card.—

3697 (1) The department shall:

3698 (a) Establish by rule the information required in an
3699 initial application or renewal application submitted under this
3700 chapter for an agent identification card and the nonrefundable
3701 fee that must accompany the such applications.

3702 (b) Verify the information contained in such applications
3703 and approve or deny an application within 30 days after
3704 receiving it and all supporting documentation required by rule.

3705 (c) Issue an agent identification card to a qualifying
3706 agent within 15 business days after approving the initial
3707 application or renewal application.

3708 (d) Enter the license number of the cultivation center
3709 where the agent is employed.

3710 (e) Allow for an electronic application process and for
3711 confirmation of submission by electronic or other means. The
3712 department may require by rule that prospective agents file

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3713 their applications by electronic means and that notice be
3714 provided by the department to the agents by electronic means.

3715 (2) An agent must keep his or her identification card
3716 visible at all times when on the property of the cultivation
3717 center at which the agent is employed.

3718 (3) The agent identification cards must contain the
3719 following:

3720 (a) The name of the cardholder.

3721 (b) The date of issuance and expiration date of the
3722 identification card.

3723 (c) A random 10-digit alphanumeric identification number
3724 containing at least 4 numbers and at least 4 letters which is
3725 unique to the holder.

3726 (d) A photograph of the cardholder.

3727 (e) The legal name of the cultivation center employing
3728 the agent.

3729 (4) An agent identification card must be immediately
3730 returned to the cultivation center of the agent upon termination
3731 of his or her employment.

3732 (5) The loss of an agent identification card by a
3733 cultivation center agent must be reported to the Department of
3734 Law Enforcement and the department immediately upon discovery of
3735 the loss.

3736 (6) The department may not issue an agent identification
3737 card if the applicant is delinquent in filing any required tax
3738 returns or paying any amounts owed to the state.

3739 566.3018 Cultivation center background checks.-

3740 (1) The department shall conduct a background check through
3741 the Department of Law Enforcement of the prospective principal

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3742 officers, board members, and agents of a cultivation center
3743 applying for a license or an identification card under this
3744 chapter. The Department of Law Enforcement may charge a fee as
3745 provided in s. 943.053. In complying with this section, each
3746 cultivation center prospective principal officer, board member,
3747 or agent shall submit a full set of fingerprints to the
3748 Department of Law Enforcement for the purpose of obtaining a
3749 state and federal criminal records check. These fingerprints
3750 shall be checked against the fingerprint records now and
3751 hereafter, to the extent allowed by law, and filed in the
3752 Department of Law Enforcement and Federal Bureau of
3753 Investigation criminal history records databases. The Department
3754 of Law Enforcement shall furnish any conviction information to
3755 the department.

3756 (2) When applying for the initial license or identification
3757 card, the background checks for all prospective principal
3758 officers, board members, and agents must be completed before
3759 submission of the application to the licensing or issuing
3760 agency.

3761 566.3019 Renewal of cultivation center licenses and agent
3762 identification cards.-

3763 (1) Cultivation center licenses and identification cards
3764 issued under this chapter shall be renewed annually. A
3765 cultivation center shall receive written or electronic notice 90
3766 days before the expiration of its current license that the
3767 license will expire. The department shall grant a renewal within
3768 45 days of submission of a renewal application if:

3769 (a) The cultivation center submits a renewal application
3770 and the required nonrefundable renewal as provided in s.

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3771 566.801, or another amount as the department may set by rule
3772 after January 1, 2023, to be deposited into the Alcoholic
3773 Beverage, Marijuana, and Tobacco Trust Fund.

3774 (b) The department has not suspended the license of the
3775 cultivation center or suspended or revoked the license for
3776 violating this chapter or rules adopted under this chapter.

3777 (c) The cultivation center has continued to operate in
3778 accordance with all plans submitted as part of its application
3779 and approved by the department or any amendments thereto that
3780 have been approved by the department.

3781 (d) The cultivation center has submitted an agent,
3782 employee, contracting, and subcontracting diversity report as
3783 required by the department.

3784 (e) the cultivation center has submitted an environmental
3785 impact report.

3786 (2) If a cultivation center fails to renew its license
3787 before expiration, it shall cease operations until its license
3788 is renewed.

3789 (3) If a cultivation center agent fails to renew his or her
3790 identification card before its expiration, he or she shall cease
3791 to work as an agent of the cultivation center until his or her
3792 identification card is renewed.

3793 (4) Any cultivation center that continues to operate, or
3794 any cultivation center agent who continues to work as an agent,
3795 after the applicable license or identification card has expired
3796 without renewal is subject to the penalties provided under s.
3797 566.4701.

3798 566.401 Craft growers.-

3799 (1) ISSUANCE OF LICENSES.-

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3800 (a) The department shall issue up to 40 craft grower
3801 licenses by July 1, 2022. Any person or entity awarded a license
3802 pursuant to this subsection shall hold only one craft grower
3803 license and may not sell that license until after December 21,
3804 2021.

3805 (b) By December 21, 2023, the department shall issue up to
3806 60 additional craft grower licenses. Any person or entity
3807 awarded a license pursuant to this paragraph may not hold more
3808 than two craft grower licenses. The person or entity awarded a
3809 license pursuant to this paragraph or paragraph (a) may sell its
3810 craft grower license subject to the restrictions of this chapter
3811 or as determined by department rule. Before issuing such
3812 licenses, the department may adopt rules through emergency
3813 rulemaking to modify or raise the number of craft grower
3814 licenses assigned to each region and modify or change the
3815 licensing application process to reduce or eliminate barriers.
3816 In determining whether to exercise the authority granted by this
3817 subsection, the department must consider the following factors:

3818 1. The percentage of cannabis sales occurring in this state
3819 not in the regulated market using the best available data to
3820 ascertain total cannabis consumption in this state compared to
3821 the amount of sales in licensed dispensing organizations.

3822 2. Whether there is an adequate supply of cannabis and
3823 cannabis-infused products to serve registered qualified
3824 patients.

3825 3. Whether there is an adequate supply of cannabis and
3826 cannabis-infused products to serve purchasers.

3827 4. Whether there is an oversupply of cannabis in this state
3828 leading to trafficking of cannabis to states where the sale of

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3829 cannabis is not permitted by law.

3830 5. Population increases or shifts.

3831 6. The density of craft growers in any area of the state.

3832 7. Perceived security risks of increasing the number or

3833 location of craft growers.

3834 8. The past safety record of craft growers.

3835 9. The department's capacity to appropriately regulate

3836 additional licensees.

3837 10. The reduction or elimination of any identified barriers

3838 to entry in the cannabis industry.

3839 11. Any other criteria the department deems relevant.

3840 (c) After January 1, 2022, the department may by rule

3841 modify or raise the number of craft grower licenses assigned to

3842 each region, and modify or change the licensing application

3843 process to reduce or eliminate barriers based on the criteria in

3844 paragraph (b). At no time may the number of craft grower

3845 licenses exceed 150. Any person or entity awarded a license

3846 pursuant to this subsection shall not hold more than three craft

3847 grower licenses. A person or entity awarded a license pursuant

3848 to this subsection may sell its craft grower license or licenses

3849 subject to the restrictions of this chapter or as determined by

3850 administrative rule.

3851 (2) APPLICATION.—

3852 (a) When applying for a license, the applicant shall

3853 electronically submit the following in such form as the

3854 department may direct:

3855 1. The nonrefundable application fee a provided in s.

3856 566.801 to be deposited into the Alcoholic Beverage, Marijuana,

3857 and Tobacco Trust Fund.

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- 3858 2. The legal name of the craft grower.
- 3859 3. The proposed physical address of the craft grower.
- 3860 4. The name, address, social security number, and date of
3861 birth of each principal officer and board member of the craft
3862 grower, each of whom must be at least 21 years of age.
- 3863 5. The details of any administrative or judicial proceeding
3864 in which any of the principal officers or board members of the
3865 craft grower, including whether any of them:
- 3866 a. Pled guilty, were convicted, were fined, or had a
3867 registration or license suspended or revoked; or
- 3868 b. Managed or served on the board of a business or
3869 nonprofit organization that pled guilty, was convicted, was
3870 fined, or had a registration or license suspended or revoked.
- 3871 6. Proposed operating bylaws that include procedures for
3872 the oversight of the craft grower, including the development and
3873 implementation of a plant monitoring system, accurate
3874 recordkeeping, staffing plan, and security plan approved by the
3875 Department of Law Enforcement that are in accordance with the
3876 rules issued by the department under this chapter. A physical
3877 inventory shall be performed of all plants on a weekly basis by
3878 the craft grower.
- 3879 7. Verification from the Department of Law Enforcement that
3880 all background checks of the prospective principal officers,
3881 board members, and agents of the cannabis business establishment
3882 have been conducted.
- 3883 8. A copy of the current local zoning ordinance or permit
3884 and verification that the proposed craft grower is in compliance
3885 with the local zoning rules and distance limitations established
3886 by the local jurisdiction.

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3887 9. Proposed employment practices, in which the applicant
3888 must demonstrate a plan of action to inform, hire, and educate
3889 minorities, women, veterans, and persons with disabilities,
3890 engage in fair labor practices, and provide worker protections.

3891 10. Whether an applicant can demonstrate experience in or
3892 business practices that promote economic empowerment in
3893 disproportionately impacted areas.

3894 11. Experience with the cultivation of agricultural or
3895 horticultural products, operating an agriculturally related
3896 business, or operating a horticultural business.

3897 12. A description of the enclosed, locked facility where
3898 cannabis will be grown, harvested, manufactured, packaged, or
3899 otherwise prepared for distribution to a dispensing organization
3900 or other cannabis business establishment.

3901 13. A survey of the enclosed, locked facility, including
3902 the space used for cultivation.

3903 14. Cultivation, processing, inventory, and packaging
3904 plans.

3905 15. A description of the applicant's experience with
3906 agricultural cultivation techniques and industry standards.

3907 16. A list of any academic degrees, certifications, or
3908 relevant experience of all prospective principal officers, board
3909 members, and agents of the related business.

3910 17. The identity of every person having a financial or
3911 voting interest of 5 percent or greater in the craft grower
3912 operation, whether a trust, corporation, partnership, limited
3913 liability company, or sole proprietorship, including the name
3914 and address of each person.

3915 18. A plan describing how the craft grower will address

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3916 each of the following:

3917 a. Energy needs, including estimates of monthly electricity
3918 and gas usage, to what extent it will procure energy from a
3919 local utility or from on-site generation, and if it has or will
3920 adopt a sustainable energy use and energy conservation policy;
3921 water needs, including estimated water draw and if it has or
3922 will adopt a sustainable water use and water conservation
3923 policy.

3924 b. Waste management, including if it has or will adopt a
3925 waste reduction policy.

3926 19. A recycling plan, including provisions requiring that:

3927 a. Purchaser packaging, including cartridges, shall be
3928 accepted by the applicant and recycled.

3929 b. Any recyclable waste generated by the craft grower
3930 facility shall be recycled per applicable state and local laws,
3931 ordinances, and rules.

3932 c. All cannabis plant waste will be rendered unusable by
3933 grinding and incorporating the cannabis plant waste with
3934 compostable mixed waste to be disposed of or composted in
3935 accordance with applicable solid waste laws.

3936 20. A commitment to comply with local waste provisions. A
3937 craft grower facility must remain in compliance with applicable
3938 state and federal environmental requirements, including:

3939 a. Storing, securing, and managing all recyclables and
3940 waste, including organic waste composed of or containing
3941 finished cannabis and cannabis products, in accordance with
3942 applicable state and local laws, ordinances, and rules; and

3943 b. Disposing of liquid waste containing cannabis or
3944 byproducts of cannabis processing in compliance with all

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3945 applicable state and federal requirements, including, but not
3946 limited to, the cannabis cultivation facility's permits under
3947 the Environmental Protection Act.

3948 21. A commitment to a technology standard for resource
3949 efficiency of the craft grower facility.

3950 a. A craft grower facility commits to use resources
3951 efficiently, including energy and water. For the following, a
3952 cannabis cultivation facility commits to meet or exceed the
3953 following technology standards which may be modified by rule:

3954 (I) Lighting systems, including light bulbs.

3955 (II) HVAC system.

3956 (III) Water application system to the crop.

3957 (IV) Filtration system for removing contaminants from
3958 wastewater.

3959 b. The Lighting Power Densities (LPD) for cultivation space
3960 commits to not exceed an average of 36 watts per gross square
3961 foot of active and growing space canopy, or all installed
3962 lighting technology shall meet a photosynthetic photon efficacy
3963 (PPE) of no less than 2.2 micromoles per joule fixture and shall
3964 be featured on the DesignLights Consortium (DLC) Horticultural
3965 Specification Qualified Products List (QPL). In the event that
3966 DLC requirement for minimum efficacy exceeds 2.2 micromoles per
3967 joule fixture, that PPE shall become the new standard.

3968 c.(I) For cannabis grow operations with less than 6,000
3969 square feet of canopy, the licensee commits that all HVAC units
3970 will be high-efficiency ductless split HVAC units, or other more
3971 energy efficient equipment.

3972 (II) For cannabis grow operations with 6,000 square feet of
3973 canopy or more, the licensee commits that all HVAC units will be

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3974 variable refrigerant flow HVAC units, or other more energy
3975 efficient equipment.

3976 d. The craft grower facility commits to use automated
3977 watering systems, including, but not limited to, drip irrigation
3978 and flood tables, to irrigate cannabis crop and to measure
3979 runoff from watering events and report this volume in its water
3980 usage plan, and that on average, watering events shall have no
3981 more than 20 percent of runoff of water.

3982 e. The craft grower commits that HVAC condensate,
3983 dehumidification water, excess runoff, and other wastewater
3984 produced by the craft grower facility shall be captured and
3985 filtered to the best of the facility's ability to achieve the
3986 quality needed to be reused in subsequent watering rounds.

3987 f. Reporting energy use and efficiency as required by rule.
3988 22. Any other information required by department rule.

3989 (b) Applicants must submit all required information,
3990 including the information required in subsection (3), to the
3991 department. Failure by an applicant to submit all required
3992 information may result in the application being disqualified.

3993 (c) If the department receives an application with missing
3994 information, the department may issue a deficiency notice to the
3995 applicant. The applicant shall have 10 calendar days after the
3996 date of the deficiency notice to resubmit the incomplete
3997 information. Applications that are still incomplete after this
3998 opportunity to cure will not be scored and will be disqualified.

3999 (3) SCORING APPLICATIONS.—

4000 (a) The department shall by rule develop a system to score
4001 craft grower applications to administratively rank applications
4002 based on the clarity, organization, and quality of the

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4003 applicant's responses to required information. Applicants shall
4004 be awarded points based on the following categories:

4005 1. Suitability of the proposed facility.

4006 2. Suitability of the employee training plan.

4007 3. Security and recordkeeping.

4008 4. Cultivation plan.

4009 5. Product safety and labeling plan.

4010 6. Business plan.

4011 7. The applicant's status as a social equity applicant,

4012 which shall constitute no less than 20 percent of total

4013 available points.

4014 8. Labor and employment practices, which shall constitute

4015 no less than 2 percent of total available points.

4016 9. Environmental plan as described in

4017 subparagraphs(2) (a)18. and 19.

4018 10. The applicant is 51 percent or more owned and

4019 controlled by an individual or individuals who have been a

4020 resident of this state for the past 5 years as proved by tax

4021 records.

4022 11. The applicant is 51 percent or more controlled and

4023 owned by an individual or individuals who meet the

4024 qualifications of a veteran as defined in s. 1.01(14).

4025 12. A diversity plan that includes a narrative of not more

4026 than 2,500 words that establishes a goal of diversity in

4027 ownership, management, employment, and contracting to ensure

4028 that diverse participants and groups are afforded equality of

4029 opportunity.

4030 13. Any other criteria the department may set by rule for

4031 points.

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4032 (b) The department may also award up to two bonus points
4033 for the applicant's plan to engage with the community. The
4034 applicant may demonstrate a desire to engage with its community
4035 by participating in one or more of, but not limited to, the
4036 following actions:

4037 1. Establishment of an incubator program designed to
4038 increase participation in the cannabis industry by persons who
4039 would qualify as social equity applicants;

4040 2. Providing financial assistance to substance abuse
4041 treatment centers;

4042 3. Educating children and teens about the potential harms
4043 of cannabis use; or

4044 4. Other measures demonstrating a commitment to the
4045 applicant's community. Bonus points will be awarded only if the
4046 department receives applications that receive an equal score for
4047 a particular region.

4048 (c) Should the applicant be awarded a craft grower license,
4049 the information and plans that an applicant provided in its
4050 application, including any plans submitted for the acquiring of
4051 bonus points, shall be a mandatory condition of the license. Any
4052 variation from or failure to perform such plans may result in
4053 discipline, including the revocation or nonrenewal of a license.

4054 (d) Should the applicant be awarded a craft grower license,
4055 the applicant shall pay the fee as provided in s. 566.801,
4056 prorated, before receiving the license, to be deposited into the
4057 Alcoholic Beverage, Marijuana, and Tobacco Trust Fund.

4058 (4) ISSUANCE OF LICENSE TO CERTAIN PERSONS PROHIBITED.—

4059 (a) A craft grower license issued by the department may not
4060 be issued to a person who is licensed by any licensing authority

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4061 as a cultivation center, or to any partnership, corporation,
4062 limited liability company, or trust or any subsidiary,
4063 affiliate, or any other form of business enterprise having more
4064 than 10 percent legal, equitable, or beneficial interest,
4065 directly or indirectly, in a person licensed in this state as a
4066 cultivation center, or to any principal officer, agent,
4067 employee, or any other person with any form of ownership or
4068 control over a cultivation center except for a person who owns
4069 no more than 5 percent of the outstanding shares of a
4070 cultivation center whose shares are publicly traded on an
4071 exchange within the meaning of the Securities Exchange Act of
4072 1934.

4073 (b) A person who is licensed in this state as a craft
4074 grower, or any partnership, corporation, limited liability
4075 company, or trust or any subsidiary, affiliate, or agent
4076 thereof, or any other form of business enterprise licensed in
4077 this state as a craft grower may not have more than 10 percent
4078 legal, equitable, or beneficial interest, directly or
4079 indirectly, in a person licensed as a cultivation center, nor
4080 shall any partnership, corporation, limited liability company,
4081 or trust or any subsidiary, affiliate, or any other form of
4082 business enterprise having any legal, equitable, or beneficial
4083 interest, directly or indirectly, in a person licensed in this
4084 state as a craft grower or a craft grower agent be a principal
4085 officer, agent, employee, or human being with any form of
4086 ownership or control over a cultivation center except for a
4087 person who owns no more than 5 percent of the outstanding shares
4088 of a cultivation center whose shares are publicly traded on an
4089 exchange within the meaning of the Securities Exchange Act of

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4090 1934.

4091 (5) DENIAL OF APPLICATION.—An application for a craft
4092 grower license must be denied if any of the following conditions
4093 is met:

4094 (a) The applicant failed to submit the materials required
4095 by this section.

4096 (b) The applicant would not be in compliance with local
4097 zoning rules.

4098 (c) One or more of the prospective principal officers or
4099 board members causes a violation of subsection (4).

4100 (d) One or more of the principal officers or board members
4101 is under 21 years of age.

4102 (e) The person has submitted an application for a license
4103 under this chapter which contains false information.

4104 (f) The licensee; principal officer, board member, or
4105 person having a financial or voting interest of 5 percent or
4106 greater in the licensee; or agent is delinquent in filing any
4107 required tax returns or paying any amounts owed to this state.

4108 (6) CRAFT GROWER REQUIREMENTS; PROHIBITIONS.—

4109 (a) The operating documents of a craft grower must include
4110 procedures for the oversight of the craft grower, a cannabis
4111 plant monitoring system including a physical inventory recorded
4112 weekly, accurate recordkeeping, and a staffing plan.

4113 (b) A craft grower shall implement a security plan reviewed
4114 by the Department of Law Enforcement that includes, but is not
4115 limited to, facility access controls, perimeter intrusion
4116 detection systems, personnel identification systems, and a 24-
4117 hour surveillance system to monitor the interior and exterior of
4118 the craft grower facility and that is accessible to authorized

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4119 law enforcement and the department in real time.

4120 (c) All cultivation of cannabis by a craft grower must take
4121 place in an enclosed, locked facility at the physical address
4122 provided to the department during the licensing process. The
4123 craft grower location shall be accessed only by the agents
4124 working for the craft grower, the department staff performing
4125 inspections, the Department of Health staff performing
4126 inspections, state and local law enforcement or other emergency
4127 personnel, contractors working on jobs unrelated to cannabis,
4128 such as installing or maintaining security devices or performing
4129 electrical wiring, transporting organization agents as provided
4130 in this chapter, or participants in the incubator program,
4131 individuals in a mentoring or educational program approved by
4132 the state, or other individuals as provided by rule. However, if
4133 a craft grower shares a premises with an infuser or dispensing
4134 organization, agents from those other licensees may access the
4135 craft grower portion of the premises if that is the location of
4136 common bathrooms, lunchrooms, locker rooms, or other areas of
4137 the building where work or cultivation of cannabis is not
4138 performed. At no time may an infuser or dispensing organization
4139 agent perform work at a craft grower without being a registered
4140 agent of the craft grower.

4141 (d) A craft grower may not sell or distribute any cannabis
4142 to any person other than a cultivation center, a craft grower,
4143 an infuser organization, a dispensing organization, or as
4144 otherwise authorized by rule.

4145 (e) A craft grower may not be located in an area zoned for
4146 residential use.

4147 (f) A craft grower may not either directly or indirectly

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4148 discriminate in price between different cannabis business
4149 establishments that are purchasing a like grade, strain, brand,
4150 and quality of cannabis or cannabis-infused product. Nothing in
4151 this paragraph prevents a craft grower from pricing cannabis
4152 differently based on differences in the cost of manufacturing or
4153 processing, the quantities sold, such as volume discounts, or
4154 the way the products are delivered.

4155 (g) All cannabis harvested by a craft grower and intended
4156 for distribution to a dispensing organization must be entered
4157 into a data collection system, packaged and labeled as required
4158 by law, and, if distribution is to a dispensing organization
4159 that does not share a premises with the dispensing organization
4160 receiving the cannabis, placed into a cannabis container for
4161 transport. All cannabis harvested by a craft grower and intended
4162 for distribution to a cultivation center, to an infuser
4163 organization, or to a craft grower with which it does not share
4164 a premises must be packaged in a labeled cannabis container and
4165 entered into a data collection system before transport.

4166 (h) Craft growers are subject to random inspections by the
4167 department, local safety or health inspectors, and the
4168 Department of Law Enforcement.

4169 (i) A craft grower agent shall notify local law
4170 enforcement, the Department of Law Enforcement, and the
4171 department within 24 hours of the discovery of any loss or
4172 theft. Notification shall be made by phone, in person, or
4173 written or electronic communication.

4174 (j) A craft grower shall comply with all state and any
4175 applicable federal rules and regulations regarding the use of
4176 pesticides.

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4177 (k) A craft grower or craft grower agent shall not
4178 transport cannabis or cannabis-infused products to any other
4179 cannabis business establishment without a transport organization
4180 license unless:

4181 1. If the craft grower is located in a county with a
4182 population of 3 million or more, the cannabis business
4183 establishment receiving the cannabis is within 2,000 feet of the
4184 property line of the craft grower;

4185 2. If the craft grower is located in a county with a
4186 population of more than 700,000 but fewer than 3 million, the
4187 cannabis business establishment receiving the cannabis is within
4188 2 miles of the craft grower; or

4189 3. If the craft grower is located in a county with a
4190 population of fewer the 700,000, the cannabis business
4191 establishment receiving the cannabis is within 15 miles of the
4192 craft grower.

4193 (l) A craft grower may enter into a contract with a
4194 transporting organization to transport cannabis to a cultivation
4195 center, a craft grower, an infuser organization, a dispensing
4196 organization, or a laboratory.

4197 (m) No person or entity shall hold any legal, equitable,
4198 ownership, or beneficial interest, directly or indirectly, of
4199 more than three craft grower licenses. Further, no person or
4200 entity that is employed by, an agent of, or has a contract to
4201 receive payment from or participate in the management of, a
4202 craft grower is a principal officer of a craft grower, or entity
4203 controlled by or affiliated with a principal officer of a craft
4204 grower shall hold any legal, equitable, ownership, or beneficial
4205 interest, directly or indirectly, in a craft grower license that

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4206 would result in the person or entity owning or controlling in
4207 combination with any craft grower, principal officer of a craft
4208 grower, or entity controlled or affiliated with a principal
4209 officer of a craft grower by which he, she, or it is employed,
4210 is an agent of, or participates in the management of more than
4211 three craft grower licenses.

4212 (n) It is unlawful for any person having a craft grower
4213 license or any officer, associate, member, representative, or
4214 agent of the licensee to offer or deliver money, or anything
4215 else of value, directly or indirectly, to any person having an
4216 early approval adult use dispensing organization license, a
4217 conditional adult use dispensing organization license, an adult
4218 use dispensing organization license, or a medical marijuana
4219 treatment center, or to any person connected with or in any way
4220 representing, or to any member of the family of, the person
4221 holding an early approval adult use dispensing organization
4222 license, a conditional adult use dispensing organization
4223 license, an adult use dispensing organization license, or a
4224 medical marijuana treatment center, or to any stockholders in
4225 any corporation engaged in the retail sale of cannabis, or to
4226 any officer, manager, agent, or representative of the early
4227 approval adult use dispensing organization license, a
4228 conditional adult use dispensing organization license, an adult
4229 use dispensing organization license, or a medical marijuana
4230 treatment center to obtain preferential placement within the
4231 dispensing organization, including, without limitation, on
4232 shelves and in display cases where purchasers can view products,
4233 or on the dispensing organization's website.

4234 (o) A craft grower shall not be located within 1,500 feet

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4235 of another craft grower or a cultivation center.

4236 (p) A craft grower may process cannabis, cannabis
4237 concentrates, and cannabis-infused products. Cannabis
4238 concentrate may be made with propylene glycol, glycerin, butter,
4239 olive oil or other typical cooking fats; water, ice, or dry ice;
4240 or butane, propane, CO2, ethanol, or isopropanol. The use of any
4241 other solvent is expressly prohibited unless it is approved by
4242 the department.

4243 (q) A craft grower must comply with any other requirements
4244 or prohibitions set by administrative rule of the department.

4245 (7) IDENTIFICATION CARD.—

4246 (a) The department shall:

4247 1. Establish by rule the information required in an initial
4248 application or renewal application for an agent identification
4249 card submitted under this section and the nonrefundable fee to
4250 accompany the initial application or renewal application.

4251 2. Verify the information contained in an initial
4252 application or renewal application for an agent identification
4253 card submitted under this section and approve or deny an
4254 application within 30 days after receiving a completed initial
4255 application or renewal application and all supporting
4256 documentation required by rule.

4257 3. Issue an agent identification card to a qualifying agent
4258 within 15 business days of approving the initial application or
4259 renewal application.

4260 4. Enter the license number of the craft grower where the
4261 agent works, allow for an electronic initial application and
4262 renewal application process, and provide a confirmation by
4263 electronic or other methods that an application has been

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4264 submitted. The department may by rule require prospective agents
4265 to file their applications by electronic means and provide
4266 notices to the agents by electronic means.

4267 (b) An agent must keep his or her identification card
4268 visible at all times when on the property of a cannabis business
4269 establishment, including the craft grower organization for which
4270 he or she is an agent.

4271 (c) The agent identification cards shall contain the
4272 following:

4273 1. The name of the cardholder.

4274 2. The date of issuance and expiration date of the
4275 identification card.

4276 3. A random 10-digit alphanumeric identification number
4277 containing at least four numbers and at least four letters that
4278 is unique to the holder.

4279 4. A photograph of the cardholder.

4280 5. The legal name of the craft grower organization
4281 employing the agent.

4282 (d) An agent identification card shall be immediately
4283 returned to the cannabis business establishment of the agent
4284 upon termination of his or her employment.

4285 (e) Any agent identification card lost by a craft grower
4286 agent shall be reported to the Department of Law Enforcement and
4287 the department immediately upon discovery of the loss.

4288 (8) BACKGROUND CHECKS.—

4289 (a) Through the Department of Law Enforcement, the
4290 department shall conduct a background check of the prospective
4291 principal officers, board members, and agents of a craft grower
4292 applying for a license or identification card under this

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4293 section. The Department of Law Enforcement may charge a fee as
4294 provided in s. 943.053. In order to carry out this section, each
4295 craft grower organization's prospective principal officer, board
4296 member, or agent shall submit a full set of fingerprints to the
4297 Department of Law Enforcement for the purpose of obtaining a
4298 state and federal criminal records check. These fingerprints
4299 shall be checked against the fingerprint records now and
4300 hereafter, to the extent allowed by law, and filed in the
4301 Department of Law Enforcement and Federal Bureau of
4302 Investigation criminal history records databases. The Department
4303 of Law Enforcement shall furnish, following positive
4304 identification, all conviction information to the department.

4305 (b) When applying for the initial license or identification
4306 card, the background checks for all prospective principal
4307 officers, board members, and agents shall be completed before
4308 submitting the application to the licensing or issuing agency.

4309 (9) RENEWAL OF LICENSES AND IDENTIFICATION CARDS.—

4310 (a) Licenses and identification cards issued under this
4311 section shall be renewed annually. A craft grower shall receive
4312 written or electronic notice 90 days before the expiration of
4313 its current license that the license will expire. The department
4314 shall grant a renewal within 45 days of submission of a renewal
4315 application if:

4316 1. The craft grower submits a renewal application and the
4317 required nonrefundable renewal fee as provided in s. 566.801.

4318 2. The department has not suspended the license of the
4319 craft grower or suspended or revoked the license for violating
4320 this section or rules adopted under this section.

4321 3. The craft grower has continued to operate in accordance

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4322 with all plans submitted as part of its application and approved
4323 by the department or any amendments thereto that have been
4324 approved by the department.

4325 4. The craft grower has submitted an agent, employee,
4326 contracting, and subcontracting diversity report as required by
4327 the department.

4328 5. The craft grower has submitted an environmental impact
4329 report.

4330 (b) If a craft grower fails to renew its license before
4331 expiration, it shall cease operations until its license is
4332 renewed.

4333 (c) If a craft grower agent fails to renew his or her
4334 identification card before its expiration, he or she shall cease
4335 to work as an agent of the craft grower organization until his
4336 or her identification card is renewed.

4337 (d) Any craft grower that continues to operate, or any
4338 craft grower agent who continues to work as an agent, after the
4339 applicable license or identification card has expired without
4340 renewal is subject to the penalties provided under s. 566.4701.

4341 (e) All fees or fines collected from the renewal of a craft
4342 grower license shall be deposited into the Alcoholic Beverage,
4343 Marijuana, and Tobacco Trust Fund.

4344 566.405 Infuser organizations.—

4345 (1) ISSUANCE OF LICENSES.—

4346 (a) The department shall issue up to 40 infuser licenses
4347 through a process provided for in this section no later than
4348 July 1, 2022.

4349 (b) The department shall make the application for infuser
4350 licenses available on January 7, 2022, and on the first Friday

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4351 of every January thereafter, and shall receive such applications
4352 by March 15, 2022, and on the second Friday of every March
4353 thereafter.

4354 (c) By December 21, 2023, the department may issue up to 60
4355 additional infuser licenses. Before issuing such licenses, the
4356 department may adopt rules through emergency rulemaking to
4357 modify or raise the number of infuser licenses and modify or
4358 change the licensing application process to reduce or eliminate
4359 barriers. In determining whether to exercise the authority
4360 granted by this subsection, the department must consider the
4361 following factors:

4362 1. The percentage of cannabis sales occurring in this
4363 states not in the regulated market using the best available data
4364 to ascertain total cannabis consumption in this state compared
4365 to the amount of sales in licensed dispensing organizations.

4366 2. Whether there is an adequate supply of cannabis and
4367 cannabis-infused products to serve registered qualified
4368 patients.

4369 3. Whether there is an adequate supply of cannabis and
4370 cannabis-infused products to serve purchasers.

4371 4. Whether there is an oversupply of cannabis in this state
4372 leading to trafficking of cannabis to states where the sale of
4373 cannabis is not authorized by law.

4374 5. Population increases or shifts.

4375 6. Changes to federal law.

4376 7. Perceived security risks of increasing the number or
4377 location of infuser organizations.

4378 8. The past security record of infuser organizations.

4379 9. The department's capacity to appropriately regulate

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4380 additional licensees.

4381 10. The reduction or elimination of any identified barriers
4382 to entry in the cannabis industry.

4383 11. Any other criteria the department deems relevant.

4384 (d) After January 1, 2022, the department may by rule
4385 modify or raise the number of infuser licenses, and modify or
4386 change the licensing application process to reduce or eliminate
4387 barriers based on the criteria in paragraph (c).

4388 (2) APPLICATION.—

4389 (a) When applying for a license, the applicant shall
4390 electronically submit the following in such form as the
4391 department may direct:

4392 1. The nonrefundable application fee as provided in s.
4393 566.801 to be deposited into the Alcoholic Beverage, Marijuana,
4394 and Tobacco Trust Fund.

4395 2. The legal name of the infuser.

4396 3. The proposed physical address of the infuser.

4397 4. The name, address, social security number, and date of
4398 birth of each principal officer and board member of the infuser,
4399 each of whom must be at least 21 years of age.

4400 5. The details of any administrative or judicial proceeding
4401 in which any of the principal officers or board members of the
4402 infuser:

4403 a. Pled guilty, were convicted, were fined, or had a
4404 registration or license suspended or revoked; or

4405 b. Managed or served on the board of a business or
4406 nonprofit organization that pled guilty, was convicted, was
4407 fined, or had a registration or license suspended or revoked.

4408 6. Proposed operating bylaws that include procedures for

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4409 the oversight of the infuser, including the development and
4410 implementation of a plant monitoring system, accurate
4411 recordkeeping, staffing plan, and security plan approved by the
4412 Department of Law Enforcement that are in accordance with the
4413 rules issued by the department under this section. A physical
4414 inventory of all cannabis shall be performed on a weekly basis
4415 by the infuser.

4416 7. Verification from the Department of Law Enforcement that
4417 all background checks of the prospective principal officers,
4418 board members, and agents of the infuser organization have been
4419 conducted.

4420 8. A copy of the current local zoning ordinance and
4421 verification that the proposed infuser is in compliance with the
4422 local zoning rules and distance limitations established by the
4423 local jurisdiction.

4424 9. Proposed employment practices, in which the applicant
4425 must demonstrate a plan of action to inform, hire, and educate
4426 minorities, women, veterans, and persons with disabilities,
4427 engage in fair labor practices, and provide worker protections.

4428 10. Whether an applicant can demonstrate experience in or
4429 business practices that promote economic empowerment in
4430 disproportionately impacted areas.

4431 11. Experience with infusing products with cannabis
4432 concentrate.

4433 12. A description of the enclosed, locked facility where
4434 cannabis will be infused, packaged, or otherwise prepared for
4435 distribution to a dispensing organization or other infuser.

4436 13. Processing, inventory, and packaging plans.

4437 14. A description of the applicant's experience with

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4438 operating a commercial kitchen or laboratory preparing products
4439 for human consumption.

4440 15. A list of any academic degrees, certifications, or
4441 relevant experience of all prospective principal officers, board
4442 members, and agents of the related business.

4443 16. The identity of every person having a financial or
4444 voting interest of 5 percent or greater in the infuser operation
4445 with respect to which the license is sought, whether a trust,
4446 corporation, partnership, limited liability company, or sole
4447 proprietorship, including the name and address of each person.

4448 17. A plan describing how the infuser will address each of
4449 the following:

4450 a. Energy needs, including estimates of monthly electricity
4451 and gas usage, to what extent it will procure energy from a
4452 local utility or from on-site generation, and if it has or will
4453 adopt a sustainable energy use and energy conservation policy.

4454 b. Water needs, including estimated water draw, and if it
4455 has or will adopt a sustainable water use and water conservation
4456 policy.

4457 c. Waste management, including adopt a waste reduction
4458 policy.

4459 18. A recycling plan that requires:

4460 a. A commitment that any recyclable waste generated by the
4461 infuser shall be recycled per applicable state and local laws,
4462 ordinances, and rules; and

4463 b. A commitment to comply with local waste provisions. An
4464 infuser commits to remain in compliance with applicable state
4465 and federal environmental requirements, including, but not
4466 limited to, storing, securing, and managing all recyclables and

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4467 waste, including organic waste composed of or containing
4468 finished cannabis and cannabis products, in accordance with
4469 applicable state and local laws, ordinances, and rules.

4470 19. Any other information required by rule.

4471 (b) Applicants must submit all required information,
4472 including the information required in subsection (3), to the
4473 department. Failure by an applicant to submit all required
4474 information may result in the application being disqualified.

4475 (c) If the department receives an application with missing
4476 information, the department may issue a deficiency notice to the
4477 applicant. The applicant shall have 10 calendar days from the
4478 date of the deficiency notice to resubmit the incomplete
4479 information. Applications that are still incomplete after this
4480 opportunity to cure will not be scored and will be disqualified.

4481 (3) ISSUING LICENSES.—

4482 (a) The department shall by rule develop a system to score
4483 infuser applications to administratively rank applications based
4484 on the clarity, organization, and quality of the applicant's
4485 responses to required information. Applicants shall be awarded
4486 points based on the following categories:

4487 1. Suitability of the proposed facility.

4488 2. Suitability of the employee training plan.

4489 3. Security and recordkeeping plan.

4490 4. Infusing plan.

4491 5. Product safety and labeling plan.

4492 6. Business plan.

4493 7. The applicant's status as a social equity applicant,
4494 which shall constitute no less than 20 percent of total
4495 available points.

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4496 8. Labor and employment practices, which shall constitute
4497 no less than 2 percent of total available points.

4498 9. Environmental plan as described in subparagraphs
4499 (2) (a) 17. and 18.

4500 10. The applicant is 51 percent or more owned and
4501 controlled by an individual or individuals who have been a
4502 resident of this state for the past 5 years as proved by tax
4503 records.

4504 11. The applicant is 51 percent or more controlled and
4505 owned by an individual or individuals who meet the
4506 qualifications of a veteran as defined in s. 1.01(14).

4507 12. A diversity plan that includes a narrative of not more
4508 than 2,500 words that establishes a goal of diversity in
4509 ownership, management, employment, and contracting to ensure
4510 that diverse participants and groups are afforded equality of
4511 opportunity.

4512 13. Any other criteria the department may set by rule for
4513 points.

4514 (b) The department may also award up to two bonus points
4515 for the applicant's plan to engage with the community. The
4516 applicant may demonstrate a desire to engage with its community
4517 by participating in one or more of, but not limited to, the
4518 following actions:

4519 1. Establishment of an incubator program designed to
4520 increase participation in the cannabis industry by persons who
4521 would qualify as social equity applicants;

4522 2. Providing financial assistance to substance abuse
4523 treatment centers;

4524 3. Educating children and teens about the potential harms

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4525 of cannabis use; or

4526 4. Other measures demonstrating a commitment to the
4527 applicant's community. Bonus points will only be awarded if the
4528 department receives applications that receive an equal score for
4529 a particular region.

4530 (c) Should the applicant be awarded an infuser license, the
4531 information and plans that an applicant provided in its
4532 application, including any plans submitted for the acquiring of
4533 bonus points, becomes a mandatory condition of the permit. Any
4534 variation from or failure to perform such plans may result in
4535 discipline, including the revocation or nonrenewal of a license.

4536 (d) Should the applicant be awarded an infuser organization
4537 license, it shall pay a fee as provided in s. 566.801 before
4538 receiving the license, to be deposited into the Alcoholic
4539 Beverage, Marijuana, and Tobacco Trust Fund.

4540 (4) DENIAL OF APPLICATION.—An application for an infuser
4541 license shall be denied if any of the following conditions are
4542 met:

4543 (a) The applicant failed to submit the materials required
4544 by this section.

4545 (b) The applicant would not be in compliance with local
4546 zoning rules or permit requirements.

4547 (c) One or more of the prospective principal officers or
4548 board members causes a violation of subsection (5).

4549 (d) One or more of the principal officers or board members
4550 is under 21 years of age.

4551 (e) The person has submitted an application for a license
4552 under this chapter that contains false information.

4553 (f) If the licensee; principal officer, board member, or

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4554 person having a financial or voting interest of 5 percent or
4555 greater in the licensee; or agent is delinquent in filing any
4556 required tax returns or paying any amounts owed to the state.

4557 (5) INFUSER ORGANIZATION REQUIREMENTS; PROHIBITIONS.—

4558 (a) The operating documents of an infuser shall include
4559 procedures for the oversight of the infuser, an inventory
4560 monitoring system, including a physical inventory recorded
4561 weekly, accurate recordkeeping, and a staffing plan.

4562 (b) An infuser shall implement a security plan reviewed by
4563 the Department of Law Enforcement that includes, but is not
4564 limited to, facility access controls, perimeter intrusion
4565 detection systems, personnel identification systems, and a 24-
4566 hour surveillance system to monitor the interior and exterior of
4567 the infuser facility and that is accessible to authorized law
4568 enforcement, the Department of Health, and the department in
4569 real time.

4570 (c) All processing of cannabis by an infuser must take
4571 place in an enclosed, locked facility at the physical address
4572 provided to the department during the licensing process. The
4573 infuser location shall only be accessed by the agents working
4574 for the infuser, the department staff performing inspections,
4575 the Department of Health staff performing inspections, state and
4576 local law enforcement or other emergency personnel, contractors
4577 working on jobs unrelated to cannabis, such as installing or
4578 maintaining security devices or performing electrical wiring,
4579 transporting organization agents as provided in this chapter,
4580 participants in the incubator program, individuals in a
4581 mentoring or educational program approved by the state, local
4582 safety or health inspectors, or other individuals as provided by

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4583 rule. However, if an infuser shares a premises with a craft
4584 grower or dispensing organization, agents from these other
4585 licensees may access the infuser portion of the premises if that
4586 is the location of common bathrooms, lunchrooms, locker rooms,
4587 or other areas of the building where processing of cannabis is
4588 not performed. At no time may a craft grower or dispensing
4589 organization agent perform work at an infuser without being a
4590 registered agent of the infuser.

4591 (d) An infuser may not sell or distribute any cannabis to
4592 any person other than a dispensing organization, or as otherwise
4593 authorized by rule.

4594 (e) An infuser may not either directly or indirectly
4595 discriminate in price between different cannabis business
4596 establishments that are purchasing a like grade, strain, brand,
4597 and quality of cannabis or cannabis-infused product. Nothing in
4598 this paragraph prevents an infuser from pricing cannabis
4599 differently based on differences in the cost of manufacturing or
4600 processing, the quantities sold, such volume discounts, or the
4601 way the products are delivered.

4602 (f) All cannabis infused by an infuser and intended for
4603 distribution to a dispensing organization must be entered into a
4604 data collection system, packaged and labeled under s. 566.4805,
4605 and, if distribution is to a dispensing organization that does
4606 not share a premises with the infuser, placed into a cannabis
4607 container for transport. All cannabis produced by an infuser and
4608 intended for distribution to a cultivation center, infuser
4609 organization, or craft grower with which it does not share a
4610 premises, must be packaged in a labeled cannabis container and
4611 entered into a data collection system before transport.

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4612 (g) Infusers are subject to random inspections by the
4613 department, the Department of Health, the Department of Law
4614 Enforcement, and local law enforcement.

4615 (h) An infuser agent shall notify local law enforcement,
4616 the Department of Law Enforcement, and the department within 24
4617 hours of the discovery of any loss or theft. Notification shall
4618 be made by phone, in person, or by written or electronic
4619 communication.

4620 (i) An infuser organization may not be located in an area
4621 zoned for residential use.

4622 (j) An infuser or infuser agent shall not transport
4623 cannabis or cannabis-infused products to any other cannabis
4624 business establishment without a transport organization license
4625 unless:

4626 1. If the infuser is located in a county with a population
4627 of 3 million or more, the cannabis business establishment
4628 receiving the cannabis or cannabis-infused product is within
4629 2,000 feet of the property line of the infuser;

4630 2. If the infuser is located in a county with a population
4631 of more than 700,000 but fewer than 3 million, the cannabis
4632 business establishment receiving the cannabis or cannabis-
4633 infused product is within 2 miles of the infuser; or

4634 3. If the infuser is located in a county with a population
4635 of 700,000 or fewer, the cannabis business establishment
4636 receiving the cannabis or cannabis-infused product is within 15
4637 miles of the infuser.

4638 (k) An infuser may enter into a contract with a
4639 transporting organization to transport cannabis to a dispensing
4640 organization or a laboratory.

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4641 (l) An infuser organization may share premises with a craft
4642 grower or a dispensing organization, or both, provided each
4643 licensee stores currency and cannabis or cannabis-infused
4644 products in a separate secured vault to which the other licensee
4645 does not have access or all licensees sharing a vault share more
4646 than 50 percent of the same ownership.

4647 (m) It is unlawful for any person or entity having an
4648 infuser organization license or any officer, associate, member,
4649 representative, or agent of such licensee to offer or deliver
4650 money, or anything else of value, directly or indirectly, to any
4651 person having an early approval adult use dispensing
4652 organization license, a conditional adult use dispensing
4653 organization license, an adult use dispensing organization
4654 License, or a medical marijuana treatment center, or to any
4655 person connected with or in any way representing, or to any
4656 member of the family of, such person holding an early approval
4657 adult use dispensing organization license, a conditional adult
4658 use dispensing organization license, an adult use dispensing
4659 organization license, or a medical marijuana treatment center,
4660 or to any stockholders in any corporation engaged the retail
4661 sales of cannabis, or to any officer, manager, agent, or
4662 representative of the early approval adult use dispensing
4663 organization license, a conditional adult use dispensing
4664 organization license, an adult use dispensing organization
4665 license, or a medical marijuana treatment center to obtain
4666 preferential placement within the dispensing organization,
4667 including, without limitation, on shelves and in display cases
4668 where purchasers can view products, or on the dispensing
4669 organization's website.

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4670 (n) At no time shall an infuser organization or an infuser
4671 agent perform the extraction of cannabis concentrate from
4672 cannabis flower.

4673 (6) IDENTIFICATION CARD.—

4674 (a) The department shall:

4675 1. Establish by rule the information required in an initial
4676 application or renewal application for an agent identification
4677 card submitted under this section and the nonrefundable fee to
4678 accompany the initial application or renewal application.

4679 2. Verify the information contained in an initial
4680 application or renewal application for an agent identification
4681 card submitted under this section and approve or deny an
4682 application within 30 days after receiving a completed initial
4683 application or renewal application and all supporting
4684 documentation required by rule.

4685 3. Issue an agent identification card to a qualifying agent
4686 within 15 business days of approving the initial application or
4687 renewal application.

4688 4. Enter the license number of the infuser where the agent
4689 works.

4690 5. allow for an electronic initial application and renewal
4691 application process, and provide a confirmation by electronic or
4692 other methods that an application has been submitted. The
4693 department may by rule require prospective agents to file their
4694 applications by electronic means and provide notices to the
4695 agents by electronic means.

4696 (b) An agent must keep his or her identification card
4697 visible at all times when on the property of a cannabis business
4698 establishment including the cannabis business establishment for

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4699 which he or she is an agent.

4700 (c) The agent identification cards shall contain the
 4701 following:

4702 1. The name of the cardholder.

4703 2. The date of issuance and expiration date of the
 4704 identification card.

4705 3. A random 10-digit alphanumeric identification number
 4706 containing at least four numbers and at least four letters that
 4707 is unique to the holder.

4708 4. A photograph of the cardholder.

4709 5. The legal name of the infuser organization employing the
 4710 agent.

4711 (d) An agent identification card shall be immediately
 4712 returned to the infuser organization of the agent upon
 4713 termination of his or her employment.

4714 (e) Any agent identification card lost by a transporting
 4715 agent shall be reported to the Department of Law Enforcement and
 4716 the department immediately upon discovery of the loss.

4717 (7) ENSURING AN ADEQUATE SUPPLY OF RAW MATERIALS.—

4718 (a) As used in this subsection, the term "raw materials"
 4719 includes, CO2 hash oil, crude, distillate, or any other cannabis
 4720 concentrate extracted from cannabis flower by use of a solvent
 4721 or a mechanical process.

4722 (b) The department may by rule design a method for
 4723 assessing whether licensed infusers have access to an adequate
 4724 supply of reasonably affordable raw materials, which may include
 4725 but not be limited to:

4726 1. A survey of infusers.

4727 2. A market study on the sales trends of cannabis-infused

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4728 products manufactured by infusers.

4729 3. The costs cultivation centers and craft growers assume
4730 for the raw materials they use in any cannabis-infused products
4731 they manufacture.

4732 (c) The department shall perform an assessment of whether
4733 infusers have access to an adequate supply of reasonably
4734 affordable raw materials beginning no sooner than January 1,
4735 2024, and concluding no later than April 1, 2024.

4736 (d) The department shall perform an assessment of whether
4737 infusers have access to an adequate supply of reasonably
4738 affordable raw materials beginning no sooner than January 1,
4739 2023, and concluding no later than April 1, 2025.

4740 (e) The department may by rule adopt measures to ensure
4741 infusers have access to an adequate supply of reasonably
4742 affordable raw materials necessary for the manufacture of
4743 cannabis-infused products. Such measures may include, but not be
4744 limited to, requiring cultivation centers and craft growers to
4745 set aside a minimum amount of raw materials for the wholesale
4746 market or enabling infusers to apply for a processor license to
4747 extract raw materials from cannabis flower.

4748 (f) If the department determines processor licenses may be
4749 available to infusing organizations based upon findings made
4750 pursuant to paragraph (e), infuser organizations may submit to
4751 the department on forms provided by the department the following
4752 information as part of an application to receive a processor
4753 license:

4754 1. Experience with the extraction, processing, or infusing
4755 of oils similar to those derived from cannabis, or other
4756 business practices to be performed by the infuser.

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4757 2. A description of the applicant's experience with
4758 manufacturing equipment and chemicals to be used in processing.

4759 3. Expertise in relevant scientific fields.

4760 4. A commitment that any cannabis waste, liquid waste, or
4761 hazardous waste shall be disposed of in accordance with
4762 applicable laws and that all cannabis plant waste will be
4763 rendered unusable by grinding and incorporating the cannabis
4764 plant waste with compostable mixed waste to be disposed of or
4765 composted in accordance with applicable laws.

4766 5. Any other information the department deems relevant.

4767 (g) The department may only issue an infusing organization
4768 a processor license if, based on the information pursuant to
4769 paragraph (f) and any other criteria set by the department,
4770 which may include, but not be limited to, an inspection of the
4771 site where processing would occur, the department is reasonably
4772 certain the infusing organization will process cannabis in a
4773 safe and compliant manner.

4774 (8) BACKGROUND CHECKS.—

4775 (a) Through the Department of Law Enforcement, the
4776 department shall conduct a background check of the prospective
4777 principal officers, board members, and agents of an infuser
4778 applying for a license or identification card under this
4779 section. The Department of Law Enforcement may charge a fee as
4780 provided in s. 943.053. In order to carry out this provision,
4781 each infuser organization's prospective principal officer, board
4782 member, or agent shall submit a full set of fingerprints to the
4783 Department of Law Enforcement for the purpose of obtaining a
4784 state and federal criminal records check. These fingerprints
4785 shall be checked against the fingerprint records now and

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4786 hereafter, to the extent allowed by law, filed in the Department
4787 of Law Enforcement and Federal Bureau of Investigation criminal
4788 history records databases. The Department of Law Enforcement
4789 shall furnish, following positive identification, all conviction
4790 information to the department.

4791 (b) When applying for the initial license or identification
4792 card, the background checks for all prospective principal
4793 officers, board members, and agents shall be completed before
4794 submitting the application to the licensing or issuing agency.

4795 (9) RENEWAL OF LICENSES AND IDENTIFICATION CARDS.—

4796 (a) Licenses and identification cards issued under this
4797 section shall be renewed annually. An infuser organization shall
4798 receive written or electronic notice 90 days before the
4799 expiration of its current license that the license will expire.
4800 The department shall grant a renewal within 45 days of
4801 submission of a renewal application if:

4802 1. The infuser organization submits a renewal application
4803 and the required nonrefundable renewal fee as provided in s.
4804 566.801 to be deposited into the Alcoholic Beverage, Marijuana,
4805 and Tobacco Trust Fund.

4806 2. The department has not suspended or revoked the license
4807 of the infuser organization for violating this section or rules
4808 adopted under this section.

4809 3. The infuser organization has continued to operate in
4810 accordance with all plans submitted as part of its application
4811 and approved by the department or any amendments thereto that
4812 have been approved by the department.

4813 4. The infuser has submitted an agent, employee,
4814 contracting, and subcontracting diversity report as required by

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4815 the department.

4816 5. The infuser has submitted an environmental impact
4817 report.

4818 (b) If an infuser organization fails to renew its license
4819 before expiration, it shall cease operations until its license
4820 is renewed.

4821 (c) If an infuser organization agent fails to renew his or
4822 her identification card before its expiration, he or she shall
4823 cease to work as an agent of the infuser organization until his
4824 or her identification card is renewed.

4825 (d) Any infuser organization that continues to operate, or
4826 any infuser organization agent who continues to work as an
4827 agent, after the applicable license or identification card has
4828 expired without renewal is subject to the penalties provided
4829 under subsection (5).

4830 (e) The department may not renew a license or an agent
4831 identification card if the applicant is delinquent in filing any
4832 required tax returns or paying any amounts owed to the state.

4833 566.4501 Transporting organizations.—

4834 (1) ISSUANCE OF LICENSES.—

4835 (a) The department shall issue transporting licenses
4836 through a process provided for in this section no later than
4837 July 1, 2022.

4838 (b) The department shall make the application for
4839 transporting organization licenses available on January 7, 2022,
4840 and shall receive such applications no later than March 15,
4841 2022. Thereafter, the department shall make available such
4842 applications on every January 7 thereafter, or if that date
4843 falls on a weekend or holiday, the business day immediately

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4844 succeeding the weekend or holiday and shall receive such
4845 applications no later than March 15 or the succeeding business
4846 day thereafter.

4847 (2) APPLICATION.—

4848 (a) When applying for a transporting organization license,
4849 the applicant shall electronically submit the following in such
4850 form as the department may direct:

4851 1. The nonrefundable application fee as provided in s.
4852 566.801 to be deposited into the Alcoholic Beverage, Marijuana,
4853 and Tobacco Trust Fund.

4854 2. The legal name of the transporting organization.

4855 3. The proposed physical address of the transporting
4856 organization, if one is proposed.

4857 4. The name, address, social security number, and date of
4858 birth of each principal officer and board member of the
4859 transporting organization; each principal officer and board
4860 member shall be at least 21 years of age.

4861 5. The details of any administrative or judicial proceeding
4862 in which any of the principal officers or board members of the
4863 transporting organization:

4864 a. Pled guilty, were convicted, were fined, or had a
4865 registration or license suspended or revoked; or

4866 b. Managed or served on the board of a business or non-
4867 profit organization that pled guilty, was convicted, was fined,
4868 or had a registration or license suspended or revoked.

4869 6. Proposed operating bylaws that include procedures for
4870 the oversight of the transporting organization, including the
4871 development and implementation of an accurate recordkeeping
4872 plan, staffing plan, and security plan approved by the

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4873 Department of Law Enforcement that are in accordance with the
4874 rules issued by the department under this section; a physical
4875 inventory shall be performed of all cannabis on a weekly basis
4876 by the transporting organization.

4877 7. Verification from the Department of Law Enforcement that
4878 all background checks of the prospective principal officers,
4879 board members, and agents of the transporting organization have
4880 been conducted.

4881 8. A copy of the current local zoning ordinance or permit
4882 and verification that the proposed transporting organization is
4883 in compliance with the local zoning rules and distance
4884 limitations established by the local jurisdiction, if the
4885 transporting organization has a business address.

4886 9. Proposed employment practices, in which the applicant
4887 must demonstrate a plan of action to inform, hire, and educate
4888 minorities, women, veterans, and persons with disabilities,
4889 engage in fair labor practices, and provide worker protections.

4890 10. Whether an applicant can demonstrate experience in or
4891 business practices that promote economic empowerment in
4892 disproportionately impacted areas.

4893 11. The number and types of equipment the transporting
4894 organization will use to transport cannabis and cannabis-infused
4895 products.

4896 12. Loading, transporting, and unloading plans.

4897 13. A description of the applicant's experience in the
4898 distribution or security business.

4899 14. The identity of every person having a financial or
4900 voting interest of 5 percent or more in the transporting
4901 organization with respect to which the license is sought,

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4902 whether a trust, corporation, partnership, limited liability
4903 company, or sole proprietorship, including the name and address
4904 of each person.

4905 15. Any other information required by rule.

4906 (b) Applicants must submit all required information,
4907 including the information required in subsection (3) to the
4908 department. Failure by an applicant to submit all required
4909 information may result in the application being disqualified.

4910 (c) If the department receives an application with missing
4911 information, the department may issue a deficiency notice to the
4912 applicant. The applicant shall have 10 calendar days after the
4913 date of the deficiency notice to resubmit the incomplete
4914 information. Applications that are still incomplete after this
4915 opportunity to cure will not be scored and will be disqualified.

4916 (3) ISSUING LICENSES.—

4917 (a) The department shall by rule develop a system to score
4918 transporter applications to administratively rank applications
4919 based on the clarity, organization, and quality of the
4920 applicant's responses to required information. Applicants shall
4921 be awarded points based on the following categories:

4922 1. Suitability of employee training plan.

4923 2. Security and recordkeeping plan.

4924 3. Business plan.

4925 4. The applicant's status as a social equity applicant,
4926 which shall constitute no less than 20 percent of total
4927 available points.

4928 5. Labor and employment practices, which shall constitute
4929 no less than 2 percent of total available points.

4930 6. Environmental plan that demonstrates an environmental

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4931 plan of action to minimize the carbon footprint, environmental
4932 impact, and resource needs for the transporter, which may
4933 include, without limitation, recycling cannabis product
4934 packaging.

4935 7. The applicant is 51 percent or more owned and controlled
4936 by an individual or individuals who have been residents of this
4937 state for the past 5 years as proved by tax records.

4938 8. The applicant is 51 percent or more controlled and owned
4939 by an individual or individuals who meet the qualifications of a
4940 veteran as defined in s. 1.01(14).

4941 9. A diversity plan that includes a narrative of not more
4942 than 2,500 words that establishes a goal of diversity in
4943 ownership, management, employment, and contracting ensure that
4944 diverse participants and groups are afforded equality of
4945 opportunity.

4946 10. Any other criteria the department may set by rule for
4947 points.

4948 (b) The department may also award up to 2 bonus points for
4949 the applicant's plan to engage with the community. The applicant
4950 may demonstrate a desire to engage with its community by
4951 participating in one or more of, but not limited to, the
4952 following actions:

4953 1. Establishment of an incubator program designed to
4954 increase participation in the cannabis industry by persons who
4955 would qualify as social equity applicants;

4956 2. Providing financial assistance to substance abuse
4957 treatment centers;

4958 3. Educating children and teens about the potential harms
4959 of cannabis use; or

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4960 4. Other measures demonstrating a commitment to the
4961 applicant's community.

4962
4963 Bonus points will only be awarded if the department receives
4964 applications that receive an equal score for a particular
4965 region.

4966 (c) Applicants for transportation organization licenses
4967 that score at least 85 percent of available points according to
4968 the system developed by rule and meet all other requirements for
4969 a transporter license shall be issued a license by the
4970 department within 60 days after receiving the application.
4971 Applicants that were registered as medical marijuana treatment
4972 centers before January 1, 2022, and who meet all other
4973 requirements for a transporter license shall be issued a license
4974 by the department within 60 days after receiving the
4975 application.

4976 (d) Should the applicant be awarded a transportation
4977 organization license, the information and plans that an
4978 applicant provided in its application, including any plans
4979 submitted for the acquiring of bonus points, shall be a
4980 mandatory condition of the permit. Any variation from or failure
4981 to perform such plans may result in discipline, including the
4982 revocation or nonrenewal of a license.

4983 (e) Should the applicant be awarded a transporting
4984 organization license, the applicant shall pay a prorated fee as
4985 provided in s. 566.801 before receiving the license, to be
4986 deposited into the Alcoholic Beverage, Marijuana, and Tobacco
4987 Trust Fund.

4988 (4) DENIAL OF APPLICATION.—An application for a

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4989 transportation organization license shall be denied if any of
4990 the following conditions are met:

4991 (a) The applicant failed to submit the materials required
4992 by this section;

4993 (b) The applicant would not be in compliance with local
4994 zoning rules or permit requirements;

4995 (c) One or more of the prospective principal officers or
4996 board members causes a violation of subsection (5);

4997 (d) One or more of the principal officers or board members
4998 is under 21 years of age;

4999 (e) The person has submitted an application for license
5000 under this chapter that contains false information; or

5001 (f) The licensee, principal officer, board member, or
5002 person having a financial or voting interest of 5 percent or
5003 greater in the licensee is delinquent in filing any required tax
5004 returns or paying any amounts owed to the state.

5005 (5) ORGANIZATION REQUIREMENTS; PROHIBITIONS.—

5006 (a) The operating documents of a transporting organization
5007 shall include procedures for the oversight of the transporter,
5008 an inventory monitoring system, including a physical inventory
5009 recorded weekly, accurate recordkeeping, and a staffing plan.

5010 (b) A transporting organization may not transport cannabis
5011 or cannabis-infused products to any person other than a
5012 cultivation center, a craft grower, an infuser organization, a
5013 dispensing organization, a testing facility, or as otherwise
5014 authorized by rule.

5015 (c) All cannabis transported by a transporting organization
5016 must be entered into a data collection system and placed into a
5017 cannabis container for transport.

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5018 (d) Transporters are subject to random inspections by the
5019 department, the Department of Health, and the Department of Law
5020 Enforcement.

5021 (e) A transporting organization agent shall notify local
5022 law enforcement, the Department of Law Enforcement, and the
5023 department within 24 hours of the discovery of any loss or
5024 theft. Notification shall be made by phone, in person, or by
5025 written or electronic communication.

5026 (f) No person under the age of 21 years shall be in a
5027 commercial vehicle or trailer transporting cannabis goods.

5028 (g) No person who is not a transporting organization agent
5029 shall be in a vehicle while transporting cannabis goods.

5030 (h) Transporters may not use commercial motor vehicles with
5031 a weight rating of over 10,001 pounds.

5032 (i) It is unlawful for any person to offer or deliver
5033 money, or anything else of value, directly or indirectly, to any
5034 of the following persons to obtain preferential placement within
5035 the dispensing organization, including, without limitation, on
5036 shelves and in display cases where purchasers can view products,
5037 or on the dispensing organization's website:

5038 1. A person having a transporting organization license, or
5039 any officer, associate, member, representative, or agent of the
5040 licensee;

5041 2. A person having an early applicant adult use dispensing
5042 organization license, an adult use dispensing organization
5043 license, or a medical marijuana treatment center license;

5044 3. A person connected with or in any way representing, or a
5045 member of the family of, a person holding an early applicant
5046 adult use dispensing organization license, an adult use

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5047 dispensing organization license, or a medical marijuana
5048 treatment center license; or

5049 4. A stockholder, officer, manager, agent, or
5050 representative of a corporation engaged in the retail sale of
5051 cannabis, an early applicant adult use dispensing organization
5052 license, an adult use dispensing organization license, or a
5053 medical marijuana treatment center license.

5054 (j) A transportation organization agent must keep his or
5055 her identification card visible at all times when on the
5056 property of a cannabis business establishment and during the
5057 transportation of cannabis when acting under his or her duties
5058 as a transportation organization agent. During these times, the
5059 transporter organization agent must also provide the
5060 identification card upon request of any law enforcement officer
5061 engaged in his or her official duties.

5062 (k) A copy of the transporting organization's registration
5063 and a manifest for the delivery shall be present in any vehicle
5064 transporting cannabis.

5065 (l) Cannabis shall be transported so it is not visible or
5066 recognizable from outside the vehicle.

5067 (m) A vehicle transporting cannabis must not bear any
5068 markings to indicate the vehicle contains cannabis or bear the
5069 name or logo of the cannabis business establishment.

5070 (n) Cannabis must be transported in an enclosed, locked
5071 storage compartment that is secured or affixed to the vehicle.

5072 (o) The department may, by rule, impose any other
5073 requirements or prohibitions on the transportation of cannabis.

5074 (6) IDENTIFICATION CARD.—

5075 (a) The department shall:

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5076 1. Establish by rule the information required in an initial
5077 application or renewal application for an agent identification
5078 card submitted under this chapter and the nonrefundable fee to
5079 accompany the initial application or renewal application.

5080 2. Verify the information contained in an initial
5081 application or renewal application for an agent identification
5082 card submitted under this section and approve or deny an
5083 application within 30 days after receiving a completed initial
5084 application or renewal application and all supporting
5085 documentation required by rule.

5086 3. Issue an agent identification card to a qualifying agent
5087 within 15 business days of approving the initial application or
5088 renewal application.

5089 4. Enter the license number of the transporting
5090 organization where the agent works.

5091 5. Allow for an electronic initial application and renewal
5092 application process and provide a confirmation by electronic or
5093 other methods that an application has been submitted. The
5094 department may by rule require prospective agents to file their
5095 applications by electronic means and provide notices to the
5096 agents by electronic means.

5097 (b) An agent must keep his or her identification card
5098 visible at all times when on the property of a cannabis business
5099 establishment, including the cannabis business establishment for
5100 which he or she is an agent.

5101 (c) The agent identification cards shall contain the
5102 following:

5103 1. The name of the cardholder.

5104 2. The date of issuance and expiration date of the

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5105 identification card.

5106 3. A random 10-digit alphanumeric identification number
5107 containing at least 4 numbers and at least 4 letters that is
5108 unique to the holder.

5109 4. A photograph of the cardholder.

5110 5. The legal name of the transporter organization employing
5111 the agent.

5112 (d) An agent identification card shall be immediately
5113 returned to the transporter organization of the agent upon
5114 termination of his or her employment.

5115 (e) Any agent identification card lost by a transporting
5116 agent shall be reported to the Department of Law Enforcement and
5117 the department immediately upon discovery of the loss.

5118 (f) An application for an agent identification card shall
5119 be denied if the applicant is delinquent in filing any required
5120 tax returns or paying any amounts owed to this state.

5121 (7) BACKGROUND CHECKS.—

5122 (a) Through the Department of Law Enforcement, the
5123 department shall conduct a background check of the prospective
5124 principal officers, board members, and agents of a transporter
5125 applying for a license or identification card under this
5126 section. The Department of Law Enforcement may charge a fee as
5127 provided in s. 943.053. In order to carry out this provision,
5128 each transporter organization's prospective principal officer,
5129 board member, or agent shall submit a full set of fingerprints
5130 to the Department of Law Enforcement for the purpose of
5131 obtaining a state and federal criminal records check. These
5132 fingerprints shall be checked against the fingerprint records
5133 now and hereafter, to the extent allowed by law, filed in the

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5134 Department of Law Enforcement and Federal Bureau of
5135 Investigation criminal history records databases. The Department
5136 of Law Enforcement shall furnish, following positive
5137 identification, all conviction information to the department.

5138 (b) When applying for the initial license or identification
5139 card, the background checks for all prospective principal
5140 officers, board members, and agents shall be completed before
5141 submitting the application to the department.

5142 (8) RENEWAL OF LICENSES AND AGENT IDENTIFICATION CARDS.—

5143 (a) Licenses and identification cards issued under this
5144 section shall be renewed annually. A transporting organization
5145 shall receive written or electronic notice 90 days before the
5146 expiration of its current license that the license will expire.
5147 The department shall grant a renewal within 45 days of
5148 submission of a renewal application if:

5149 1. The transporting organization submits a renewal
5150 application and the required nonrefundable renewal fee as
5151 provided in s. 566.801 to be deposited into the Alcoholic
5152 Beverage, Marijuana, and Tobacco Trust Fund.

5153 2. The department has not suspended or revoked the license
5154 of the transporting organization for violating this chapter or
5155 rules adopted under this chapter.

5156 3. The transporting organization has continued to operate
5157 in accordance with all plans submitted as part of its
5158 application and approved by the department or any amendments
5159 thereto that have been approved by the department.

5160 4. The transporter has submitted an agent, employee,
5161 contracting, and subcontracting diversity report as required by
5162 the department.

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5163 (b) If a transporting organization fails to renew its
5164 license before expiration, it shall cease operations until its
5165 license is renewed.

5166 (c) If a transporting organization agent fails to renew his
5167 or her identification card before its expiration, he or she
5168 shall cease to work as an agent of the transporter organization
5169 until his or her identification card is renewed.

5170 (d) Any transporting organization that continues to
5171 operate, or any transporting organization agent who continues to
5172 work as an agent, after the applicable license or identification
5173 card has expired without renewal is subject to the penalties
5174 provided under subsection (5).

5175 (e) The department may not renew a license or an agent
5176 identification card if the applicant is delinquent in filing any
5177 required tax returns or paying any amounts owed to the state.

5178 566.4601 Cannabis testing facilities.-

5179 (1) Notwithstanding any other provision of law, the
5180 following acts, when performed by a cannabis testing facility
5181 with a current, valid registration, or a person 21 years of age
5182 or older who is acting in his or her capacity as an owner,
5183 employee, or agent of a cannabis testing facility, are not
5184 unlawful and are not an offense under state law or a basis for
5185 seizure or forfeiture of assets under state law:

5186 (a) Possessing, repackaging, transporting, storing, or
5187 displaying cannabis or cannabis-infused products.

5188 (b) Receiving or transporting cannabis or cannabis-infused
5189 products from a cannabis business establishment, a community
5190 college licensed under the Florida College System Cannabis
5191 Vocational Pilot Program, or a person 21 years of age or older.

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5192 (c) Returning or transporting cannabis or cannabis-infused
5193 products to a cannabis business establishment, a community
5194 college licensed under the Florida College System Cannabis
5195 Vocational Training Pilot Program, or a person 21 years of age
5196 or older.

5197 (2) (a) No laboratory shall handle, test, or analyze
5198 cannabis unless approved by the department in accordance with
5199 this section.

5200 (b) No laboratory shall be approved to handle, test, or
5201 analyze cannabis unless the laboratory:

5202 1. Is accredited by a private laboratory accrediting
5203 organization.

5204 2. Is independent from all other persons involved in the
5205 cannabis industry in this state and no person with a direct or
5206 indirect interest in the laboratory has a direct or indirect
5207 financial, management, or other interest in a Florida
5208 cultivation center, craft grower, dispensary, infuser,
5209 transporter, certifying physician, or any other entity in this
5210 state that may benefit from the production, manufacture,
5211 dispensing, sale, purchase, or use of cannabis.

5212 3. Has employed at least one person to oversee and be
5213 responsible for the laboratory testing who has earned, from a
5214 college or university accredited by a national or regional
5215 certifying authority, at least:

5216 a. A master's level degree in chemical or biological
5217 sciences and a minimum of 2 years' post-degree laboratory
5218 experience; or

5219 b. A bachelor's degree in chemical or biological sciences
5220 and a minimum of 4 years' post-degree laboratory experience.

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5221 4. Each independent testing laboratory that claims to be
5222 accredited must provide the department with a copy of the most
5223 recent annual inspection report granting accreditation and every
5224 annual report thereafter.

5225 (3) Immediately before manufacturing or natural processing
5226 of any cannabis or cannabis-infused product or packaging
5227 cannabis for sale to a dispensary, each batch shall be made
5228 available by the cultivation center, craft grower, or infuser
5229 for an employee of an approved laboratory to select a random
5230 sample, which shall be tested by the approved laboratory for:

5231 (a) Microbiological contaminants.

5232 (b) Mycotoxins.

5233 (c) Pesticide active ingredients.

5234 (d) Residual solvent.

5235 (e) An active ingredient analysis.

5236 (4) The department may select a random sample that shall,
5237 for the purposes of conducting an active ingredient analysis, be
5238 tested by the department for verification of label information.

5239 (5) A laboratory shall immediately return or dispose of any
5240 cannabis upon the completion of any testing, use, or research.
5241 If cannabis is disposed of, it shall be done in compliance with
5242 department rule.

5243 (6) If a sample of cannabis does not pass the
5244 microbiological, mycotoxin, pesticide chemical residue, or
5245 solvent residue test, based on the standards established by the
5246 department, the following shall apply:

5247 (a) If the sample failed the pesticide chemical residue
5248 test, the entire batch from which the sample was taken shall, if
5249 applicable, be recalled as provided by rule.

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5250 (b) If the sample failed any other test, the batch may be
5251 used to make a CO2-based or solvent based extract. After
5252 processing, the CO2-based or solvent based extract must still
5253 pass all required tests.

5254 (7) The department shall establish standards for microbial,
5255 mycotoxin, pesticide residue, solvent residue, or other
5256 standards for the presence of possible contaminants, in addition
5257 to labeling requirements for contents and potency.

5258 (8) The laboratory shall file with the department an
5259 electronic copy of each laboratory test result for any batch
5260 that does not pass the microbiological, mycotoxin, or pesticide
5261 chemical residue test at the same time that it transmits those
5262 results to the cultivation center. In addition, the laboratory
5263 shall maintain the laboratory test results for at least 5 years
5264 and make them available at the department's request.

5265 (9) A cultivation center, craft grower, and infuser shall
5266 provide to a dispensing organization the laboratory test results
5267 for each batch of cannabis product purchased by the dispensing
5268 organization, if sampled. Each dispensary organization must have
5269 those laboratory results available upon request to purchasers.

5270 (10) The department may adopt rules related to testing in
5271 accordance with this section.

5272 566.4701 Enforcement and immunities.-

5273 (1) Notwithstanding any other criminal penalties related to
5274 the unlawful possession of cannabis, the department may revoke,
5275 suspend, place on probation, reprimand, issue cease and desist
5276 orders, refuse to issue or renew a license, or take any other
5277 disciplinary or nondisciplinary action as each department may
5278 deem proper with regard to a cannabis business establishment or

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5279 cannabis business establishment agent, including fines not to
5280 exceed:

5281 (a) By a cultivation center or cultivation center agent,
5282 \$50,000 for each violation of this chapter or rules adopted
5283 under this chapter.

5284 (b) By a dispensing organization or dispensing organization
5285 agent, \$10,000 for each violation of this chapter or rules
5286 adopted thereunder.

5287 (c) By a craft grower or craft grower agent, \$15,000 for
5288 each violation of this chapter or rules adopted thereunder.

5289 (d) By an infuser organization or infuser organization
5290 agent, \$10,000 for each violation of this chapter or rules
5291 adopted thereunder.

5292 (e) By a transporting organization or transporting
5293 organization agent, \$10,000 for each violation of this chapter
5294 or rules adopted thereunder.

5295 (2) The department shall consider licensee cooperation in
5296 any agency or other investigation in its determination of
5297 penalties imposed under this section.

5298 (3) The procedures for disciplining a cannabis business
5299 establishment or cannabis business establishment agent and for
5300 administrative hearings shall be determined by rule and shall
5301 provide for the review of final decisions under chapter 120.

5302 (4) The Attorney General may also enforce a violation of s.
5303 566.4801 or s. 566.4805 as an unlawful practice under the
5304 Florida Deceptive and Unfair Trade Practices Act.

5305 (5) (a) A cultivation center, craft grower, infuser
5306 organization, or transporting organization is not subject to
5307 prosecution; search or inspection, except by the department, the

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5308 Department of Health, or state or local law enforcement under
5309 this chapter; seizure; penalty in any manner, including, but not
5310 limited to, civil penalty; denial of any right or privilege; or
5311 disciplinary action by a business licensing board or entity for
5312 acting under this chapter and rules adopted thereunder to
5313 acquire, possess, cultivate, manufacture, process, deliver,
5314 transfer, transport, supply, or sell cannabis or cannabis
5315 paraphernalia under this chapter.

5316 (b) A licensed cultivation center agent, licensed craft
5317 grower agent, licensed infuser organization agent, or licensed
5318 transporting organization agent is not subject to prosecution;
5319 search; penalty in any manner, including, but not limited to,
5320 civil penalty; denial of any right or privilege; or disciplinary
5321 action by a business licensing board or entity for engaging in
5322 cannabis-related activities authorized under this chapter and
5323 rules adopted thereunder.

5324 (c) A dispensing organization is not subject to
5325 prosecution; search or inspection, except by the department or
5326 state or local law enforcement under this chapter; seizure;
5327 penalty in any manner, including, but not limited to, civil
5328 penalty; denial of any right or privilege; or disciplinary
5329 action by a business licensing board or entity for acting under
5330 this chapter and rules adopted thereunder to acquire, possess,
5331 or dispense cannabis, cannabis-infused products, cannabis
5332 paraphernalia, or related supplies, and educational materials
5333 under this chapter.

5334 (d) A licensed dispensing organization agent is not subject
5335 to prosecution; search; or penalty in any manner, or denial of
5336 any right or privilege, including civil penalty or disciplinary

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5337 action by a business licensing board or entity, for working for
5338 a dispensing organization under this chapter and rules adopted
5339 thereunder.

5340 (e) Any cannabis, cannabis-infused product, cannabis
5341 paraphernalia, legal property, or interest in legal property
5342 that is possessed, owned, or used in connection with the use of
5343 cannabis as allowed under this chapter, or acts incidental to
5344 that use, may not be seized or forfeited. This chapter does not
5345 prevent the seizure or forfeiture of cannabis exceeding the
5346 amounts allowed under this chapter, nor does it prevent seizure
5347 or forfeiture if the basis for the action is unrelated to the
5348 cannabis that is possessed, manufactured, transferred, or used
5349 under this chapter.

5350 (f) This chapter does not preclude local or state law
5351 enforcement agencies from searching a cultivation center, craft
5352 grower, infuser organization, transporting organization, or
5353 dispensing organization if there is probable cause to believe
5354 that the criminal laws of this state have been violated and the
5355 search is conducted in conformity with the State Constitution,
5356 the Constitution of the United States, and applicable law.

5357 (g) This chapter does not preclude the Attorney General or
5358 other authorized government agency from investigating or
5359 bringing a civil action against a cannabis business
5360 establishment, or an agent thereof, for a violation of state law
5361 civil rights violations and violations of the Florida Deceptive
5362 and Unfair Trade Practices Act.

5363 (6) Any standards, requirements, and rules regarding the
5364 health and safety, environmental protection, testing, security,
5365 food safety, and worker protections established by the state

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5366 shall be the minimum standards for all licensees under this
5367 chapter statewide, where applicable. Knowing violations of any
5368 state or local law, ordinance, or rule conferring worker
5369 protections or legal rights on the employees of a licensee may
5370 be grounds for disciplinary action under this chapter, in
5371 addition to penalties established elsewhere.

5372 566.4801 Advertising and promotions.-

5373 (1) A cannabis business establishment and any other person
5374 or entity may not engage in advertising that contains any
5375 statement or illustration that:

5376 (a) Is false or misleading;

5377 (b) Promotes overconsumption of cannabis or cannabis
5378 products;

5379 (c) Depicts the actual consumption of cannabis or cannabis
5380 products;

5381 (d) Depicts a person under 21 years of age consuming
5382 cannabis;

5383 (e) Makes any health, medicinal, or therapeutic claims
5384 about cannabis or cannabis-infused products;

5385 (f) Includes the image of a cannabis leaf or bud; or

5386 (g) Includes any image designed or likely to appeal to
5387 minors, including cartoons, toys, animals, or children, or any
5388 other likeness to images, characters, or phrases that is
5389 designed in any manner to be appealing to or encourage
5390 consumption by persons under 21 years of age.

5391 (2) No cannabis business establishment nor any other person
5392 or entity shall place or maintain, or cause to be placed or
5393 maintained, an advertisement of cannabis or a cannabis-infused
5394 product in any form or through any medium:

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5395 (a) Within 1,000 feet of the perimeter of school grounds, a
5396 playground, a recreation center or facility, a child care
5397 center, a public park or public library, or a game arcade to
5398 which admission is not restricted to persons 21 years of age or
5399 older;

5400 (b) On or in a public transit vehicle or public transit
5401 shelter;

5402 (c) On or in publicly owned or publicly operated property;
5403 or

5404 (d) That contains information that:

5405 1. Is false or misleading;

5406 2. Promotes excessive consumption;

5407 3. Depicts a person under 21 years of age consuming
5408 cannabis;

5409 4. Includes the image of a cannabis leaf; or

5410 5. Includes any image designed or likely to appeal to
5411 minors, including cartoons, toys, animals, or children, or any
5412 other likeness to images, characters, or phrases that are
5413 popularly used to advertise to children, or any imitation of
5414 candy packaging or labeling, or that promotes consumption of
5415 cannabis.

5416 (3) Subsections (1) and (2) do not apply to an educational
5417 message.

5418 (4) No cannabis business establishment nor any other person
5419 or entity may encourage the sale of cannabis or cannabis
5420 products by giving away cannabis or cannabis products, by
5421 conducting games or competitions related to the consumption of
5422 cannabis or cannabis products, or by providing promotional
5423 materials or activities of a manner or type that would be

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5424 appealing to children.

5425 566.4805 Cannabis product packaging and labeling.—

5426 (1) Each cannabis product produced for sale must be
5427 registered with the department on forms provided by the
5428 department. Each product registration must include a label and
5429 the required registration fee at the rate established by the
5430 department for a comparable medical cannabis product or as
5431 established by rule. The registration fee is for the name of the
5432 product offered for sale and one fee is sufficient for all
5433 package sizes.

5434 (2) All harvested cannabis intended for distribution to a
5435 cannabis enterprise must be packaged in a sealed, labeled
5436 container.

5437 (3) Any product containing cannabis must be packaged in a
5438 sealed, odor-proof, and child-resistant cannabis container
5439 consistent with current standards, including the Consumer
5440 Product Safety Commission standards referenced by the Poison
5441 Prevention Act.

5442 (4) All cannabis-infused products must be individually
5443 wrapped or packaged at the original point of preparation. The
5444 packaging of the cannabis-infused product must conform to the
5445 labeling requirements of the Florida Drug and Cosmetic Act, in
5446 addition to the other requirements set forth in this section.

5447 (5) Each cannabis product must be labeled before sale and
5448 each label must be securely affixed to the package and must
5449 state all of the following in legible English and any other
5450 language required by the department:

5451 (a) The name and post office box of the registered
5452 cultivation center or craft grower where the item was

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5453 manufactured;

5454 (b) The common or usual name of the item and the registered
5455 name of the cannabis product which was registered with the
5456 department under subsection (1);

5457 (c) A unique serial number that will match the product with
5458 a cultivation center or craft grower batch and lot number to
5459 facilitate any warnings or recalls the department, cultivation
5460 center, or craft grower deems appropriate;

5461 (d) The date of final testing and packaging, if sampled,
5462 and the identification of the independent testing laboratory;

5463 (e) The date of harvest and "use by" date;

5464 (f) The quantity, in ounces or grams, of cannabis contained
5465 in the product;

5466 (g) A pass or fail rating based on the laboratory's
5467 microbiological, mycotoxins, and pesticide and solvent residue
5468 analyses, if sampled; and

5469 (h)1. A list of the following, including the minimum and
5470 maximum percentage content by weight for sub-subparagraphs a.
5471 and b.:

5472 a. Delta-9-tetrahydrocannabinol (THC).

5473 b. Tetrahydrocannabinolic acid (THCA).

5474 c. Cannabidiol (CBD).

5475 d. Cannabidiolic acid (CBDA).

5476 e. All other ingredients of the item, including any colors,
5477 artificial flavors, and preservatives, listed in descending
5478 order by predominance of weight shown with common or usual
5479 names.

5480 2. The acceptable tolerances for the minimum percentage
5481 printed on the label for any of sub-subparagraphs 1.a.-d. may

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5482 not be below 85 percent or above 115 percent of the labeled
5483 amount.

5484 (6) (a) Packaging for cannabis products may not contain
5485 information that:

5486 1. Is false or misleading;

5487 2. Promotes excessive consumption;

5488 3. Depicts a person under 21 years of age consuming
5489 cannabis;

5490 4. Includes the image of a cannabis leaf;

5491 5. Includes any image designed or likely to appeal to

5492 minors, including cartoons, toys, animals, or children, or any

5493 other likeness to images, characters, or phrases that are

5494 popularly used to advertise to children, or any packaging or

5495 labeling that bears reasonable resemblance to any product

5496 available for consumption as a commercially available candy, or

5497 that promotes consumption of cannabis; or

5498 6. Contains any seal, flag, crest, coat of arms, or other

5499 insignia likely to mislead the purchaser to believe that the

5500 product has been endorsed, made, or used by the state or any of

5501 its representatives except if authorized by this chapter.

5502 (b) Labeling for cannabis products produced by

5503 concentrating or extracting ingredients from the cannabis plant

5504 must contain the following information, as applicable:

5505 1. If solvents were used to create the concentrate or

5506 extract, a statement that discloses the type of extraction

5507 method, including any solvents or gases used to create the

5508 concentrate or extract.

5509 2. Any other chemicals or compounds used to produce or

5510 which were added to the concentrate or extract.

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5511 (7) All cannabis products must contain warning statements
5512 established for purchasers, of a size that is legible and
5513 readily visible to a consumer inspecting a package, which may
5514 not be covered or obscured in any way. The Department of Health
5515 shall define and update appropriate health warnings for packages
5516 including specific labeling or warning requirements for specific
5517 cannabis products.

5518 (8) Unless modified by rule to strengthen or respond to new
5519 evidence and science, the following warnings shall apply to all
5520 cannabis products unless modified by rule: "This product
5521 contains cannabis and is intended for use by adults age 21 and
5522 older. Its use can impair cognition and may be habit forming.
5523 This product should not be used by pregnant or breastfeeding
5524 women. It is unlawful to sell or provide this item to any
5525 individual, and it may not be transported outside the State of
5526 Florida. It is illegal to operate a motor vehicle while under
5527 the influence of cannabis. Possession or use of this product may
5528 carry significant legal penalties in some jurisdictions and
5529 under federal law."

5530 (9) Warnings for each of the following product types must
5531 be present on labels if offered for sale to a purchaser:

5532 (a) Cannabis that may be smoked must contain a statement
5533 that "Smoking is hazardous to your health."

5534 (b) Cannabis-infused products, other than those intended
5535 for topical application, must contain the following statement
5536 "CAUTION: This product contains cannabis and intoxication
5537 following use may be delayed by 2 or more hours. This product
5538 was produced in a facility that cultivates cannabis and that may
5539 also process common food allergens."

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5540 (c) Cannabis-infused products intended for topical
5541 application must contain the statement "DO NOT EAT" in bold,
5542 capital letters.

5543 (10) Each cannabis-infused product intended for consumption
5544 must be individually packaged, must include the total milligram
5545 content of THC and CBD, and may not include more than a total of
5546 100 milligrams of THC per package. A package may contain
5547 multiple servings of 10 milligrams of THC if indicated by
5548 scoring, wrapping, or by other indicators designating individual
5549 serving sizes. The department may change by rule the total
5550 amount of THC allowed for each package or the total amount of
5551 THC allowed for each serving size.

5552 (11) An individual other than the purchaser may not alter
5553 or destroy any labeling affixed to the primary packaging of
5554 cannabis or cannabis-infused products.

5555 (12) For each commercial weighing and measuring device used
5556 at a facility, the cultivation center or craft grower must do
5557 all of the following:

5558 (a) Ensure that the commercial device is regularly
5559 inspected and approved as required under chapter 531.

5560 (b) Maintain documentation of the inspection of the
5561 commercial device.

5562 (c) Provide a copy of the inspection documentation for the
5563 commercial device to the department for review upon request.

5564 (13) It is the responsibility of the department to ensure
5565 that packaging and labeling requirements, including product
5566 warnings, are enforced at all times for products provided to
5567 purchasers. Product registration requirements and container
5568 requirements may be modified by department rule.

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5569 (14) The department may modify labeling requirements,
5570 including for warning labels, by rule.

5571 566.5701 Local ordinances.—Unless otherwise provided under
5572 this chapter or otherwise in accordance with state law:

5573 (1) A unit of local government may enact reasonable zoning
5574 ordinances or resolutions, not in conflict with this chapter or
5575 rules adopted pursuant to this chapter, regulating cannabis
5576 business establishments. A unit of local government, including a
5577 home rule unit or any nonhome rule county within the
5578 unincorporated territory of the county, may not prohibit home
5579 cultivation or unreasonably prohibit use of cannabis authorized
5580 by this chapter.

5581 (2) A unit of local government may enact ordinances or
5582 rules that are not in conflict with this chapter or with rules
5583 adopted pursuant to this chapter governing the time, place,
5584 manner, and number of cannabis business establishment
5585 operations, including minimum distance limitations between
5586 cannabis business establishments and locations it deems
5587 sensitive, such as colleges and universities, through the use of
5588 conditional use permits. A unit of local government may
5589 establish civil penalties for violation of an ordinance or rules
5590 governing the time, place, and manner of operation of a cannabis
5591 business establishment or a conditional use permit in the
5592 jurisdiction of the unit of local government. A unit of local
5593 government may not unreasonably restrict the time, place,
5594 manner, and number of cannabis business establishment operations
5595 authorized by this chapter.

5596 (3) A unit of local government may regulate the on-premises
5597 consumption of cannabis at or in a cannabis business

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5598 establishment within its jurisdiction in a manner consistent
5599 with this chapter. A cannabis business establishment or other
5600 entity authorized or permitted by a unit of local government to
5601 allow on-site consumption is not deemed a public place within
5602 the meaning of the Florida Clean Indoor Air Act.

5603 (4) A unit of local government, including a home rule unit
5604 or any nonhome rule county within the unincorporated territory
5605 of the county, may not regulate the activities described in
5606 subsection (1), subsection (2), or subsection (3) in a manner
5607 more restrictive than the regulation of those activities by the
5608 state under this chapter.

5609 (5) A unit of local government may enact ordinances to
5610 prohibit or significantly limit a cannabis business
5611 establishment's location.

5612 566.5801 Restricted cannabis zones.—

5613 (1) As used in this section, the term:

5614 (a) "Legal voter" means a person who meets all of the
5615 following criteria:

5616 1. Is duly registered to vote in a city with a population
5617 of over 500,000.

5618 2. Whose name appears on a voter list compiled by the
5619 county's supervisor of elections since the last preceding
5620 election, regardless of whether the election was a primary,
5621 general, or special election.

5622 3. Who, at the relevant time, is a resident of the address
5623 at which he or she is registered to vote.

5624 4. Whose address, at the relevant time, is located in the
5625 precinct where such person seeks to circulate or sign a petition
5626 under this section.

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- 5627 (b) "Relevant time" means any time that:
- 5628 1. A notice of intent is filed pursuant to subsection (3)
5629 to initiate the petition process under this section;
- 5630 2. The petition is circulated for signature in the
5631 applicable precinct; or
- 5632 3. The petition is signed by registered voters in the
5633 applicable precinct.
- 5634 (c) "Petition" means the petition described in this
5635 section.
- 5636 (d) "Precinct" means the smallest constituent territory
5637 within a city with a population of over 500,000 in which
5638 electors vote as a unit at the same polling place in any
5639 election governed by the Florida Election Code.
- 5640 (e) "Restricted cannabis zone" means a precinct within
5641 which home cultivation, one or more types of cannabis business
5642 establishments, or both, has been prohibited pursuant to an
5643 ordinance initiated by a petition under this section.
- 5644 (2) (a) The legal voters of any precinct within a city with
5645 a population of over 500,000 may petition their city
5646 commissioner, using a petition form made available online by the
5647 city clerk, to introduce an ordinance establishing the precinct
5648 as a restricted zone. Such petition must specify whether it
5649 seeks an ordinance to prohibit, within the precinct:
- 5650 1. Home cultivation;
- 5651 2. One or more types of cannabis business establishments;
- 5652 or
- 5653 3. Home cultivation and one or more types of cannabis
5654 business establishments.
- 5655 (b) Upon receiving a petition containing the signatures of

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5656 at least 25 percent of the registered voters of the precinct,
5657 and concluding that the petition is legally sufficient following
5658 the posting and review process in subsection (3), the city clerk
5659 shall notify the city commissioner of the district in which the
5660 precinct is located. Upon being notified, that commissioner must
5661 assess the relevant factors within the precinct, including, but
5662 not limited to, its geography, density, and character, the
5663 prevalence of residentially zoned property, current licensed
5664 cannabis business establishments in the precinct, the current
5665 amount of home cultivation in the precinct, and the prevailing
5666 viewpoint with regard to the issue raised in the petition. After
5667 making such an assessment, the commissioner may introduce an
5668 ordinance to the city's governing body creating a restricted
5669 cannabis zone in that precinct.

5670 (3) A person seeking to initiate the petition process
5671 described in this section must first submit to the city clerk
5672 notice of intent to do so on a form made available online by the
5673 city clerk. That notice must include a description of the
5674 potentially affected area and the scope of the restriction
5675 sought. The city clerk shall publicly post the submitted notice
5676 online. To be legally sufficient, a petition must contain the
5677 requisite number of valid signatures and all such signatures
5678 must be obtained within 90 days after the date that the city
5679 clerk publicly posts the notice of intent. Upon receipt, the
5680 city clerk shall post the petition on the municipality's website
5681 for a 30-day comment period. The city clerk may take all
5682 necessary and appropriate steps to verify the legal sufficiency
5683 of a submitted petition. Following the petition review and
5684 comment period, the city clerk shall publicly post online the

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5685 status of the petition as accepted or rejected, and if rejected,
5686 the reasons therefor. If the city clerk rejects a petition as
5687 legally insufficient, a minimum of 12 months must elapse from
5688 the time the city clerk posts the rejection notice before a new
5689 notice of intent for that same precinct may be submitted.

5690 (4) Notwithstanding any law to the contrary, the city may
5691 enact an ordinance creating a restricted cannabis zone. The
5692 ordinance must:

5693 (a) Identify the applicable precinct boundaries as of the
5694 date of the petition;

5695 (b) State whether the ordinance prohibits within the
5696 defined boundaries of the precinct, and in what combination one
5697 or more types of cannabis business establishments, or home
5698 cultivation;

5699 (c) Be in effect for 4 years, unless repealed earlier; and

5700 (d) Once in effect, be subject to renewal by ordinance at
5701 the expiration of the 4-year period without the need for another
5702 supporting petition.

5703 566.601 Defense of state law.—The Attorney General shall to
5704 the best of the abilities of the office and in good faith
5705 advocate to quash any federal subpoena for records involving
5706 marijuana establishments.

5707 566.602 Research.—Notwithstanding the provisions of this
5708 chapter regulating the distribution of marijuana, a scientific
5709 or medical researcher who has previously published peer-reviewed
5710 research may purchase, possess, and securely store marijuana for
5711 purposes of conducting research. A scientific or medical
5712 researcher may administer and distribute marijuana to a
5713 participant in research who is at least 21 years of age after

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5714 receiving informed consent from that participant.

5715 566.701 Construction.—

5716 (1) EMPLOYMENT POLICIES.—This chapter does not require an
5717 employer to permit or accommodate the use, consumption,
5718 possession, transfer, display, transportation, sale, or growing
5719 of marijuana in the workplace or affect the ability of employers
5720 to have policies restricting the use of marijuana by their
5721 employees.

5722 (2) OPERATING UNDER THE INFLUENCE.—This chapter does not
5723 exempt a person from the laws prohibiting operating under the
5724 influence under chapter 316 or chapter 327.

5725 (3) TRANSFER TO MINOR.—This chapter does not permit the
5726 transfer of marijuana, with or without remuneration, to a minor
5727 or to allow a minor to purchase, possess, use, transport, grow,
5728 or consume marijuana.

5729 (4) RESTRICTION ON USE OF PROPERTY.—This chapter does not
5730 prohibit a person, employer, school, hospital, detention
5731 facility, corporation, or other entity that occupies, owns, or
5732 controls real property from prohibiting or otherwise regulating
5733 the possession, consumption, use, display, transfer,
5734 distribution, sale, transportation, or growing of marijuana on
5735 or in that real property.

5736 (5) COMPASSIONATE USE OF LOW-THC CANNABIS.—This chapter
5737 does not apply to the compassionate use of low-THC cannabis
5738 under s. 381.986.

5739 566.702 Rulemaking.—The division shall adopt any rules
5740 necessary to administer and enforce the provisions of this
5741 chapter.

5742 566.703 Good moral character.—Engaging in conduct allowed

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5743 by this chapter may not be the basis for a finding of a lack of
5744 good moral character as that term is used in the Florida
5745 Statutes.

5746 566.704 Penalties for violations.—It is unlawful for any
5747 person to violate any provision of this chapter, and any person
5748 who violates any provision of this chapter for which no penalty
5749 has been provided commits a misdemeanor of the second degree,
5750 punishable as provided in s. 775.082 or s. 775.083. Any person
5751 who has been convicted of a violation of any provision of this
5752 chapter and is thereafter convicted of a second or subsequent
5753 violation commits a felony of the third degree, punishable as
5754 provided in s. 775.082, s. 775.083, or s. 775.084.

5755 566.805 Cannabis cultivation.—

5756 (1) ARREST; SEARCH AND SEIZURE WITHOUT WARRANT.—Any duly
5757 authorized employee of the department may arrest without warrant
5758 any person committing in his or her presence a violation of this
5759 section; may without a search warrant inspect all cannabis
5760 located in any place of business; may seize any cannabis in the
5761 possession of the retailer in violation of this chapter; and may
5762 seize any cannabis on which the tax imposed by this section has
5763 not been paid. The cannabis so seized is subject to confiscation
5764 and forfeiture as provided in subsections (10) and (11).

5765 (2) SEIZURE AND FORFEITURE.—After seizing any cannabis as
5766 provided in subsection (11), the department must hold a hearing
5767 and determine whether the retailer was properly registered to
5768 sell the cannabis at the time of its seizure by the department.
5769 The department shall give at least 20 days' notice of the time
5770 and place of the hearing to the owner of the cannabis, if the
5771 owner is known, and also to the person in whose possession the

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5772 cannabis was found, if that person is known and if the person in
5773 possession is not the owner of the cannabis. If neither the
5774 owner nor the person in possession of the cannabis is known, the
5775 department must publish the time and place of the hearing at
5776 least once each week for 3 consecutive weeks in a newspaper of
5777 general circulation in the county where the hearing is to be
5778 held. If, as a result of the hearing, the department determines
5779 that the retailer was not properly registered at the time the
5780 cannabis was seized, the department must enter an order
5781 declaring the cannabis confiscated and forfeited to the state,
5782 to be held by the department for disposal by it as provided in
5783 subsection (11). The department must give notice of the order to
5784 the owner of the cannabis, if the owner is known, and also to
5785 the person in whose possession the cannabis was found, if that
5786 person is known and if the person in possession is not the owner
5787 of the cannabis. If neither the owner nor the person in
5788 possession of the cannabis is known, the department must publish
5789 the order at least once each week for 3 consecutive weeks in a
5790 newspaper of general circulation in the county where the hearing
5791 was held in accordance with chapter 50.

5792 (3) SEARCH WARRANT; ISSUANCE AND RETURN; PROCESS;
5793 CONFISCATION OF CANNABIS; FORFEITURES.—

5794 (a) If a law enforcement officer of this state or any duly
5795 authorized officer or employee of the department has reason to
5796 believe that any violation of this section or a rule adopted
5797 pursuant thereto has occurred and that the person violating this
5798 section or rule has in that person's possession any cannabis in
5799 violation of this section or a rule adopted pursuant thereto,
5800 that law enforcement officer or officer or employee of the

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5801 department may file or cause to be filed his or her complaint in
5802 writing, verified by affidavit, with any court within whose
5803 jurisdiction the premises to be searched is situated, stating
5804 the facts upon which the belief is founded, the premises to be
5805 searched, and the property to be seized, and procure a search
5806 warrant and execute that warrant. Upon the execution of the
5807 search warrant, the law enforcement officer or officer or
5808 employee of the department executing the search warrant shall
5809 return the warrant to the court that issued the warrant,
5810 together with an inventory of the property taken under the
5811 warrant. The court must then issue process against the owner of
5812 the property if the owner is known; otherwise, process must be
5813 issued against the person in whose possession the property is
5814 found, if that person is known. In case of inability to serve
5815 process upon the owner or the person in possession of the
5816 property at the time of its seizure, notice of the proceedings
5817 before the court must be given in the same manner as required by
5818 the law governing cases of attachment. Upon the return of the
5819 process duly served or upon the posting or publishing of notice
5820 made, as applicable, the court or jury, if a jury is demanded,
5821 shall determine whether the property seized was held or
5822 possessed in violation of this section or a rule adopted
5823 pursuant thereto. If a violation is found, the court must enter
5824 a judgment confiscating the property and forfeiting it to the
5825 state and ordering its delivery to the department. In addition,
5826 the court may tax and assess the costs of the proceedings.

5827 (b) If any cannabis has been declared forfeited to the
5828 state by the department, as provided in subsection (10) and this
5829 section, and if all proceedings for the judicial review of the

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5830 department's decision have concluded, the department shall, to
5831 the extent that its decision is sustained on review, destroy or
5832 maintain such cannabis or may use it in an undercover capacity.

5833 (c) The department may, before any destruction of cannabis,
5834 permit the true holder of trademark rights in the cannabis to
5835 inspect such cannabis in order to assist the department in any
5836 investigation regarding such cannabis.

5837 (4) CANNABIS RETAILERS; PURCHASE AND POSSESSION OF
5838 CANNABIS.—Cannabis retailers may purchase cannabis for resale
5839 only from cannabis business establishments as authorized by this
5840 chapter.

5841 Section 5. Paragraph (p) of subsection (1) of section
5842 500.03, Florida Statutes, is amended to read:

5843 500.03 Definitions; construction; applicability.—

5844 (1) For the purpose of this chapter, the term:

5845 (p) "Food establishment" means a factory, food outlet, or
5846 other facility manufacturing, processing, packing, holding, or
5847 preparing food or selling food at wholesale or retail. The term
5848 does not include a business or activity that is regulated under
5849 s. 413.051, s. 500.80, chapter 509, or chapter 601. The term
5850 includes a retail marijuana store that sells food containing
5851 marijuana pursuant to chapter 566. The term includes tomato
5852 packinghouses and repackers but does not include any other
5853 establishments that pack fruits and vegetables in their raw or
5854 natural states, including those fruits or vegetables that are
5855 washed, colored, or otherwise treated in their unpeeled, natural
5856 form before they are marketed.

5857 Section 6. Section 500.105, Florida Statutes, is created to
5858 read:

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5859 500.105 Retail marijuana store food products containing
5860 marijuana.—Food products containing marijuana which are prepared
5861 in a food establishment that holds a permit under s. 500.12, if
5862 required, and which are sold by a retail marijuana store
5863 licensed under chapter 566 are not considered adulterated under
5864 this chapter due to the presence of marijuana.

5865 Section 7. Subsection (1) of section 562.13, Florida
5866 Statutes, is amended to read:

5867 562.13 Employment of minors or certain other persons by
5868 certain vendors prohibited; exceptions.—

5869 (1) Unless otherwise provided in this section, it is
5870 unlawful for any vendor licensed under the Beverage Law or a
5871 licensee under chapter 566 to employ any person under 18 years
5872 of age.

5873 Section 8. Subsection (1) of section 569.0073, Florida
5874 Statutes, is amended to read:

5875 569.0073 Special provisions; smoking pipes and smoking
5876 devices.—

5877 (1) It is unlawful for any person to offer for sale at
5878 retail any of the items listed in subsection (2) unless such
5879 person:

5880 (a) Has a retail tobacco products dealer permit under s.
5881 569.003 or is a marijuana establishment licensed under s.
5882 566.036. The provisions of this chapter apply to any person that
5883 offers for retail sale any of the items listed in subsection
5884 (2); and

5885 (b)1. Derives at least 75 percent of its annual gross
5886 revenues from the retail sale of cigarettes, cigars, and other
5887 tobacco products or marijuana products sold in compliance with

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5888 chapter 566; or

5889 2. Derives no more than 25 percent of its annual gross
5890 revenues from the retail sale of the items listed in subsection
5891 (2).

5892 Section 9. Paragraph (c) of subsection (1) of section
5893 893.03, Florida Statutes, is amended to read:

5894 893.03 Standards and schedules.—The substances enumerated
5895 in this section are controlled by this chapter. The controlled
5896 substances listed or to be listed in Schedules I, II, III, IV,
5897 and V are included by whatever official, common, usual,
5898 chemical, trade name, or class designated. The provisions of
5899 this section shall not be construed to include within any of the
5900 schedules contained in this section any excluded drugs listed
5901 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
5902 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
5903 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
5904 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
5905 Anabolic Steroid Products."

5906 (1) SCHEDULE I.—A substance in Schedule I has a high
5907 potential for abuse and has no currently accepted medical use in
5908 treatment in the United States and in its use under medical
5909 supervision does not meet accepted safety standards. The
5910 following substances are controlled in Schedule I:

5911 (c) Unless specifically excepted or unless listed in
5912 another schedule, any material, compound, mixture, or
5913 preparation that contains any quantity of the following
5914 hallucinogenic substances or that contains any of their salts,
5915 isomers, including optical, positional, or geometric isomers,
5916 homologues, nitrogen-heterocyclic analogs, esters, ethers, and

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5917 salts of isomers, homologues, nitrogen-heterocyclic analogs,
 5918 esters, or ethers, if the existence of such salts, isomers, and
 5919 salts of isomers is possible within the specific chemical
 5920 designation or class description:

- 5921 1. Alpha-Ethyltryptamine.
 5922 2. 4-Methylaminorex (2-Amino-4-methyl-5-phenyl-2-
 5923 oxazoline).
 5924 3. Aminorex (2-Amino-5-phenyl-2-oxazoline).
 5925 4. DOB (4-Bromo-2,5-dimethoxyamphetamine).
 5926 5. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).
 5927 6. Bufotenine.
 5928 ~~7. Cannabis.~~
 5929 7.8. Cathinone.
 5930 ~~8.9.~~ DET (Diethyltryptamine).
 5931 ~~9.10.~~ 2,5-Dimethoxyamphetamine.
 5932 ~~10.11.~~ DOET (4-Ethyl-2,5-Dimethoxyamphetamine).
 5933 ~~11.12.~~ DMT (Dimethyltryptamine).
 5934 ~~12.13.~~ PCE (N-Ethyl-1-phenylcyclohexylamine) (Ethylamine
 5935 analog of phencyclidine).
 5936 ~~13.14.~~ JB-318 (N-Ethyl-3-piperidyl benzilate).
 5937 ~~14.15.~~ N-Ethylamphetamine.
 5938 ~~15.16.~~ Fenethylamine.
 5939 ~~16.17.~~ 3,4-Methylenedioxy-N-hydroxyamphetamine.
 5940 ~~17.18.~~ Ibogaine.
 5941 ~~18.19.~~ LSD (Lysergic acid diethylamide).
 5942 ~~19.20.~~ Mescaline.
 5943 ~~20.21.~~ Methcathinone.
 5944 ~~21.22.~~ 5-Methoxy-3,4-methylenedioxyamphetamine.
 5945 ~~22.23.~~ PMA (4-Methoxyamphetamine).

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5946 ~~23.24.~~ PMMA (4-Methoxymethamphetamine).
5947 ~~24.25.~~ DOM (4-Methyl-2,5-dimethoxyamphetamine).
5948 ~~25.26.~~ MDEA (3,4-Methylenedioxy-N-ethylamphetamine).
5949 ~~26.27.~~ MDA (3,4-Methylenedioxyamphetamine).
5950 ~~27.28.~~ JB-336 (N-Methyl-3-piperidyl benzilate).
5951 ~~28.29.~~ N,N-Dimethylamphetamine.
5952 ~~29.30.~~ Parahexyl.
5953 ~~30.31.~~ Peyote.
5954 ~~31.32.~~ PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine)
5955 (Pyrrolidine analog of phencyclidine).
5956 ~~32.33.~~ Psilocybin.
5957 ~~33.34.~~ Psilocyn.
5958 ~~34.35.~~ *Salvia divinorum*, except for any drug product
5959 approved by the United States Food and Drug Administration which
5960 contains *Salvia divinorum* or its isomers, esters, ethers, salts,
5961 and salts of isomers, esters, and ethers, if the existence of
5962 such isomers, esters, ethers, and salts is possible within the
5963 specific chemical designation.
5964 ~~35.36.~~ Salvinorin A, except for any drug product approved
5965 by the United States Food and Drug Administration which contains
5966 Salvinorin A or its isomers, esters, ethers, salts, and salts of
5967 isomers, esters, and ethers, if the existence of such isomers,
5968 esters, ethers, and salts is possible within the specific
5969 chemical designation.
5970 ~~36.37.~~ Xylazine.
5971 ~~37.38.~~ TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine)
5972 (Thiophene analog of phencyclidine).
5973 ~~38.39.~~ 3,4,5-Trimethoxyamphetamine.
5974 ~~39.40.~~ Methydone (3,4-Methylenedioxymethcathinone).

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- 5975 40.41. MDPV (3,4-Methylenedioxyprovalerone).
- 5976 41.42. Methylnmethcathinone.
- 5977 42.43. Methoxymethcathinone.
- 5978 43.44. Fluoromethcathinone.
- 5979 44.45. Methylethcathinone.
- 5980 45.46. CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-
5981 2-yl)phenol) and its dimethyloctyl (C8) homologue.
- 5982 46.47. HU-210 [(6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-
5983 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
5984 ol].
- 5985 47.48. JWH-018 (1-Pentyl-3-(1-naphthoyl)indole).
- 5986 48.49. JWH-073 (1-Butyl-3-(1-naphthoyl)indole).
- 5987 49.50. JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-
5988 naphthoyl)indole).
- 5989 50.51. BZP (Benzylpiperazine).
- 5990 51.52. Fluorophenylpiperazine.
- 5991 52.53. Methylphenylpiperazine.
- 5992 53.54. Chlorophenylpiperazine.
- 5993 54.55. Methoxyphenylpiperazine.
- 5994 55.56. DBZP (1,4-Dibenzylpiperazine).
- 5995 56.57. TFMPP (Trifluoromethylphenylpiperazine).
- 5996 57.58. MBDB (Methylbenzodioxolylbutanamine) or (3,4-
5997 Methylenedioxy-N-methylbutanamine).
- 5998 58.59. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).
- 5999 59.60. 5-Hydroxy-N-methyltryptamine.
- 6000 60.61. 5-MeO-MiPT (5-Methoxy-N-methyl-N-
6001 isopropyltryptamine).
- 6002 61.62. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).
- 6003 62.63. Methyltryptamine.

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6004 ~~63.64.~~ 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine) .

6005 ~~64.65.~~ 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine) .

6006 ~~65.66.~~ Tyramine (4-Hydroxyphenethylamine) .

6007 ~~66.67.~~ 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine) .

6008 ~~67.68.~~ DiPT (N,N-Diisopropyltryptamine) .

6009 ~~68.69.~~ DPT (N,N-Dipropyltryptamine) .

6010 ~~69.70.~~ 4-Hydroxy-DiPT (4-Hydroxy-N,N-

6011 diisopropyltryptamine) .

6012 ~~70.71.~~ 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine) .

6013 ~~71.72.~~ DOI (4-Iodo-2,5-dimethoxyamphetamine) .

6014 ~~72.73.~~ DOC (4-Chloro-2,5-dimethoxyamphetamine) .

6015 ~~73.74.~~ 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine) .

6016 ~~74.75.~~ 2C-T-4 (4-Isopropylthio-2,5-

6017 dimethoxyphenethylamine) .

6018 ~~75.76.~~ 2C-C (4-Chloro-2,5-dimethoxyphenethylamine) .

6019 ~~76.77.~~ 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine) .

6020 ~~77.78.~~ 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine) .

6021 ~~78.79.~~ 2C-T-7 (4-(n)-Propylthio-2,5-

6022 dimethoxyphenethylamine) .

6023 ~~79.80.~~ 2C-I (4-Iodo-2,5-dimethoxyphenethylamine) .

6024 ~~80.81.~~ Butylone (3,4-Methylenedioxy-alpha-

6025 methylaminobutyrophenone) .

6026 ~~81.82.~~ Ethcathinone .

6027 ~~82.83.~~ Ethylone (3,4-Methylenedioxy-N-ethylcathinone) .

6028 ~~83.84.~~ Naphyrone (Naphthylpyrovalerone) .

6029 ~~84.85.~~ Dimethylone (3,4-Methylenedioxy-N,N-

6030 dimethylcathinone) .

6031 ~~85.86.~~ 3,4-Methylenedioxy-N,N-diethylcathinone .

6032 ~~86.87.~~ 3,4-Methylenedioxy-propiofenone .

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6033 ~~87.88.~~ 3,4-Methylenedioxy-alpha-bromopropiophenone.

6034 ~~88.89.~~ 3,4-Methylenedioxy-propiofenone-2-oxime.

6035 ~~89.90.~~ 3,4-Methylenedioxy-N-acetylcathinone.

6036 ~~90.91.~~ 3,4-Methylenedioxy-N-acetylmethcathinone.

6037 ~~91.92.~~ 3,4-Methylenedioxy-N-acetylethcathinone.

6038 ~~92.93.~~ Bromomethcathinone.

6039 ~~93.94.~~ Buphedrone (alpha-Methylamino-butyrophenone).

6040 ~~94.95.~~ Eutylone (3,4-Methylenedioxy-alpha-

6041 ethylaminobutyrophenone).

6042 ~~95.96.~~ Dimethylcathinone.

6043 ~~96.97.~~ Dimethylmethcathinone.

6044 ~~97.98.~~ Pentylone (3,4-Methylenedioxy-alpha-

6045 methylaminovalerophenone).

6046 ~~98.99.~~ MDPMP (3,4-Methylenedioxy-alpha-

6047 pyrrolidinopropiophenone).

6048 ~~99.100.~~ MDPBP (3,4-Methylenedioxy-alpha-

6049 pyrrolidinobutyrophenone).

6050 ~~100.101.~~ MOPMP (Methoxy-alpha-pyrrolidinopropiophenone).

6051 ~~101.102.~~ MPHP (Methyl-alpha-pyrrolidinohexanophenone).

6052 ~~102.103.~~ BTCP (Benzothiophenylcyclohexylpiperidine) or BCP

6053 (Benocyclidine).

6054 ~~103.104.~~ F-MABP (Fluoromethylaminobutyrophenone).

6055 ~~104.105.~~ MeO-PBP (Methoxypyrrolidinobutyrophenone).

6056 ~~105.106.~~ Et-PBP (Ethylpyrrolidinobutyrophenone).

6057 ~~106.107.~~ 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).

6058 ~~107.108.~~ Me-EABP (Methylethylaminobutyrophenone).

6059 ~~108.109.~~ Etizolam.

6060 ~~109.110.~~ PPP (Pyrrolidinopropiophenone).

6061 ~~110.111.~~ PBP (Pyrrolidinobutyrophenone).

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6062 ~~111.112.~~ PVP (Pyrrolidinovalerophenone) or
6063 (Pyrrolidinopentiophenone).
6064 ~~112.113.~~ MPPP (Methyl-alpha-pyrrolidinopropiophenone).
6065 ~~113.114.~~ JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl)indole).
6066 ~~114.115.~~ JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl)indole).
6067 ~~115.116.~~ JWH-019 (1-Hexyl-3-(1-naphthoyl)indole).
6068 ~~116.117.~~ JWH-020 (1-Heptyl-3-(1-naphthoyl)indole).
6069 ~~117.118.~~ JWH-072 (1-Propyl-3-(1-naphthoyl)indole).
6070 ~~118.119.~~ JWH-081 (1-Pentyl-3-(4-methoxy-1-
6071 naphthoyl)indole).
6072 ~~119.120.~~ JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
6073 ~~120.121.~~ JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-
6074 methylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
6075 ~~121.122.~~ JWH-175 (1-Pentyl-3-(1-naphthylmethyl)indole).
6076 ~~122.123.~~ JWH-201 (1-Pentyl-3-(4-
6077 methoxyphenylacetyl)indole).
6078 ~~123.124.~~ JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole).
6079 ~~124.125.~~ JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl)indole).
6080 ~~125.126.~~ JWH-250 (1-Pentyl-3-(2-
6081 methoxyphenylacetyl)indole).
6082 ~~126.127.~~ JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole).
6083 ~~127.128.~~ JWH-302 (1-Pentyl-3-(3-
6084 methoxyphenylacetyl)indole).
6085 ~~128.129.~~ JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole).
6086 ~~129.130.~~ HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-
6087 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
6088 ol).
6089 ~~130.131.~~ HU-308 ([(1R,2R,5R) -2-[2,6-Dimethoxy-4-(2-
6090 methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-

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6091 enyl] methanol).

6092 ~~131.132.~~ HU-331 (3-Hydroxy-2-[(1R,6R)-3-methyl-6-(1-

6093 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-

6094 1,4-dione).

6095 ~~132.133.~~ CB-13 (4-Pentyloxy-1-(1-naphthoyl)naphthalene).

6096 ~~133.134.~~ CB-25 (N-Cyclopropyl-11-(3-hydroxy-5-

6097 pentylphenoxy)-undecanamide).

6098 ~~134.135.~~ CB-52 (N-Cyclopropyl-11-(2-hexyl-5-

6099 hydroxyphenoxy)-undecanamide).

6100 ~~135.136.~~ CP 55,940 (2-[3-Hydroxy-6-propanol-cyclohexyl]-5-

6101 (2-methyloctan-2-yl)phenol).

6102 ~~136.137.~~ AM-694 (1-(5-Fluoropentyl)-3-(2-

6103 iodobenzoyl)indole).

6104 ~~137.138.~~ AM-2201 (1-(5-Fluoropentyl)-3-(1-

6105 naphthoyl)indole).

6106 ~~138.139.~~ RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole).

6107 ~~139.140.~~ RCS-8 (1-(2-Cyclohexylethyl)-3-(2-

6108 methoxyphenylacetyl)indole).

6109 ~~140.141.~~ WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-

6110 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-

6111 naphthalenylmethanone).

6112 ~~141.142.~~ WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-

6113 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-

6114 naphthalenylmethanone).

6115 ~~142.143.~~ Pentedrone (alpha-Methylaminovalerophenone).

6116 ~~143.144.~~ Fluoroamphetamine.

6117 ~~144.145.~~ Fluoromethamphetamine.

6118 ~~145.146.~~ Methoxetamine.

6119 ~~146.147.~~ Methiopropamine.

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- 6120 ~~147.148.~~ Methylbuphedrone (Methyl-alpha-
- 6121 methylaminobutyrophenone) .
- 6122 ~~148.149.~~ APB ((2-Aminopropyl)benzofuran) .
- 6123 ~~149.150.~~ APDB ((2-Aminopropyl)-2,3-dihydrobenzofuran) .
- 6124 ~~150.151.~~ UR-144 (1-Pentyl-3-(2,2,3,3-
- 6125 tetramethylcyclopropanoyl)indole) .
- 6126 ~~151.152.~~ XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-
- 6127 tetramethylcyclopropanoyl)indole) .
- 6128 ~~152.153.~~ Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-
- 6129 tetramethylcyclopropanoyl)indole) .
- 6130 ~~153.154.~~ AKB48 (N-Adamant-1-yl 1-pentylindazole-3-
- 6131 carboxamide) .
- 6132 ~~154.155.~~ AM-2233(1-[(N-Methyl-2-piperidiny]methyl]-3-(2-
- 6133 iodobenzoyl)indole) .
- 6134 ~~155.156.~~ STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-
- 6135 3-carboxamide) .
- 6136 ~~156.157.~~ URB-597 ((3'-(Aminocarbonyl)[1,1'-biphenyl]-3-yl)-
- 6137 cyclohexylcarbamate) .
- 6138 ~~157.158.~~ URB-602 ([1,1'-Biphenyl]-3-yl-carbamic acid,
- 6139 cyclohexyl ester) .
- 6140 ~~158.159.~~ URB-754 (6-Methyl-2-[(4-methylphenyl)amino]-1-
- 6141 benzoxazin-4-one) .
- 6142 ~~159.160.~~ 2C-D (4-Methyl-2,5-dimethoxyphenethylamine) .
- 6143 ~~160.161.~~ 2C-H (2,5-Dimethoxyphenethylamine) .
- 6144 ~~161.162.~~ 2C-N (4-Nitro-2,5-dimethoxyphenethylamine) .
- 6145 ~~162.163.~~ 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine) .
- 6146 ~~163.164.~~ 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-
- 6147 methoxybenzyl)]phenethylamine) .
- 6148 ~~164.165.~~ MDMA (3,4-Methylenedioxymethamphetamine) .

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6149 ~~165.166.~~ PB-22 (8-Quinoliny 1-pentylindole-3-carboxylate).
6150 ~~166.167.~~ Fluoro PB-22 (8-Quinoliny 1-(fluoropentyl)indole-
6151 3-carboxylate).
6152 ~~167.168.~~ BB-22 (8-Quinoliny 1-(cyclohexylmethyl)indole-3-
6153 carboxylate).
6154 ~~168.169.~~ Fluoro AKB48 (N-Adamant-1-yl 1-
6155 (fluoropentyl)indazole-3-carboxamide).
6156 ~~169.170.~~ AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
6157 pentylindazole-3-carboxamide).
6158 ~~170.171.~~ AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-
6159 1-(4-fluorobenzyl)indazole-3-carboxamide).
6160 ~~171.172.~~ ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
6161 yl)-1-pentylindazole-3-carboxamide).
6162 ~~172.173.~~ Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-
6163 2-yl)-1-(fluoropentyl)indole-3-carboxamide).
6164 ~~173.174.~~ 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-
6165 methoxybenzyl)]phenethylamine).
6166 ~~174.175.~~ 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-
6167 methoxybenzyl)]phenethylamine).
6168 ~~175.176.~~ AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-
6169 1-(cyclohexylmethyl)indazole-3-carboxamide).
6170 ~~176.177.~~ FUB-PB-22 (8-Quinoliny 1-(4-fluorobenzyl)indole-
6171 3-carboxylate).
6172 ~~177.178.~~ Fluoro-NNEI (N-Naphthalen-1-yl 1-
6173 (fluoropentyl)indole-3-carboxamide).
6174 ~~178.179.~~ Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-
6175 yl)-1-(fluoropentyl)indazole-3-carboxamide).
6176 ~~179.180.~~ THJ-2201 (1-(5-Fluoropentyl)-3-(1-
6177 naphthoyl)indazole).

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6178 ~~180.181.~~ AM-855 ((4aR,12bR)-8-Hexyl-2,5,5-trimethyl-

6179 1,4,4a,8,9,10,11,12b-octahydronaphtho[3,2-c]isochromen-12-ol).

6180 ~~181.182.~~ AM-905 ((6aR,9R,10aR)-3-[(E)-Hept-1-enyl]-9-

6181 (hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-

6182 hexahydrobenzo[c]chromen-1-ol).

6183 ~~182.183.~~ AM-906 ((6aR,9R,10aR)-3-[(Z)-Hept-1-enyl]-9-

6184 (hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-

6185 hexahydrobenzo[c]chromen-1-ol).

6186 ~~183.184.~~ AM-2389 ((6aR,9R,10aR)-3-(1-Hexyl-cyclobut-1-yl)-

6187 6a,7,8,9,10,10a-hexahydro-6,6-dimethyl-6H-dibenzo[b,d]pyran-1,9

6188 diol).

6189 ~~184.185.~~ HU-243 ((6aR,8S,9S,10aR)-9-(Hydroxymethyl)-6,6-

6190 dimethyl-3-(2-methyloctan-2-yl)-8,9-ditritio-7,8,10,10a-

6191 tetrahydro-6aH-benzo[c]chromen-1-ol).

6192 ~~185.186.~~ HU-336 ((6aR,10aR)-6,6,9-Trimethyl-3-pentyl-

6193 6a,7,10,10a-tetrahydro-1H-benzo[c]chromene-1,4(6H)-dione).

6194 ~~186.187.~~ MAPB ((2-Methylaminopropyl)benzofuran).

6195 ~~187.188.~~ 5-IT (2-(1H-Indol-5-yl)-1-methyl-ethylamine).

6196 ~~188.189.~~ 6-IT (2-(1H-Indol-6-yl)-1-methyl-ethylamine).

6197 ~~189.190.~~ Synthetic Cannabinoids.-Unless specifically

6198 excepted or unless listed in another schedule or contained

6199 within a pharmaceutical product approved by the United States

6200 Food and Drug Administration, any material, compound, mixture,

6201 or preparation that contains any quantity of a synthetic

6202 cannabinoid found to be in any of the following chemical class

6203 descriptions, or homologues, nitrogen-heterocyclic analogs,

6204 isomers (including optical, positional, or geometric), esters,

6205 ethers, salts, and salts of homologues, nitrogen-heterocyclic

6206 analogs, isomers, esters, or ethers, whenever the existence of

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6207 such homologues, nitrogen-heterocyclic analogs, isomers, esters,
6208 ethers, salts, and salts of isomers, esters, or ethers is
6209 possible within the specific chemical class or designation.

6210 Since nomenclature of these synthetically produced cannabinoids
6211 is not internationally standardized and may continually evolve,
6212 these structures or the compounds of these structures shall be
6213 included under this subparagraph, regardless of their specific
6214 numerical designation of atomic positions covered, if it can be
6215 determined through a recognized method of scientific testing or
6216 analysis that the substance contains properties that fit within
6217 one or more of the following categories:

6218 a. Tetrahydrocannabinols.—Any tetrahydrocannabinols
6219 naturally contained in a plant of the genus *Cannabis*, the
6220 synthetic equivalents of the substances contained in the plant
6221 or in the resinous extracts of the genus *Cannabis*, or synthetic
6222 substances, derivatives, and their isomers with similar chemical
6223 structure and pharmacological activity, including, but not
6224 limited to, Delta 9 tetrahydrocannabinols and their optical
6225 isomers, Delta 8 tetrahydrocannabinols and their optical
6226 isomers, Delta 6a,10a tetrahydrocannabinols and their optical
6227 isomers, or any compound containing a tetrahydrobenzo[c]chromene
6228 structure with substitution at either or both the 3-position or
6229 9-position, with or without substitution at the 1-position with
6230 hydroxyl or alkoxy groups, including, but not limited to:

6231 (I) Tetrahydrocannabinol.

6232 (II) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-
6233 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
6234 ol).

6235 (III) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-

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6236 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
6237 ol).

6238 (IV) JWH-051 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-
6239 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

6240 (V) JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methylpentan-
6241 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

6242 (VI) JWH-057 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methyloctan-
6243 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

6244 (VII) JWH-359 ((6aR,10aR)-1-Methoxy-6,6,9-trimethyl-3-(2,3-
6245 dimethylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

6246 (VIII) AM-087 ((6aR,10aR)-3-(2-Methyl-6-bromohex-2-yl)-
6247 6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

6248 (IX) AM-411 ((6aR,10aR)-3-(1-Adamantyl)-6,6,9-trimethyl-
6249 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

6250 (X) Parahexyl.

6251 b. Naphthoylindoles, Naphthoylindazoles,

6252 Naphthoylcarbazoles, Naphthylmethylindoles,

6253 Naphthylmethylindazoles, and Naphthylmethylcarbazoles.—Any

6254 compound containing a naphthoylindole, naphthoylindazole,

6255 naphthoylcarbazole, naphthylmethylindole,

6256 naphthylmethylindazole, or naphthylmethylcarbazole structure,

6257 with or without substitution on the indole, indazole, or

6258 carbazole ring to any extent, whether or not substituted on the

6259 naphthyl ring to any extent, including, but not limited to:

6260 (I) JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl)indole).

6261 (II) JWH-011 (1-(1-Methylhexyl)-2-methyl-3-(1-
6262 naphthoyl)indole).

6263 (III) JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl)indole).

6264 (IV) JWH-016 (1-Butyl-2-methyl-3-(1-naphthoyl)indole).

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- 6265 (V) JWH-018 (1-Pentyl-3-(1-naphthoyl)indole).
- 6266 (VI) JWH-019 (1-Hexyl-3-(1-naphthoyl)indole).
- 6267 (VII) JWH-020 (1-Heptyl-3-(1-naphthoyl)indole).
- 6268 (VIII) JWH-022 (1-(4-Pentenyl)-3-(1-naphthoyl)indole).
- 6269 (IX) JWH-071 (1-Ethyl-3-(1-naphthoyl)indole).
- 6270 (X) JWH-072 (1-Propyl-3-(1-naphthoyl)indole).
- 6271 (XI) JWH-073 (1-Butyl-3-(1-naphthoyl)indole).
- 6272 (XII) JWH-080 (1-Butyl-3-(4-methoxy-1-naphthoyl)indole).
- 6273 (XIII) JWH-081 (1-Pentyl-3-(4-methoxy-1-naphthoyl)indole).
- 6274 (XIV) JWH-098 (1-Pentyl-2-methyl-3-(4-methoxy-1-
- 6275 naphthoyl)indole).
- 6276 (XV) JWH-116 (1-Pentyl-2-ethyl-3-(1-naphthoyl)indole).
- 6277 (XVI) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
- 6278 (XVII) JWH-149 (1-Pentyl-2-methyl-3-(4-methyl-1-
- 6279 naphthoyl)indole).
- 6280 (XVIII) JWH-164 (1-Pentyl-3-(7-methoxy-1-naphthoyl)indole).
- 6281 (XIX) JWH-175 (1-Pentyl-3-(1-naphthylmethyl)indole).
- 6282 (XX) JWH-180 (1-Propyl-3-(4-propyl-1-naphthoyl)indole).
- 6283 (XXI) JWH-182 (1-Pentyl-3-(4-propyl-1-naphthoyl)indole).
- 6284 (XXII) JWH-184 (1-Pentyl-3-[(4-methyl)-1-
- 6285 naphthylmethyl]indole).
- 6286 (XXIII) JWH-193 (1-[2-(4-Morpholinyl)ethyl]-3-(4-methyl-1-
- 6287 naphthoyl)indole).
- 6288 (XXIV) JWH-198 (1-[2-(4-Morpholinyl)ethyl]-3-(4-methoxy-1-
- 6289 naphthoyl)indole).
- 6290 (XXV) JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-
- 6291 naphthoyl)indole).
- 6292 (XXVI) JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl)indole).
- 6293 (XXVII) JWH-387 (1-Pentyl-3-(4-bromo-1-naphthoyl)indole).

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- 6294 (XXVIII) JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole).
 6295 (XXIX) JWH-412 (1-Pentyl-3-(4-fluoro-1-naphthoyl)indole).
 6296 (XXX) JWH-424 (1-Pentyl-3-(8-bromo-1-naphthoyl)indole).
 6297 (XXXI) AM-1220 (1-[(1-Methyl-2-piperidinyl)methyl]-3-(1-
 6298 naphthoyl)indole).
 6299 (XXXII) AM-1235 (1-(5-Fluoropentyl)-6-nitro-3-(1-
 6300 naphthoyl)indole).
 6301 (XXXIII) AM-2201 (1-(5-Fluoropentyl)-3-(1-
 6302 naphthoyl)indole).
 6303 (XXXIV) Chloro JWH-018 (1-(Chloropentyl)-3-(1-
 6304 naphthoyl)indole).
 6305 (XXXV) Bromo JWH-018 (1-(Bromopentyl)-3-(1-
 6306 naphthoyl)indole).
 6307 (XXXVI) AM-2232 (1-(4-Cyanobutyl)-3-(1-naphthoyl)indole).
 6308 (XXXVII) THJ-2201 (1-(5-Fluoropentyl)-3-(1-
 6309 naphthoyl)indazole).
 6310 (XXXVIII) MAM-2201 (1-(5-Fluoropentyl)-3-(4-methyl-1-
 6311 naphthoyl)indole).
 6312 (XXXIX) EAM-2201 (1-(5-Fluoropentyl)-3-(4-ethyl-1-
 6313 naphthoyl)indole).
 6314 (XL) EG-018 (9-Pentyl-3-(1-naphthoyl)carbazole).
 6315 (XLI) EG-2201 (9-(5-Fluoropentyl)-3-(1-
 6316 naphthoyl)carbazole).
 6317 c. Naphthoylpyrroles.—Any compound containing a
 6318 naphthoylpyrrole structure, with or without substitution on the
 6319 pyrrole ring to any extent, whether or not substituted on the
 6320 naphthyl ring to any extent, including, but not limited to:
 6321 (I) JWH-030 (1-Pentyl-3-(1-naphthoyl)pyrrole).
 6322 (II) JWH-031 (1-Hexyl-3-(1-naphthoyl)pyrrole).

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6323 (III) JWH-145 (1-Pentyl-5-phenyl-3-(1-naphthoyl)pyrrole).

6324 (IV) JWH-146 (1-Heptyl-5-phenyl-3-(1-naphthoyl)pyrrole).

6325 (V) JWH-147 (1-Hexyl-5-phenyl-3-(1-naphthoyl)pyrrole).

6326 (VI) JWH-307 (1-Pentyl-5-(2-fluorophenyl)-3-(1-
6327 naphthoyl)pyrrole).

6328 (VII) JWH-309 (1-Pentyl-5-(1-naphthalenyl)-3-(1-
6329 naphthoyl)pyrrole).

6330 (VIII) JWH-368 (1-Pentyl-5-(3-fluorophenyl)-3-(1-
6331 naphthoyl)pyrrole).

6332 (IX) JWH-369 (1-Pentyl-5-(2-chlorophenyl)-3-(1-
6333 naphthoyl)pyrrole).

6334 (X) JWH-370 (1-Pentyl-5-(2-methylphenyl)-3-(1-
6335 naphthoyl)pyrrole).

6336 d. Naphthylmethylenindenes.—Any compound containing a
6337 naphthylmethylenindene structure, with or without substitution
6338 at the 3-position of the indene ring to any extent, whether or
6339 not substituted on the naphthyl ring to any extent, including,
6340 but not limited to, JWH-176 (3-Pentyl-1-
6341 (naphthylmethylene)indene).

6342 e. Phenylacetylindoles and Phenylacetylinbazoles.—Any
6343 compound containing a phenylacetylinazole or phenylacetylinbazole
6344 structure, with or without substitution on the indole or
6345 indazole ring to any extent, whether or not substituted on the
6346 phenyl ring to any extent, including, but not limited to:

6347 (I) JWH-167 (1-Pentyl-3-(phenylacetyl)indole).

6348 (II) JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl)indole).

6349 (III) JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole).

6350 (IV) JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole).

6351 (V) JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole).

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- 6352 (VI) JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl)indole).
6353 (VII) Cannabipiperidiethanone.
6354 (VIII) RCS-8 (1-(2-Cyclohexylethyl)-3-(2-
6355 methoxyphenylacetyl)indole).
6356 f. Cyclohexylphenols.—Any compound containing a
6357 cyclohexylphenol structure, with or without substitution at the
6358 5-position of the phenolic ring to any extent, whether or not
6359 substituted on the cyclohexyl ring to any extent, including, but
6360 not limited to:
6361 (I) CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-2-
6362 yl)phenol).
6363 (II) Cannabicyclohexanol (CP 47,497 dimethyloctyl (C8)
6364 homologue).
6365 (III) CP-55,940 (2-(3-Hydroxy-6-propanol-cyclohexyl)-5-(2-
6366 methyloctan-2-yl)phenol).
6367 g. Benzoylindoles and Benzoylindazoles.—Any compound
6368 containing a benzoylindole or benzoylindazole structure, with or
6369 without substitution on the indole or indazole ring to any
6370 extent, whether or not substituted on the phenyl ring to any
6371 extent, including, but not limited to:
6372 (I) AM-679 (1-Pentyl-3-(2-iodobenzoyl)indole).
6373 (II) AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole).
6374 (III) AM-1241 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-
6375 iodo-5-nitrobenzoyl)indole).
6376 (IV) Pravadoline (1-[2-(4-Morpholinyl)ethyl]-2-methyl-3-(4-
6377 methoxybenzoyl)indole).
6378 (V) AM-2233 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-
6379 iodobenzoyl)indole).
6380 (VI) RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole).

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- 6381 (VII) RCS-4 C4 homologue (1-Butyl-3-(4-
6382 methoxybenzoyl)indole).
- 6383 (VIII) AM-630 (1-[2-(4-Morpholinyl)ethyl]-2-methyl-6-iodo-
6384 3-(4-methoxybenzoyl)indole).
- 6385 h. Tetramethylcyclopropanoylindoles and
6386 Tetramethylcyclopropanoylindazoles.—Any compound containing a
6387 tetramethylcyclopropanoylindole or
6388 tetramethylcyclopropanoylindazole structure, with or without
6389 substitution on the indole or indazole ring to any extent,
6390 whether or not substituted on the tetramethylcyclopropyl group
6391 to any extent, including, but not limited to:
- 6392 (I) UR-144 (1-Pentyl-3-(2,2,3,3-
6393 tetramethylcyclopropanoyl)indole).
- 6394 (II) XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-
6395 tetramethylcyclopropanoyl)indole).
- 6396 (III) Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-
6397 tetramethylcyclopropanoyl)indole).
- 6398 (IV) A-796,260 (1-[2-(4-Morpholinyl)ethyl]-3-(2,2,3,3-
6399 tetramethylcyclopropanoyl)indole).
- 6400 (V) A-834,735 (1-[4-(Tetrahydropyranyl)methyl]-3-(2,2,3,3-
6401 tetramethylcyclopropanoyl)indole).
- 6402 (VI) M-144 (1-(5-Fluoropentyl)-2-methyl-3-(2,2,3,3-
6403 tetramethylcyclopropanoyl)indole).
- 6404 (VII) FUB-144 (1-(4-Fluorobenzyl)-3-(2,2,3,3-
6405 tetramethylcyclopropanoyl)indole).
- 6406 (VIII) FAB-144 (1-(5-Fluoropentyl)-3-(2,2,3,3-
6407 tetramethylcyclopropanoyl)indazole).
- 6408 (IX) XLR12 (1-(4,4,4-Trifluorobutyl)-3-(2,2,3,3-
6409 tetramethylcyclopropanoyl)indole).

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6410 (X) AB-005 (1-[(1-Methyl-2-piperidinyl)methyl]-3-(2,2,3,3-
6411 tetramethylcyclopropanoyl)indole).

6412 i. Adamantoylindoles, Adamantoylindazoles, Adamantylindole
6413 carboxamides, and Adamantylindazole carboxamides.—Any compound
6414 containing an adamantoyl indole, adamantoyl indazole, adamantyl
6415 indole carboxamide, or adamantyl indazole carboxamide structure,
6416 with or without substitution on the indole or indazole ring to
6417 any extent, whether or not substituted on the adamantyl ring to
6418 any extent, including, but not limited to:

6419 (I) AKB48 (N-Adamant-1-yl 1-pentylindazole-3-carboxamide).

6420 (II) Fluoro AKB48 (N-Adamant-1-yl 1-(fluoropentyl)indazole-
6421 3-carboxamide).

6422 (III) STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-3-
6423 carboxamide).

6424 (IV) AM-1248 (1-(1-Methylpiperidine)methyl-3-(1-
6425 adamantoyl)indole).

6426 (V) AB-001 (1-Pentyl-3-(1-adamantoyl)indole).

6427 (VI) APICA (N-Adamant-1-yl 1-pentylindole-3-carboxamide).

6428 (VII) Fluoro AB-001 (1-(Fluoropentyl)-3-(1-
6429 adamantoyl)indole).

6430 j. Quinolinylindolecarboxylates,
6431 Quinolinylindazolecarboxylates, Quinolinylindolecarboxamides,
6432 and Quinolinylindazolecarboxamides.—Any compound containing a
6433 quinolinylindole carboxylate, quinolinylindazole carboxylate,
6434 isoquinolinylindole carboxylate, isoquinolinylindazole
6435 carboxylate, quinolinylindole carboxamide, quinolinylindazole
6436 carboxamide, isoquinolinylindole carboxamide, or
6437 isoquinolinylindazole carboxamide structure, with or without
6438 substitution on the indole or indazole ring to any extent,

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6439 whether or not substituted on the quinoline or isoquinoline ring
6440 to any extent, including, but not limited to:

6441 (I) PB-22 (8-Quinoliny 1-pentylindole-3-carboxylate).

6442 (II) Fluoro PB-22 (8-Quinoliny 1-(fluoropentyl)indole-3-
6443 carboxylate).

6444 (III) BB-22 (8-Quinoliny 1-(cyclohexylmethyl)indole-3-
6445 carboxylate).

6446 (IV) FUB-PB-22 (8-Quinoliny 1-(4-fluorobenzyl)indole-3-
6447 carboxylate).

6448 (V) NPB-22 (8-Quinoliny 1-pentylindazole-3-carboxylate).

6449 (VI) Fluoro NPB-22 (8-Quinoliny 1-(fluoropentyl)indazole-
6450 3-carboxylate).

6451 (VII) FUB-NPB-22 (8-Quinoliny 1-(4-fluorobenzyl)indazole-
6452 3-carboxylate).

6453 (VIII) THJ (8-Quinoliny 1-pentylindazole-3-carboxamide).

6454 (IX) Fluoro THJ (8-Quinoliny 1-(fluoropentyl)indazole-3-
6455 carboxamide).

6456 k. Naphthylindolecarboxylates and
6457 Naphthylindazolecarboxylates.—Any compound containing a
6458 naphthylindole carboxylate or naphthylindazole carboxylate
6459 structure, with or without substitution on the indole or
6460 indazole ring to any extent, whether or not substituted on the
6461 naphthyl ring to any extent, including, but not limited to:

6462 (I) NM-2201 (1-Naphthalenyl 1-(5-fluoropentyl)indole-3-
6463 carboxylate).

6464 (II) SDB-005 (1-Naphthalenyl 1-pentylindazole-3-
6465 carboxylate).

6466 (III) Fluoro SDB-005 (1-Naphthalenyl 1-
6467 (fluoropentyl)indazole-3-carboxylate).

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6468 (IV) FDU-PB-22 (1-Naphthalenyl 1-(4-fluorobenzyl)indole-3-
6469 carboxylate).

6470 (V) 3-CAF (2-Naphthalenyl 1-(2-fluorophenyl)indazole-3-
6471 carboxylate).

6472 1. Naphthylindole carboxamides and Naphthylindazole
6473 carboxamides.—Any compound containing a naphthylindole
6474 carboxamide or naphthylindazole carboxamide structure, with or
6475 without substitution on the indole or indazole ring to any
6476 extent, whether or not substituted on the naphthyl ring to any
6477 extent, including, but not limited to:

6478 (I) NNEI (N-Naphthalen-1-yl 1-pentylindole-3-carboxamide).

6479 (II) Fluoro-NNEI (N-Naphthalen-1-yl 1-(fluoropentyl)indole-
6480 3-carboxamide).

6481 (III) Chloro-NNEI (N-Naphthalen-1-yl 1-
6482 (chloropentyl)indole-3-carboxamide).

6483 (IV) MN-18 (N-Naphthalen-1-yl 1-pentylindazole-3-
6484 carboxamide).

6485 (V) Fluoro MN-18 (N-Naphthalen-1-yl 1-
6486 (fluoropentyl)indazole-3-carboxamide).

6487 m. Alkylcarbonyl indole carboxamides, Alkylcarbonyl
6488 indazole carboxamides, Alkylcarbonyl indole carboxylates, and
6489 Alkylcarbonyl indazole carboxylates.—Any compound containing an
6490 alkylcarbonyl group, including 1-amino-3-methyl-1-oxobutan-2-yl,
6491 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-amino-1-oxo-3-
6492 phenylpropan-2-yl, 1-methoxy-1-oxo-3-phenylpropan-2-yl, with an
6493 indole carboxamide, indazole carboxamide, indole carboxylate, or
6494 indazole carboxylate, with or without substitution on the indole
6495 or indazole ring to any extent, whether or not substituted on
6496 the alkylcarbonyl group to any extent, including, but not

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6497 limited to:

6498 (I) ADBICA, (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-
6499 penty lindole-3-carboxamide).6500 (II) Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
6501 yl)-1-(fluoropentyl) indole-3-carboxamide).6502 (III) Fluoro ABICA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
6503 (fluoropentyl) indole-3-carboxamide).6504 (IV) AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
6505 penty lindazole-3-carboxamide).6506 (V) Fluoro AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-
6507 1-(fluoropentyl) indazole-3-carboxamide).6508 (VI) ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-
6509 1-penty lindazole-3-carboxamide).6510 (VII) Fluoro ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-
6511 oxobutan-2-yl)-1-(fluoropentyl) indazole-3-carboxamide).6512 (VIII) AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
6513 (4-fluorobenzyl) indazole-3-carboxamide).6514 (IX) ADB-FUBINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
6515 yl)-1-(4-fluorobenzyl) indazole-3-carboxamide).6516 (X) AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
6517 (cyclohexylmethyl) indazole-3-carboxamide).6518 (XI) MA-CHMINACA (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-
6519 (cyclohexylmethyl) indazole-3-carboxamide).6520 (XII) MAB-CHMINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
6521 yl)-1-(cyclohexylmethyl) indazole-3-carboxamide).6522 (XIII) AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-
6523 penty lindazole-3-carboxamide).6524 (XIV) Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-
6525 (fluoropentyl) indazole-3-carboxamide).

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- 6526 (XV) FUB-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(4-
6527 fluorobenzyl)indazole-3-carboxamide).
- 6528 (XVI) MDMB-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-
6529 2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).
- 6530 (XVII) MDMB-FUBINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-
6531 2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).
- 6532 (XVIII) MDMB-CHMICA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-
6533 2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide).
- 6534 (XIX) PX-1 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-
6535 fluoropentyl)indole-3-carboxamide).
- 6536 (XX) PX-2 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-
6537 fluoropentyl)indazole-3-carboxamide).
- 6538 (XXI) PX-3 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-
6539 (cyclohexylmethyl)indazole-3-carboxamide).
- 6540 (XXII) PX-4 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(4-
6541 fluorobenzyl)indazole-3-carboxamide).
- 6542 (XXIII) MO-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-
6543 2-yl)-1-(cyclohexylmethyl)indazole-3-carboxylate).
- 6544 n. Cumylindolecarboxamides and Cumylindazolecarboxamides.-
6545 Any compound containing a N-(2-phenylpropan-2-yl) indole
6546 carboxamide or N-(2-phenylpropan-2-yl) indazole carboxamide
6547 structure, with or without substitution on the indole or
6548 indazole ring to any extent, whether or not substituted on the
6549 phenyl ring of the cumyl group to any extent, including, but not
6550 limited to:
- 6551 (I) CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-pentylindole-3-
6552 carboxamide).
- 6553 (II) Fluoro CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-
6554 (fluoropentyl)indole-3-carboxamide).

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6555 o. Other Synthetic Cannabinoids.—Any material, compound,
6556 mixture, or preparation that contains any quantity of a
6557 Synthetic Cannabinoid, as described in sub-subparagraphs a.-n.:

6558 (I) With or without modification or replacement of a
6559 carbonyl, carboxamide, alkylene, alkyl, or carboxylate linkage
6560 between either two core rings, or linkage between a core ring
6561 and group structure, with or without the addition of a carbon or
6562 replacement of a carbon;

6563 (II) With or without replacement of a core ring or group
6564 structure, whether or not substituted on the ring or group
6565 structures to any extent; and

6566 (III) Is a cannabinoid receptor agonist, unless
6567 specifically excepted or unless listed in another schedule or
6568 contained within a pharmaceutical product approved by the United
6569 States Food and Drug Administration.

6570 190.191. Substituted Cathinones.—Unless specifically
6571 excepted, listed in another schedule, or contained within a
6572 pharmaceutical product approved by the United States Food and
6573 Drug Administration, any material, compound, mixture, or
6574 preparation, including its salts, isomers, esters, or ethers,
6575 and salts of isomers, esters, or ethers, whenever the existence
6576 of such salts is possible within any of the following specific
6577 chemical designations:

6578 a. Any compound containing a 2-amino-1-phenyl-1-propanone
6579 structure;

6580 b. Any compound containing a 2-amino-1-naphthyl-1-propanone
6581 structure; or

6582 c. Any compound containing a 2-amino-1-thiophenyl-1-
6583 propanone structure,

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whether or not the compound is further modified:

(I) With or without substitution on the ring system to any extent with alkyl, alkylthio, thio, fused alkylenedioxy, alkoxy, haloalkyl, hydroxyl, nitro, fused furan, fused benzofuran, fused dihydrofuran, fused tetrahydropyran, fused alkyl ring, or halide substituents;

(II) With or without substitution at the 3-propanone position with an alkyl substituent or removal of the methyl group at the 3-propanone position;

(III) With or without substitution at the 2-amino nitrogen atom with alkyl, dialkyl, acetyl, or benzyl groups, whether or not further substituted in the ring system; or

(IV) With or without inclusion of the 2-amino nitrogen atom in a cyclic structure, including, but not limited to:

(A) Methcathinone.

(B) Ethcathinone.

(C) Methydone (3,4-Methylenedioxy-methcathinone).

(D) 2,3-Methylenedioxy-methcathinone.

(E) MDPV (3,4-Methylenedioxy-pyrovalerone).

(F) Methyldmethcathinone.

(G) Methoxymethcathinone.

(H) Fluoromethcathinone.

(I) Methylethcathinone.

(J) Butylone (3,4-Methylenedioxy-alpha-methylaminobutyrophenone).

(K) Ethylone (3,4-Methylenedioxy-N-ethylcathinone).

(L) BMDP (3,4-Methylenedioxy-N-benzylcathinone).

(M) Naphyrone (Naphthylpyrovalerone).

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- 6613 (N) Bromomethcathinone.
- 6614 (O) Buphedrone (alpha-Methylaminobutyrophenone).
- 6615 (P) Eutylone (3,4-Methylenedioxy-alpha-
- 6616 ethylaminobutyrophenone).
- 6617 (Q) Dimethylcathinone.
- 6618 (R) Dimethylmethcathinone.
- 6619 (S) Pentylone (3,4-Methylenedioxy-alpha-
- 6620 methylaminovalerophenone).
- 6621 (T) Pentedrone (alpha-Methylaminovalerophenone).
- 6622 (U) MDP~~PP~~ (3,4-Methylenedioxy-alpha-
- 6623 pyrrolidinopropiophenone).
- 6624 (V) MDPBP (3,4-Methylenedioxy-alpha-
- 6625 pyrrolidinobutyrophenone).
- 6626 (W) MPPP (Methyl-alpha-pyrrolidinopropiophenone).
- 6627 (X) PPP (Pyrrolidinopropiophenone).
- 6628 (Y) PVP (Pyrrolidinovalerophenone) or
- 6629 (Pyrrolidinopentiophenone).
- 6630 (Z) MOPPP (Methoxy-alpha-pyrrolidinopropiophenone).
- 6631 (AA) MPHP (Methyl-alpha-pyrrolidinohexanophenone).
- 6632 (BB) F-MABP (Fluoromethylaminobutyrophenone).
- 6633 (CC) Me-EABP (Methylethylaminobutyrophenone).
- 6634 (DD) PBP (Pyrrolidinobutyrophenone).
- 6635 (EE) MeO-PBP (Methoxypyrrolidinobutyrophenone).
- 6636 (FF) Et-PBP (Ethylpyrrolidinobutyrophenone).
- 6637 (GG) 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).
- 6638 (HH) Dimethylone (3,4-Methylenedioxy-N,N-
- 6639 dimethylcathinone).
- 6640 (II) 3,4-Methylenedioxy-N,N-diethylcathinone.
- 6641 (JJ) 3,4-Methylenedioxy-N-acetylcathinone.

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6642 (KK) 3,4-Methylenedioxy-N-acetylmethcathinone.
6643 (LL) 3,4-Methylenedioxy-N-acetylethcathinone.
6644 (MM) Methylbuphedrone (Methyl-alpha-
6645 methylaminobutyrophenone).
6646 (NN) Methyl-alpha-methylaminohexanophenone.
6647 (OO) N-Ethyl-N-methylcathinone.
6648 (PP) PHP (Pyrrolidinohexanophenone).
6649 (QQ) PV8 (Pyrrolidinoheptanophenone).
6650 (RR) Chloromethcathinone.
6651 (SS) 4-Bromo-2,5-dimethoxy-alpha-aminoacetophenone.
6652 191.192. Substituted Phenethylamines.—Unless specifically
6653 excepted or unless listed in another schedule, or contained
6654 within a pharmaceutical product approved by the United States
6655 Food and Drug Administration, any material, compound, mixture,
6656 or preparation, including its salts, isomers, esters, or ethers,
6657 and salts of isomers, esters, or ethers, whenever the existence
6658 of such salts is possible within any of the following specific
6659 chemical designations, any compound containing a phenethylamine
6660 structure, without a beta-keto group, and without a benzyl group
6661 attached to the amine group, whether or not the compound is
6662 further modified with or without substitution on the phenyl ring
6663 to any extent with alkyl, alkylthio, nitro, alkoxy, thio,
6664 halide, fused alkylenedioxy, fused furan, fused benzofuran,
6665 fused dihydrofuran, or fused tetrahydropyran substituents,
6666 whether or not further substituted on a ring to any extent, with
6667 or without substitution at the alpha or beta position by any
6668 alkyl substituent, with or without substitution at the nitrogen
6669 atom, and with or without inclusion of the 2-amino nitrogen atom
6670 in a cyclic structure, including, but not limited to:

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- 6671 a. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).
- 6672 b. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 6673 c. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine).
- 6674 d. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 6675 e. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).
- 6676 f. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).
- 6677 g. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine).
- 6678 h. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- 6679 i. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).
- 6680 j. 2C-H (2,5-Dimethoxyphenethylamine).
- 6681 k. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).
- 6682 l. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).
- 6683 m. MDMA (3,4-Methylenedioxyamphetamine).
- 6684 n. MBDB (Methylbenzodioxolylbutanamine) or (3,4-
- 6685 Methylenedioxy-N-methylbutanamine).
- 6686 o. MDA (3,4-Methylenedioxyamphetamine).
- 6687 p. 2,5-Dimethoxyamphetamine.
- 6688 q. Fluoroamphetamine.
- 6689 r. Fluoromethamphetamine.
- 6690 s. MDEA (3,4-Methylenedioxy-N-ethylamphetamine).
- 6691 t. DOB (4-Bromo-2,5-dimethoxyamphetamine).
- 6692 u. DOC (4-Chloro-2,5-dimethoxyamphetamine).
- 6693 v. DOET (4-Ethyl-2,5-dimethoxyamphetamine).
- 6694 w. DOI (4-Iodo-2,5-dimethoxyamphetamine).
- 6695 x. DOM (4-Methyl-2,5-dimethoxyamphetamine).
- 6696 y. PMA (4-Methoxyamphetamine).
- 6697 z. N-Ethylamphetamine.
- 6698 aa. 3,4-Methylenedioxy-N-hydroxyamphetamine.
- 6699 bb. 5-Methoxy-3,4-methylenedioxyamphetamine.

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6700 cc. PMMA (4-Methoxymethamphetamine).
 6701 dd. N,N-Dimethylamphetamine.
 6702 ee. 3,4,5-Trimethoxyamphetamine.
 6703 ff. 4-APB (4-(2-Aminopropyl)benzofuran).
 6704 gg. 5-APB (5-(2-Aminopropyl)benzofuran).
 6705 hh. 6-APB (6-(2-Aminopropyl)benzofuran).
 6706 ii. 7-APB (7-(2-Aminopropyl)benzofuran).
 6707 jj. 4-APDB (4-(2-Aminopropyl)-2,3-dihydrobenzofuran).
 6708 kk. 5-APDB (5-(2-Aminopropyl)-2,3-dihydrobenzofuran).
 6709 ll. 6-APDB (6-(2-Aminopropyl)-2,3-dihydrobenzofuran).
 6710 mm. 7-APDB (7-(2-Aminopropyl)-2,3-dihydrobenzofuran).
 6711 nn. 4-MAPB (4-(2-Methylaminopropyl)benzofuran).
 6712 oo. 5-MAPB (5-(2-Methylaminopropyl)benzofuran).
 6713 pp. 6-MAPB (6-(2-Methylaminopropyl)benzofuran).
 6714 qq. 7-MAPB (7-(2-Methylaminopropyl)benzofuran).
 6715 rr. 5-EAPB (5-(2-Ethylaminopropyl)benzofuran).
 6716 ss. 5-MAPDB (5-(2-Methylaminopropyl)-2,3-
 6717 dihydrobenzofuran),
 6718
 6719 which does not include phenethylamine, mescaline as described in
 6720 subparagraph 19. ~~subparagraph 20.~~, substituted cathinones as
 6721 described in subparagraph 190. ~~subparagraph 191.~~, N-Benzyl
 6722 phenethylamine compounds as described in subparagraph 192.
 6723 ~~subparagraph 193.~~, or methamphetamine as described in
 6724 subparagraph (2) (c) 5.
 6725 192.193. N-Benzyl Phenethylamine Compounds.—Unless
 6726 specifically excepted or unless listed in another schedule, or
 6727 contained within a pharmaceutical product approved by the United
 6728 States Food and Drug Administration, any material, compound,

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6729 mixture, or preparation, including its salts, isomers, esters,
6730 or ethers, and salts of isomers, esters, or ethers, whenever the
6731 existence of such salts is possible within any of the following
6732 specific chemical designations, any compound containing a
6733 phenethylamine structure without a beta-keto group, with
6734 substitution on the nitrogen atom of the amino group with a
6735 benzyl substituent, with or without substitution on the phenyl
6736 or benzyl ring to any extent with alkyl, alkoxy, thio,
6737 alkylthio, halide, fused alkylendioxy, fused furan, fused
6738 benzofuran, or fused tetrahydropyran substituents, whether or
6739 not further substituted on a ring to any extent, with or without
6740 substitution at the alpha position by any alkyl substituent,
6741 including, but not limited to:

6742 a. 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-
6743 methoxybenzyl)]phenethylamine).

6744 b. 25B-NBOH (4-Bromo-2,5-dimethoxy-[N-(2-
6745 hydroxybenzyl)]phenethylamine).

6746 c. 25B-NBF (4-Bromo-2,5-dimethoxy-[N-(2-
6747 fluorobenzyl)]phenethylamine).

6748 d. 25B-NBMD (4-Bromo-2,5-dimethoxy-[N-(2,3-
6749 methylenedioxybenzyl)]phenethylamine).

6750 e. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-
6751 methoxybenzyl)]phenethylamine).

6752 f. 25I-NBOH (4-Iodo-2,5-dimethoxy-[N-(2-
6753 hydroxybenzyl)]phenethylamine).

6754 g. 25I-NBF (4-Iodo-2,5-dimethoxy-[N-(2-
6755 fluorobenzyl)]phenethylamine).

6756 h. 25I-NBMD (4-Iodo-2,5-dimethoxy-[N-(2,3-
6757 methylenedioxybenzyl)]phenethylamine).

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- 6758 i. 25T2-NBOMe (4-Methylthio-2,5-dimethoxy-[N-(2-
- 6759 methoxybenzyl)]phenethylamine).
- 6760 j. 25T4-NBOMe (4-Isopropylthio-2,5-dimethoxy-[N-(2-
- 6761 methoxybenzyl)]phenethylamine).
- 6762 k. 25T7-NBOMe (4-(n)-Propylthio-2,5-dimethoxy-[N-(2-
- 6763 methoxybenzyl)]phenethylamine).
- 6764 l. 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-
- 6765 methoxybenzyl)]phenethylamine).
- 6766 m. 25C-NBOH (4-Chloro-2,5-dimethoxy-[N-(2-
- 6767 hydroxybenzyl)]phenethylamine).
- 6768 n. 25C-NBF (4-Chloro-2,5-dimethoxy-[N-(2-
- 6769 fluorobenzyl)]phenethylamine).
- 6770 o. 25C-NBMD (4-Chloro-2,5-dimethoxy-[N-(2,3-
- 6771 methylenedioxybenzyl)]phenethylamine).
- 6772 p. 25H-NBOMe (2,5-Dimethoxy-[N-(2-
- 6773 methoxybenzyl)]phenethylamine).
- 6774 q. 25H-NBOH (2,5-Dimethoxy-[N-(2-
- 6775 hydroxybenzyl)]phenethylamine).
- 6776 r. 25H-NBF (2,5-Dimethoxy-[N-(2-
- 6777 fluorobenzyl)]phenethylamine).
- 6778 s. 25D-NBOMe (4-Methyl-2,5-dimethoxy-[N-(2-
- 6779 methoxybenzyl)]phenethylamine),

6780
 6781 which does not include substituted cathinones as described in
 6782 subparagraph 190. ~~subparagraph 191.~~

6783 193.194. ~~194.~~ Substituted Tryptamines.—Unless specifically
 6784 excepted or unless listed in another schedule, or contained
 6785 within a pharmaceutical product approved by the United States
 6786 Food and Drug Administration, any material, compound, mixture,

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6787 or preparation containing a 2-(1H-indol-3-yl)ethanamine, for
6788 example tryptamine, structure with or without mono- or di-
6789 substitution of the amine nitrogen with alkyl or alkenyl groups,
6790 or by inclusion of the amino nitrogen atom in a cyclic
6791 structure, whether or not substituted at the alpha position with
6792 an alkyl group, whether or not substituted on the indole ring to
6793 any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy
6794 groups, including, but not limited to:

- 6795 a. Alpha-Ethyltryptamine.
- 6796 b. Bufotenine.
- 6797 c. DET (Diethyltryptamine).
- 6798 d. DMT (Dimethyltryptamine).
- 6799 e. MET (N-Methyl-N-ethyltryptamine).
- 6800 f. DALT (N,N-Diallyltryptamine).
- 6801 g. EiPT (N-Ethyl-N-isopropyltryptamine).
- 6802 h. MiPT (N-Methyl-N-isopropyltryptamine).
- 6803 i. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).
- 6804 j. 5-Hydroxy-N-methyltryptamine.
- 6805 k. 5-MeO-MiPT (5-Methoxy-N-methyl-N-isopropyltryptamine).
- 6806 l. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).
- 6807 m. Methyltryptamine.
- 6808 n. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).
- 6809 o. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).
- 6810 p. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).
- 6811 q. DiPT (N,N-Diisopropyltryptamine).
- 6812 r. DPT (N,N-Dipropyltryptamine).
- 6813 s. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).
- 6814 t. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).
- 6815 u. 4-AcO-DMT (4-Acetoxy-N,N-dimethyltryptamine).

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- 6816 v. 4-AcO-DiPT (4-Acetoxy-N,N-diisopropyltryptamine).
 6817 w. 4-Hydroxy-DET (4-Hydroxy-N,N-diethyltryptamine).
 6818 x. 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-ethyltryptamine).
 6819 y. 4-Hydroxy-MiPT (4-Hydroxy-N-methyl-N-
 6820 isopropyltryptamine).
 6821 z. Methyl-alpha-ethyltryptamine.
 6822 aa. Bromo-DALT (Bromo-N,N-diallyltryptamine),
 6823
 6824 which does not include tryptamine, psilocyn as described in
 6825 subparagraph 33. ~~subparagraph 34.~~, or psilocybin as described in
 6826 subparagraph 32. ~~subparagraph 33.~~
 6827 194.195. ~~195.~~ Substituted Phenylcyclohexylamines.—Unless
 6828 specifically excepted or unless listed in another schedule, or
 6829 contained within a pharmaceutical product approved by the United
 6830 States Food and Drug Administration, any material, compound,
 6831 mixture, or preparation containing a phenylcyclohexylamine
 6832 structure, with or without any substitution on the phenyl ring,
 6833 any substitution on the cyclohexyl ring, any replacement of the
 6834 phenyl ring with a thiophenyl or benzothiophenyl ring, with or
 6835 without substitution on the amine with alkyl, dialkyl, or alkoxy
 6836 substituents, inclusion of the nitrogen in a cyclic structure,
 6837 or any combination of the above, including, but not limited to:
 6838 a. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP
 6839 (Benocyclidine).
 6840 b. PCE (N-Ethyl-1-phenylcyclohexylamine) (Ethylamine analog
 6841 of phencyclidine).
 6842 c. PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine) (Pyrrolidine
 6843 analog of phencyclidine).
 6844 d. PCPr (Phenylcyclohexylpropylamine).

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6845 e. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine) (Thiophene
6846 analog of phencyclidine).

6847 f. PCEEA (Phenylcyclohexyl(ethoxyethylamine)).

6848 g. PCMPA (Phenylcyclohexyl(methoxypropylamine)).

6849 h. Methoxetamine.

6850 i. 3-Methoxy-PCE ((3-Methoxyphenyl)cyclohexylethylamine).

6851 j. Bromo-PCP ((Bromophenyl)cyclohexylpiperidine).

6852 k. Chloro-PCP ((Chlorophenyl)cyclohexylpiperidine).

6853 l. Fluoro-PCP ((Fluorophenyl)cyclohexylpiperidine).

6854 m. Hydroxy-PCP ((Hydroxyphenyl)cyclohexylpiperidine).

6855 n. Methoxy-PCP ((Methoxyphenyl)cyclohexylpiperidine).

6856 o. Methyl-PCP ((Methylphenyl)cyclohexylpiperidine).

6857 p. Nitro-PCP ((Nitrophenyl)cyclohexylpiperidine).

6858 q. Oxo-PCP ((Oxophenyl)cyclohexylpiperidine).

6859 r. Amino-PCP ((Aminophenyl)cyclohexylpiperidine).

6860 ~~195.196.~~ W-15, 4-chloro-N-[1-(2-phenylethyl)-2-
6861 piperidinylidene]-benzenesulfonamide.

6862 ~~196.197.~~ W-18, 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-
6863 piperidinylidene]-benzenesulfonamide.

6864 ~~197.198.~~ AH-7921, 3,4-dichloro-N-[[1-
6865 (dimethylamino)cyclohexyl]methyl]-benzamide.

6866 ~~198.199.~~ U47700, trans-3,4-dichloro-N-[2-
6867 (dimethylamino)cyclohexyl]-N-methyl-benzamide.

6868 ~~199.200.~~ MT-45, 1-cyclohexyl-4-(1,2-diphenylethyl)-
6869 piperazine, dihydrochloride.

6870

6871 Section 10. Subsections (3), (6), and (9) of section
6872 893.13, Florida Statutes, are amended, and a new subsection (10)
6873 is added to that section, to read:

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6874 893.13 Prohibited acts; penalties.—

6875 ~~(3) A person who delivers, without consideration, 20 grams~~
6876 ~~or less of cannabis, as defined in this chapter, commits a~~
6877 ~~misdemeanor of the first degree, punishable as provided in s.~~
6878 ~~775.082 or s. 775.083. As used in this subsection, the term~~
6879 ~~"cannabis" does not include the resin extracted from the plants~~
6880 ~~of the genus *Cannabis* or any compound manufacture, salt,~~
6881 ~~derivative, mixture, or preparation of such resin.~~

6882 (5) (a) ~~(6) (a)~~ A person may not be in actual or constructive
6883 possession of a controlled substance unless such controlled
6884 substance was lawfully obtained from a practitioner or pursuant
6885 to a valid prescription or order of a practitioner while acting
6886 in the course of his or her professional practice or to be in
6887 actual or constructive possession of a controlled substance
6888 except as otherwise authorized by this chapter. A person who
6889 violates this provision commits a felony of the third degree,
6890 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

6891 ~~(b) If the offense is the possession of 20 grams or less of~~
6892 ~~cannabis, as defined in this chapter, the person commits a~~
6893 ~~misdemeanor of the first degree, punishable as provided in s.~~
6894 ~~775.082 or s. 775.083. As used in this subsection, the term~~
6895 ~~"cannabis" does not include the resin extracted from the plants~~
6896 ~~of the genus *Cannabis*, or any compound manufacture, salt,~~
6897 ~~derivative, mixture, or preparation of such resin.~~

6898 (b) (e) Except as provided in this chapter, a person may not
6899 possess more than 10 grams of any substance named or described
6900 in s. 893.03(1) (a), (1) (b), or (2) (b), or any combination
6901 thereof, or any mixture containing any such substance. A person
6902 who violates this paragraph commits a felony of the first

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6903 degree, punishable as provided in s. 775.082, s. 775.083, or s.
6904 775.084.

6905 (c)~~(d)~~ If the offense is possession of a controlled
6906 substance named or described in s. 893.03(5), the person commits
6907 a misdemeanor of the second degree, punishable as provided in s.
6908 775.082 or s. 775.083.

6909 ~~(c) Notwithstanding any provision to the contrary of the~~
6910 ~~laws of this state relating to arrest, a law enforcement officer~~
6911 ~~may arrest without warrant any person who the officer has~~
6912 ~~probable cause to believe is violating the provisions of this~~
6913 ~~chapter relating to possession of cannabis.~~

6914 (8)~~(9)~~ The provisions of Subsections (1)-(7) ~~(1)-(8)~~ are
6915 not applicable to the delivery to, or actual or constructive
6916 possession for medical or scientific use or purpose only of
6917 controlled substances by, persons included in any of the
6918 following classes, or the agents or employees of such persons,
6919 for use in the usual course of their business or profession or
6920 in the performance of their official duties:

6921 (a) Pharmacists.

6922 (b) Practitioners.

6923 (c) Persons who procure controlled substances in good faith
6924 and in the course of professional practice only, by or under the
6925 supervision of pharmacists or practitioners employed by them, or
6926 for the purpose of lawful research, teaching, or testing, and
6927 not for resale.

6928 (d) Hospitals that procure controlled substances for lawful
6929 administration by practitioners, but only for use by or in the
6930 particular hospital.

6931 (e) Officers or employees of state, federal, or local

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6932 governments acting in their official capacity only, or informers
6933 acting under their jurisdiction.

6934 (f) Common carriers.

6935 (g) Manufacturers, wholesalers, and distributors.

6936 (h) Law enforcement officers for bona fide law enforcement
6937 purposes in the course of an active criminal investigation.

6938 (10) Subsections (1)-(7) are not applicable to conduct
6939 authorized under chapter 566.

6940 Section 11. Subsection (1) of section 893.135, Florida
6941 Statutes, is amended to read:

6942 893.135 Trafficking; mandatory sentences; suspension or
6943 reduction of sentences; conspiracy to engage in trafficking.—

6944 (1) Except as authorized in this chapter, or in chapter
6945 499, or chapter 566 and notwithstanding ~~the provisions of s.~~
6946 893.13:

6947 ~~(a) Any person who knowingly sells, purchases,~~
6948 ~~manufactures, delivers, or brings into this state, or who is~~
6949 ~~knowingly in actual or constructive possession of, in excess of~~
6950 ~~25 pounds of cannabis, or 300 or more cannabis plants, commits a~~
6951 ~~felony of the first degree, which felony shall be known as~~
6952 ~~"trafficking in cannabis," punishable as provided in s. 775.082,~~
6953 ~~s. 775.083, or s. 775.084. If the quantity of cannabis involved:~~

6954 ~~1. Is in excess of 25 pounds, but less than 2,000 pounds,~~
6955 ~~or is 300 or more cannabis plants, but not more than 2,000~~
6956 ~~cannabis plants, such person shall be sentenced to a mandatory~~
6957 ~~minimum term of imprisonment of 3 years, and the defendant shall~~
6958 ~~be ordered to pay a fine of \$25,000.~~

6959 ~~2. Is 2,000 pounds or more, but less than 10,000 pounds, or~~
6960 ~~is 2,000 or more cannabis plants, but not more than 10,000~~

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6961 ~~cannabis plants, such person shall be sentenced to a mandatory~~
6962 ~~minimum term of imprisonment of 7 years, and the defendant shall~~
6963 ~~be ordered to pay a fine of \$50,000.~~

6964 ~~3. Is 10,000 pounds or more, or is 10,000 or more cannabis~~
6965 ~~plants, such person shall be sentenced to a mandatory minimum~~
6966 ~~term of imprisonment of 15 calendar years and pay a fine of~~
6967 ~~\$200,000.~~

6968
6969 ~~For the purpose of this paragraph, a plant, including, but not~~
6970 ~~limited to, a seedling or cutting, is a "cannabis plant" if it~~
6971 ~~has some readily observable evidence of root formation, such as~~
6972 ~~root hairs. To determine if a piece or part of a cannabis plant~~
6973 ~~severed from the cannabis plant is itself a cannabis plant, the~~
6974 ~~severed piece or part must have some readily observable evidence~~
6975 ~~of root formation, such as root hairs. Callous tissue is not~~
6976 ~~readily observable evidence of root formation. The viability and~~
6977 ~~sex of a plant and the fact that the plant may or may not be a~~
6978 ~~dead harvested plant are not relevant in determining if the~~
6979 ~~plant is a "cannabis plant" or in the charging of an offense~~
6980 ~~under this paragraph. Upon conviction, the court shall impose~~
6981 ~~the longest term of imprisonment provided for in this paragraph.~~

6982 ~~(a)1.(b)1.~~ Any person who knowingly sells, purchases,
6983 manufactures, delivers, or brings into this state, or who is
6984 knowingly in actual or constructive possession of, 28 grams or
6985 more of cocaine, as described in s. 893.03(2)(a)4., or of any
6986 mixture containing cocaine, but less than 150 kilograms of
6987 cocaine or any such mixture, commits a felony of the first
6988 degree, which felony shall be known as "trafficking in cocaine,"
6989 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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6990 If the quantity involved:

6991 a. Is 28 grams or more, but less than 200 grams, such
6992 person shall be sentenced to a mandatory minimum term of
6993 imprisonment of 3 years, and the defendant shall be ordered to
6994 pay a fine of \$50,000.

6995 b. Is 200 grams or more, but less than 400 grams, such
6996 person shall be sentenced to a mandatory minimum term of
6997 imprisonment of 7 years, and the defendant shall be ordered to
6998 pay a fine of \$100,000.

6999 c. Is 400 grams or more, but less than 150 kilograms, such
7000 person shall be sentenced to a mandatory minimum term of
7001 imprisonment of 15 calendar years and pay a fine of \$250,000.

7002 2. Any person who knowingly sells, purchases, manufactures,
7003 delivers, or brings into this state, or who is knowingly in
7004 actual or constructive possession of, 150 kilograms or more of
7005 cocaine, as described in s. 893.03(2)(a)4., commits the first
7006 degree felony of trafficking in cocaine. A person who has been
7007 convicted of the first degree felony of trafficking in cocaine
7008 under this subparagraph shall be punished by life imprisonment
7009 and is ineligible for any form of discretionary early release
7010 except pardon or executive clemency or conditional medical
7011 release under s. 947.149. However, if the court determines that,
7012 in addition to committing any act specified in this paragraph:

7013 a. The person intentionally killed an individual or
7014 counseled, commanded, induced, procured, or caused the
7015 intentional killing of an individual and such killing was the
7016 result; or

7017 b. The person's conduct in committing that act led to a
7018 natural, though not inevitable, lethal result,

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7019
7020 such person commits the capital felony of trafficking in
7021 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
7022 person sentenced for a capital felony under this paragraph shall
7023 also be sentenced to pay the maximum fine provided under
7024 subparagraph 1.

7025 3. Any person who knowingly brings into this state 300
7026 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
7027 and who knows that the probable result of such importation would
7028 be the death of any person, commits capital importation of
7029 cocaine, a capital felony punishable as provided in ss. 775.082
7030 and 921.142. Any person sentenced for a capital felony under
7031 this paragraph shall also be sentenced to pay the maximum fine
7032 provided under subparagraph 1.

7033 (b)1.~~(e)1.~~ A person who knowingly sells, purchases,
7034 manufactures, delivers, or brings into this state, or who is
7035 knowingly in actual or constructive possession of, 4 grams or
7036 more of any morphine, opium, hydromorphone, or any salt,
7037 derivative, isomer, or salt of an isomer thereof, including
7038 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
7039 (3)(c)4., or 4 grams or more of any mixture containing any such
7040 substance, but less than 30 kilograms of such substance or
7041 mixture, commits a felony of the first degree, which felony
7042 shall be known as "trafficking in illegal drugs," punishable as
7043 provided in s. 775.082, s. 775.083, or s. 775.084. If the
7044 quantity involved:

7045 a. Is 4 grams or more, but less than 14 grams, such person
7046 shall be sentenced to a mandatory minimum term of imprisonment
7047 of 3 years and shall be ordered to pay a fine of \$50,000.

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7048 b. Is 14 grams or more, but less than 28 grams, such person
7049 shall be sentenced to a mandatory minimum term of imprisonment
7050 of 15 years and shall be ordered to pay a fine of \$100,000.

7051 c. Is 28 grams or more, but less than 30 kilograms, such
7052 person shall be sentenced to a mandatory minimum term of
7053 imprisonment of 25 years and shall be ordered to pay a fine of
7054 \$500,000.

7055 2. A person who knowingly sells, purchases, manufactures,
7056 delivers, or brings into this state, or who is knowingly in
7057 actual or constructive possession of, 28 grams or more of
7058 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
7059 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28
7060 grams or more of any mixture containing any such substance,
7061 commits a felony of the first degree, which felony shall be
7062 known as "trafficking in hydrocodone," punishable as provided in
7063 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

7064 a. Is 28 grams or more, but less than 50 grams, such person
7065 shall be sentenced to a mandatory minimum term of imprisonment
7066 of 3 years and shall be ordered to pay a fine of \$50,000.

7067 b. Is 50 grams or more, but less than 100 grams, such
7068 person shall be sentenced to a mandatory minimum term of
7069 imprisonment of 7 years and shall be ordered to pay a fine of
7070 \$100,000.

7071 c. Is 100 grams or more, but less than 300 grams, such
7072 person shall be sentenced to a mandatory minimum term of
7073 imprisonment of 15 years and shall be ordered to pay a fine of
7074 \$500,000.

7075 d. Is 300 grams or more, but less than 30 kilograms, such
7076 person shall be sentenced to a mandatory minimum term of

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7077 imprisonment of 25 years and shall be ordered to pay a fine of
7078 \$750,000.

7079 3. A person who knowingly sells, purchases, manufactures,
7080 delivers, or brings into this state, or who is knowingly in
7081 actual or constructive possession of, 7 grams or more of
7082 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
7083 thereof, or 7 grams or more of any mixture containing any such
7084 substance, commits a felony of the first degree, which felony
7085 shall be known as "trafficking in oxycodone," punishable as
7086 provided in s. 775.082, s. 775.083, or s. 775.084. If the
7087 quantity involved:

7088 a. Is 7 grams or more, but less than 14 grams, such person
7089 shall be sentenced to a mandatory minimum term of imprisonment
7090 of 3 years and shall be ordered to pay a fine of \$50,000.

7091 b. Is 14 grams or more, but less than 25 grams, such person
7092 shall be sentenced to a mandatory minimum term of imprisonment
7093 of 7 years and shall be ordered to pay a fine of \$100,000.

7094 c. Is 25 grams or more, but less than 100 grams, such
7095 person shall be sentenced to a mandatory minimum term of
7096 imprisonment of 15 years and shall be ordered to pay a fine of
7097 \$500,000.

7098 d. Is 100 grams or more, but less than 30 kilograms, such
7099 person shall be sentenced to a mandatory minimum term of
7100 imprisonment of 25 years and shall be ordered to pay a fine of
7101 \$750,000.

7102 4.a. A person who knowingly sells, purchases, manufactures,
7103 delivers, or brings into this state, or who is knowingly in
7104 actual or constructive possession of, 4 grams or more of:

7105 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

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7106 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

7107 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

7108 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

7109 (V) A fentanyl derivative, as described in s.

7110 893.03(1)(a)62.;

7111 (VI) A controlled substance analog, as described in s.

7112 893.0356, of any substance described in sub-sub-subparagraphs

7113 (I)-(V); or

7114 (VII) A mixture containing any substance described in sub-

7115 sub-subparagraphs (I)-(VI),

7116

7117 commits a felony of the first degree, which felony shall be

7118 known as "trafficking in fentanyl," punishable as provided in s.

7119 775.082, s. 775.083, or s. 775.084.

7120 b. If the quantity involved under sub-subparagraph a.:

7121 (I) Is 4 grams or more, but less than 14 grams, such person

7122 shall be sentenced to a mandatory minimum term of imprisonment

7123 of 3 years, and shall be ordered to pay a fine of \$50,000.

7124 (II) Is 14 grams or more, but less than 28 grams, such

7125 person shall be sentenced to a mandatory minimum term of

7126 imprisonment of 15 years, and shall be ordered to pay a fine of

7127 \$100,000.

7128 (III) Is 28 grams or more, such person shall be sentenced

7129 to a mandatory minimum term of imprisonment of 25 years, and

7130 shall be ordered to pay a fine of \$500,000.

7131 5. A person who knowingly sells, purchases, manufactures,

7132 delivers, or brings into this state, or who is knowingly in

7133 actual or constructive possession of, 30 kilograms or more of

7134 any morphine, opium, oxycodone, hydrocodone, codeine,

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7135 hydromorphone, or any salt, derivative, isomer, or salt of an
7136 isomer thereof, including heroin, as described in s.
7137 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
7138 more of any mixture containing any such substance, commits the
7139 first degree felony of trafficking in illegal drugs. A person
7140 who has been convicted of the first degree felony of trafficking
7141 in illegal drugs under this subparagraph shall be punished by
7142 life imprisonment and is ineligible for any form of
7143 discretionary early release except pardon or executive clemency
7144 or conditional medical release under s. 947.149. However, if the
7145 court determines that, in addition to committing any act
7146 specified in this paragraph:

7147 a. The person intentionally killed an individual or
7148 counseled, commanded, induced, procured, or caused the
7149 intentional killing of an individual and such killing was the
7150 result; or

7151 b. The person's conduct in committing that act led to a
7152 natural, though not inevitable, lethal result,
7153
7154 such person commits the capital felony of trafficking in illegal
7155 drugs, punishable as provided in ss. 775.082 and 921.142. A
7156 person sentenced for a capital felony under this paragraph shall
7157 also be sentenced to pay the maximum fine provided under
7158 subparagraph 1.

7159 6. A person who knowingly brings into this state 60
7160 kilograms or more of any morphine, opium, oxycodone,
7161 hydrocodone, codeine, hydromorphone, or any salt, derivative,
7162 isomer, or salt of an isomer thereof, including heroin, as
7163 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or

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7164 60 kilograms or more of any mixture containing any such
7165 substance, and who knows that the probable result of such
7166 importation would be the death of a person, commits capital
7167 importation of illegal drugs, a capital felony punishable as
7168 provided in ss. 775.082 and 921.142. A person sentenced for a
7169 capital felony under this paragraph shall also be sentenced to
7170 pay the maximum fine provided under subparagraph 1.

7171 (c)1.~~(d)1.~~ Any person who knowingly sells, purchases,
7172 manufactures, delivers, or brings into this state, or who is
7173 knowingly in actual or constructive possession of, 28 grams or
7174 more of phencyclidine, as described in s. 893.03(2)(b)23., a
7175 substituted phenylcyclohexylamine, as described in s.
7176 893.03(1)(c)194. ~~s. 893.03(1)(e)195.~~, or a substance described
7177 in s. 893.03(1)(c)12., 31., 37., 102., or 145. ~~s.~~
7178 ~~893.03(1)(e)13., 32., 38., 103., or 146.~~, or of any mixture
7179 containing phencyclidine, as described in s. 893.03(2)(b)23., a
7180 substituted phenylcyclohexylamine, as described in s.
7181 893.03(1)(c)194. ~~s. 893.03(1)(e)195.~~, or a substance described
7182 in s. 893.03(1)(c)12., 31., 37., 102., or 145. ~~s.~~
7183 ~~893.03(1)(e)13., 32., 38., 103., or 146.~~, commits a felony of
7184 the first degree, which felony shall be known as "trafficking in
7185 phencyclidine," punishable as provided in s. 775.082, s.
7186 775.083, or s. 775.084. If the quantity involved:

7187 a. Is 28 grams or more, but less than 200 grams, such
7188 person shall be sentenced to a mandatory minimum term of
7189 imprisonment of 3 years, and the defendant shall be ordered to
7190 pay a fine of \$50,000.

7191 b. Is 200 grams or more, but less than 400 grams, such
7192 person shall be sentenced to a mandatory minimum term of

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7193 imprisonment of 7 years, and the defendant shall be ordered to
7194 pay a fine of \$100,000.

7195 c. Is 400 grams or more, such person shall be sentenced to
7196 a mandatory minimum term of imprisonment of 15 calendar years
7197 and pay a fine of \$250,000.

7198 2. Any person who knowingly brings into this state 800
7199 grams or more of phencyclidine, as described in s.
7200 893.03(2)(b)23., a substituted phenylcyclohexylamine, as
7201 described in s. 893.03(1)(c)194. ~~s. 893.03(1)(c)195.~~, or a
7202 substance described in s. 893.03(1)(c)12., 31., 37., 102., or
7203 145. ~~s. 893.03(1)(c)13., 32., 38., 103., or 146.~~, or of any
7204 mixture containing phencyclidine, as described in s.
7205 893.03(2)(b)23., a substituted phenylcyclohexylamine, as
7206 described in s. 893.03(1)(c)194. ~~s. 893.03(1)(c)195.~~, or a
7207 substance described in s. 893.03(1)(c)12., 31., 37., 102., or
7208 145. ~~s. 893.03(1)(c)13., 32., 38., 103., or 146.~~, and who knows
7209 that the probable result of such importation would be the death
7210 of any person commits capital importation of phencyclidine, a
7211 capital felony punishable as provided in ss. 775.082 and
7212 921.142. Any person sentenced for a capital felony under this
7213 paragraph shall also be sentenced to pay the maximum fine
7214 provided under subparagraph 1.

7215 (d)1. ~~(e)1.~~ Any person who knowingly sells, purchases,
7216 manufactures, delivers, or brings into this state, or who is
7217 knowingly in actual or constructive possession of, 200 grams or
7218 more of methaqualone or of any mixture containing methaqualone,
7219 as described in s. 893.03(1)(d), commits a felony of the first
7220 degree, which felony shall be known as "trafficking in
7221 methaqualone," punishable as provided in s. 775.082, s. 775.083,

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7222 or s. 775.084. If the quantity involved:

7223 a. Is 200 grams or more, but less than 5 kilograms, such
7224 person shall be sentenced to a mandatory minimum term of
7225 imprisonment of 3 years, and the defendant shall be ordered to
7226 pay a fine of \$50,000.

7227 b. Is 5 kilograms or more, but less than 25 kilograms, such
7228 person shall be sentenced to a mandatory minimum term of
7229 imprisonment of 7 years, and the defendant shall be ordered to
7230 pay a fine of \$100,000.

7231 c. Is 25 kilograms or more, such person shall be sentenced
7232 to a mandatory minimum term of imprisonment of 15 calendar years
7233 and pay a fine of \$250,000.

7234 2. Any person who knowingly brings into this state 50
7235 kilograms or more of methaqualone or of any mixture containing
7236 methaqualone, as described in s. 893.03(1)(d), and who knows
7237 that the probable result of such importation would be the death
7238 of any person commits capital importation of methaqualone, a
7239 capital felony punishable as provided in ss. 775.082 and
7240 921.142. Any person sentenced for a capital felony under this
7241 paragraph shall also be sentenced to pay the maximum fine
7242 provided under subparagraph 1.

7243 (e)1.~~(f)1.~~ Any person who knowingly sells, purchases,
7244 manufactures, delivers, or brings into this state, or who is
7245 knowingly in actual or constructive possession of, 14 grams or
7246 more of amphetamine, as described in s. 893.03(2)(c)2., or
7247 methamphetamine, as described in s. 893.03(2)(c)5., or of any
7248 mixture containing amphetamine or methamphetamine, or
7249 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine
7250 in conjunction with other chemicals and equipment utilized in

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7251 the manufacture of amphetamine or methamphetamine, commits a
7252 felony of the first degree, which felony shall be known as
7253 "trafficking in amphetamine," punishable as provided in s.
7254 775.082, s. 775.083, or s. 775.084. If the quantity involved:

7255 a. Is 14 grams or more, but less than 28 grams, such person
7256 shall be sentenced to a mandatory minimum term of imprisonment
7257 of 3 years, and the defendant shall be ordered to pay a fine of
7258 \$50,000.

7259 b. Is 28 grams or more, but less than 200 grams, such
7260 person shall be sentenced to a mandatory minimum term of
7261 imprisonment of 7 years, and the defendant shall be ordered to
7262 pay a fine of \$100,000.

7263 c. Is 200 grams or more, such person shall be sentenced to
7264 a mandatory minimum term of imprisonment of 15 calendar years
7265 and pay a fine of \$250,000.

7266 2. Any person who knowingly manufactures or brings into
7267 this state 400 grams or more of amphetamine, as described in s.
7268 893.03(2)(c)2., or methamphetamine, as described in s.
7269 893.03(2)(c)5., or of any mixture containing amphetamine or
7270 methamphetamine, or phenylacetone, phenylacetic acid,
7271 pseudoephedrine, or ephedrine in conjunction with other
7272 chemicals and equipment used in the manufacture of amphetamine
7273 or methamphetamine, and who knows that the probable result of
7274 such manufacture or importation would be the death of any person
7275 commits capital manufacture or importation of amphetamine, a
7276 capital felony punishable as provided in ss. 775.082 and
7277 921.142. Any person sentenced for a capital felony under this
7278 paragraph shall also be sentenced to pay the maximum fine
7279 provided under subparagraph 1.

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7280 (f)1.~~(g)1.~~ Any person who knowingly sells, purchases,
7281 manufactures, delivers, or brings into this state, or who is
7282 knowingly in actual or constructive possession of, 4 grams or
7283 more of flunitrazepam or any mixture containing flunitrazepam as
7284 described in s. 893.03(1)(a) commits a felony of the first
7285 degree, which felony shall be known as "trafficking in
7286 flunitrazepam," punishable as provided in s. 775.082, s.
7287 775.083, or s. 775.084. If the quantity involved:

7288 a. Is 4 grams or more but less than 14 grams, such person
7289 shall be sentenced to a mandatory minimum term of imprisonment
7290 of 3 years, and the defendant shall be ordered to pay a fine of
7291 \$50,000.

7292 b. Is 14 grams or more but less than 28 grams, such person
7293 shall be sentenced to a mandatory minimum term of imprisonment
7294 of 7 years, and the defendant shall be ordered to pay a fine of
7295 \$100,000.

7296 c. Is 28 grams or more but less than 30 kilograms, such
7297 person shall be sentenced to a mandatory minimum term of
7298 imprisonment of 25 calendar years and pay a fine of \$500,000.

7299 2. Any person who knowingly sells, purchases, manufactures,
7300 delivers, or brings into this state or who is knowingly in
7301 actual or constructive possession of 30 kilograms or more of
7302 flunitrazepam or any mixture containing flunitrazepam as
7303 described in s. 893.03(1)(a) commits the first degree felony of
7304 trafficking in flunitrazepam. A person who has been convicted of
7305 the first degree felony of trafficking in flunitrazepam under
7306 this subparagraph shall be punished by life imprisonment and is
7307 ineligible for any form of discretionary early release except
7308 pardon or executive clemency or conditional medical release

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7309 under s. 947.149. However, if the court determines that, in
7310 addition to committing any act specified in this paragraph:

7311 a. The person intentionally killed an individual or
7312 counseled, commanded, induced, procured, or caused the
7313 intentional killing of an individual and such killing was the
7314 result; or

7315 b. The person's conduct in committing that act led to a
7316 natural, though not inevitable, lethal result,

7317
7318 such person commits the capital felony of trafficking in
7319 flunitrazepam, punishable as provided in ss. 775.082 and
7320 921.142. Any person sentenced for a capital felony under this
7321 paragraph shall also be sentenced to pay the maximum fine
7322 provided under subparagraph 1.

7323 (g)1. ~~(h)1.~~ Any person who knowingly sells, purchases,
7324 manufactures, delivers, or brings into this state, or who is
7325 knowingly in actual or constructive possession of, 1 kilogram or
7326 more of gamma-hydroxybutyric acid (GHB), as described in s.
7327 893.03(1)(d), or any mixture containing gamma-hydroxybutyric
7328 acid (GHB), commits a felony of the first degree, which felony
7329 shall be known as "trafficking in gamma-hydroxybutyric acid
7330 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.
7331 775.084. If the quantity involved:

7332 a. Is 1 kilogram or more but less than 5 kilograms, such
7333 person shall be sentenced to a mandatory minimum term of
7334 imprisonment of 3 years, and the defendant shall be ordered to
7335 pay a fine of \$50,000.

7336 b. Is 5 kilograms or more but less than 10 kilograms, such
7337 person shall be sentenced to a mandatory minimum term of

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7338 imprisonment of 7 years, and the defendant shall be ordered to
7339 pay a fine of \$100,000.

7340 c. Is 10 kilograms or more, such person shall be sentenced
7341 to a mandatory minimum term of imprisonment of 15 calendar years
7342 and pay a fine of \$250,000.

7343 2. Any person who knowingly manufactures or brings into
7344 this state 150 kilograms or more of gamma-hydroxybutyric acid
7345 (GHB), as described in s. 893.03(1)(d), or any mixture
7346 containing gamma-hydroxybutyric acid (GHB), and who knows that
7347 the probable result of such manufacture or importation would be
7348 the death of any person commits capital manufacture or
7349 importation of gamma-hydroxybutyric acid (GHB), a capital felony
7350 punishable as provided in ss. 775.082 and 921.142. Any person
7351 sentenced for a capital felony under this paragraph shall also
7352 be sentenced to pay the maximum fine provided under subparagraph
7353 1.

7354 (h) 1.~~(i) 1.~~ Any person who knowingly sells, purchases,
7355 manufactures, delivers, or brings into this state, or who is
7356 knowingly in actual or constructive possession of, 1 kilogram or
7357 more of gamma-butyrolactone (GBL), as described in s.
7358 893.03(1)(d), or any mixture containing gamma-butyrolactone
7359 (GBL), commits a felony of the first degree, which felony shall
7360 be known as "trafficking in gamma-butyrolactone (GBL),"
7361 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
7362 If the quantity involved:

7363 a. Is 1 kilogram or more but less than 5 kilograms, such
7364 person shall be sentenced to a mandatory minimum term of
7365 imprisonment of 3 years, and the defendant shall be ordered to
7366 pay a fine of \$50,000.

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7367 b. Is 5 kilograms or more but less than 10 kilograms, such
7368 person shall be sentenced to a mandatory minimum term of
7369 imprisonment of 7 years, and the defendant shall be ordered to
7370 pay a fine of \$100,000.

7371 c. Is 10 kilograms or more, such person shall be sentenced
7372 to a mandatory minimum term of imprisonment of 15 calendar years
7373 and pay a fine of \$250,000.

7374 2. Any person who knowingly manufactures or brings into the
7375 state 150 kilograms or more of gamma-butyrolactone (GBL), as
7376 described in s. 893.03(1)(d), or any mixture containing gamma-
7377 butyrolactone (GBL), and who knows that the probable result of
7378 such manufacture or importation would be the death of any person
7379 commits capital manufacture or importation of gamma-
7380 butyrolactone (GBL), a capital felony punishable as provided in
7381 ss. 775.082 and 921.142. Any person sentenced for a capital
7382 felony under this paragraph shall also be sentenced to pay the
7383 maximum fine provided under subparagraph 1.

7384 (i)1.~~(j)1.~~ Any person who knowingly sells, purchases,
7385 manufactures, delivers, or brings into this state, or who is
7386 knowingly in actual or constructive possession of, 1 kilogram or
7387 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of
7388 any mixture containing 1,4-Butanediol, commits a felony of the
7389 first degree, which felony shall be known as "trafficking in
7390 1,4-Butanediol," punishable as provided in s. 775.082, s.
7391 775.083, or s. 775.084. If the quantity involved:

7392 a. Is 1 kilogram or more, but less than 5 kilograms, such
7393 person shall be sentenced to a mandatory minimum term of
7394 imprisonment of 3 years, and the defendant shall be ordered to
7395 pay a fine of \$50,000.

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7396 b. Is 5 kilograms or more, but less than 10 kilograms, such
7397 person shall be sentenced to a mandatory minimum term of
7398 imprisonment of 7 years, and the defendant shall be ordered to
7399 pay a fine of \$100,000.

7400 c. Is 10 kilograms or more, such person shall be sentenced
7401 to a mandatory minimum term of imprisonment of 15 calendar years
7402 and pay a fine of \$500,000.

7403 2. Any person who knowingly manufactures or brings into
7404 this state 150 kilograms or more of 1,4-Butanediol as described
7405 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,
7406 and who knows that the probable result of such manufacture or
7407 importation would be the death of any person commits capital
7408 manufacture or importation of 1,4-Butanediol, a capital felony
7409 punishable as provided in ss. 775.082 and 921.142. Any person
7410 sentenced for a capital felony under this paragraph shall also
7411 be sentenced to pay the maximum fine provided under subparagraph
7412 1.

7413 (j)1.~~(k)1.~~ A person who knowingly sells, purchases,
7414 manufactures, delivers, or brings into this state, or who is
7415 knowingly in actual or constructive possession of, 10 grams or
7416 more of a:

7417 a. Substance described in s. 893.03(1)(c)4., 5., 9., 10.,
7418 14., 16., 20.-26., 28., 38., 39.-44., 57., 71.-79., 80.-85.,
7419 89.-101., 103.-107., 109.-112., 142.-144., 147.-149., 159.-162.,
7420 164., or 186.-188. ~~s. 893.03(1)(c)4., 5., 10., 11., 15., 17.,~~
7421 ~~21.-27., 29., 39., 40.-45., 58., 72.-80., 81.-86., 90.-102.,~~
7422 ~~104.-108., 110.-113., 143.-145., 148.-150., 160.-163., 165., or~~
7423 ~~187.-189.,~~ a substituted cathinone, as described in s.
7424 893.03(1)(c)190. ~~s. 893.03(1)(c)191.,~~ or substituted

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7425 phenethylamine, as described in s. 893.03(1)(c)191. ~~s.~~
7426 ~~893.03(1)(c)192.~~;

7427 b. Mixture containing any substance described in sub-
7428 subparagraph a.; or

7429 c. Salt, isomer, ester, or ether or salt of an isomer,
7430 ester, or ether of a substance described in sub-subparagraph a.,

7431
7432 commits a felony of the first degree, which felony shall be
7433 known as "trafficking in phenethylamines," punishable as
7434 provided in s. 775.082, s. 775.083, or s. 775.084.

7435 2. If the quantity involved under subparagraph 1.:

7436 a. Is 10 grams or more, but less than 200 grams, such
7437 person shall be sentenced to a mandatory minimum term of
7438 imprisonment of 3 years and shall be ordered to pay a fine of
7439 \$50,000.

7440 b. Is 200 grams or more, but less than 400 grams, such
7441 person shall be sentenced to a mandatory minimum term of
7442 imprisonment of 7 years and shall be ordered to pay a fine of
7443 \$100,000.

7444 c. Is 400 grams or more, such person shall be sentenced to
7445 a mandatory minimum term of imprisonment of 15 years and shall
7446 be ordered to pay a fine of \$250,000.

7447 3. A person who knowingly manufactures or brings into this
7448 state 30 kilograms or more of a substance described in sub-
7449 subparagraph 1.a., a mixture described in sub-subparagraph 1.b.,
7450 or a salt, isomer, ester, or ether or a salt of an isomer,
7451 ester, or ether described in sub-subparagraph 1.c., and who
7452 knows that the probable result of such manufacture or
7453 importation would be the death of any person commits capital

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7454 manufacture or importation of phenethylamines, a capital felony
7455 punishable as provided in ss. 775.082 and 921.142. A person
7456 sentenced for a capital felony under this paragraph shall also
7457 be sentenced to pay the maximum fine under subparagraph 2.

7458 (k)1.~~(1)1.~~ Any person who knowingly sells, purchases,
7459 manufactures, delivers, or brings into this state, or who is
7460 knowingly in actual or constructive possession of, 1 gram or
7461 more of lysergic acid diethylamide (LSD) as described in s.
7462 893.03(1)(c), or of any mixture containing lysergic acid
7463 diethylamide (LSD), commits a felony of the first degree, which
7464 felony shall be known as "trafficking in lysergic acid
7465 diethylamide (LSD)," punishable as provided in s. 775.082, s.
7466 775.083, or s. 775.084. If the quantity involved:

7467 a. Is 1 gram or more, but less than 5 grams, such person
7468 shall be sentenced to a mandatory minimum term of imprisonment
7469 of 3 years, and the defendant shall be ordered to pay a fine of
7470 \$50,000.

7471 b. Is 5 grams or more, but less than 7 grams, such person
7472 shall be sentenced to a mandatory minimum term of imprisonment
7473 of 7 years, and the defendant shall be ordered to pay a fine of
7474 \$100,000.

7475 c. Is 7 grams or more, such person shall be sentenced to a
7476 mandatory minimum term of imprisonment of 15 calendar years and
7477 pay a fine of \$500,000.

7478 2. Any person who knowingly manufactures or brings into
7479 this state 7 grams or more of lysergic acid diethylamide (LSD)
7480 as described in s. 893.03(1)(c), or any mixture containing
7481 lysergic acid diethylamide (LSD), and who knows that the
7482 probable result of such manufacture or importation would be the

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7483 death of any person commits capital manufacture or importation
7484 of lysergic acid diethylamide (LSD), a capital felony punishable
7485 as provided in ss. 775.082 and 921.142. Any person sentenced for
7486 a capital felony under this paragraph shall also be sentenced to
7487 pay the maximum fine provided under subparagraph 1.

7488 (1)1.(m)1. A person who knowingly sells, purchases,
7489 manufactures, delivers, or brings into this state, or who is
7490 knowingly in actual or constructive possession of, 280 grams or
7491 more of a:

7492 a. Substance described in s. 893.03(1)(c)29., 45.-49.,
7493 113.-141., 150.-155., 165.-172., or 175.-185. s.
7494 893.03(1)(e)30., 46.-50., 114.-142., 151.-156., 166.-173., or
7495 176.-186. or a synthetic cannabinoid, as described in s.
7496 893.03(1)(c)189. s. 893.03(1)(e)190.; or

7497 b. Mixture containing any substance described in sub-
7498 subparagraph a.,

7499
7500 commits a felony of the first degree, which felony shall be
7501 known as "trafficking in synthetic cannabinoids," punishable as
7502 provided in s. 775.082, s. 775.083, or s. 775.084.

7503 2. If the quantity involved under subparagraph 1.:

7504 a. Is 280 grams or more, but less than 500 grams, such
7505 person shall be sentenced to a mandatory minimum term of
7506 imprisonment of 3 years, and the defendant shall be ordered to
7507 pay a fine of \$50,000.

7508 b. Is 500 grams or more, but less than 1,000 grams, such
7509 person shall be sentenced to a mandatory minimum term of
7510 imprisonment of 7 years, and the defendant shall be ordered to
7511 pay a fine of \$100,000.

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7512 c. Is 1,000 grams or more, but less than 30 kilograms, such
7513 person shall be sentenced to a mandatory minimum term of
7514 imprisonment of 15 years, and the defendant shall be ordered to
7515 pay a fine of \$200,000.

7516 d. Is 30 kilograms or more, such person shall be sentenced
7517 to a mandatory minimum term of imprisonment of 25 years, and the
7518 defendant shall be ordered to pay a fine of \$750,000.

7519 (m)1.~~(n)1.~~ A person who knowingly sells, purchases,
7520 manufactures, delivers, or brings into this state, or who is
7521 knowingly in actual or constructive possession of, 14 grams or
7522 more of:

7523 a. A substance described in s. 893.03(1)(c)163., 173., or
7524 174. ~~s. 893.03(1)(c)164., 174., or 175.,~~ a n-benzyl
7525 phenethylamine compound, as described in s. 893.03(1)(c)192. ~~s.~~
7526 ~~893.03(1)(c)193.;~~ or

7527 b. A mixture containing any substance described in sub-
7528 subparagraph a.,
7529
7530 commits a felony of the first degree, which felony shall be
7531 known as "trafficking in n-benzyl phenethylamines," punishable
7532 as provided in s. 775.082, s. 775.083, or s. 775.084.

7533 2. If the quantity involved under subparagraph 1.:

7534 a. Is 14 grams or more, but less than 100 grams, such
7535 person shall be sentenced to a mandatory minimum term of
7536 imprisonment of 3 years, and the defendant shall be ordered to
7537 pay a fine of \$50,000.

7538 b. Is 100 grams or more, but less than 200 grams, such
7539 person shall be sentenced to a mandatory minimum term of
7540 imprisonment of 7 years, and the defendant shall be ordered to

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7541 pay a fine of \$100,000.

7542 c. Is 200 grams or more, such person shall be sentenced to
7543 a mandatory minimum term of imprisonment of 15 years, and the
7544 defendant shall be ordered to pay a fine of \$500,000.

7545 3. A person who knowingly manufactures or brings into this
7546 state 400 grams or more of a substance described in sub-
7547 subparagraph 1.a. or a mixture described in sub-subparagraph
7548 1.b., and who knows that the probable result of such manufacture
7549 or importation would be the death of any person commits capital
7550 manufacture or importation of a n-benzyl phenethylamine
7551 compound, a capital felony punishable as provided in ss. 775.082
7552 and 921.142. A person sentenced for a capital felony under this
7553 paragraph shall also be sentenced to pay the maximum fine under
7554 subparagraph 2.

7555 Section 12. Section 893.13501, Florida Statutes, is created
7556 to read:

7557 893.13501 Retroactive effect of amendments to ss. 893.03,
7558 893.13, and 893.135.-

7559 (1) It is the intent of the Legislature to retroactively
7560 apply changes to ss. 893.03, 893.13, and 893.135 made by this
7561 act which are applicable to offenders who committed offenses on
7562 or after the effective date of those provisions as originally
7563 enacted. A person who committed an offense and is currently in
7564 the custody of the Department of Corrections or subject to any
7565 form of supervision shall be resentenced as provided in
7566 subsection (2).

7567 (2) Sentence review under this section must occur in the
7568 following manner:

7569 (a) The Department of Corrections shall notify the person

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7570 described in subsection (1) of his or her eligibility to request
7571 a sentence review hearing.

7572 (b) The person seeking sentence review under this section
7573 may submit an application to the court of original jurisdiction
7574 requesting that a sentence review hearing be held. The
7575 sentencing court retains original jurisdiction for the duration
7576 of the sentence for this purpose.

7577 (c) A person who is eligible for a sentence review hearing
7578 under this section is entitled to be represented by counsel. The
7579 court shall appoint a public defender to represent the person if
7580 he or she cannot afford an attorney.

7581 (d) Upon receiving an application from the eligible person,
7582 the court of original sentencing jurisdiction shall hold a
7583 sentence review hearing to determine if the eligible person
7584 meets the criteria for resentencing or release under this
7585 section.

7586 1. If the person has no further charges remaining, the
7587 person must be released immediately.

7588 2. If the court determines at the sentence review hearing
7589 that the eligible person meets the criteria in this section for
7590 resentencing, the court must resentence the person as provided
7591 in this section; however, the new sentence may not exceed the
7592 person's original sentence with credit for time served.

7593 3. If the court determines that such person does not meet
7594 the criteria for resentencing under this section, the court must
7595 provide written reasons why such person does not meet such
7596 criteria.

7597 (e) A person sentenced or resentenced pursuant to this
7598 section is eligible to receive any gain-time pursuant to s.

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7599 944.275 which he or she was previously ineligible to receive due
7600 to the original offense that is now subject to resentencing.

7601 (3) This section does not apply to any offense that had
7602 violence or a threat of violence as an element of the offense.

7603 Section 13. Section 943.0586, Florida Statutes, is created
7604 to read:

7605 943.0586 Cannabis offense expunction and sealing.—

7606 (1) DEFINITIONS.—As used in this section, the term:

7607 (a) "Cannabis" has the same meaning as provided in s.
7608 893.02.

7609 (b) "Expunction" has the same meaning as in s. 943.045 and
7610 the same effect as in s. 943.0585.

7611 (c) "Former s. 893.13, Florida Statutes 2021," is a
7612 reference to s. 893.13 as it existed at any time before January
7613 1, 2022.

7614 (2) ELIGIBILITY.—Notwithstanding any other law, a person is
7615 eligible to petition a court to expunge or seal a criminal
7616 history record for the conviction of a violation of former s.
7617 893.13, Florida Statutes 2021, if:

7618 (a)1. The person has a conviction for possession of 30
7619 grams or less of cannabis; and

7620 2. The person is no longer under court supervision related
7621 to the disposition of arrest or alleged criminal activity to
7622 which the petition to expunge pertains,

7623
7624 the record is eligible for sealing.

7625 (b)1. The person has a conviction for possession of 500
7626 grams or less of cannabis; and

7627 2. The person is no longer under court supervision related

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7628 to the disposition of arrest or alleged criminal activity to
7629 which the petition to expunge pertains,

7630
7631 the record is eligible for expunction.

7632 (3) CERTIFICATE OF ELIGIBILITY.—Before having a record
7633 sealed under this section or petitioning a court to expunge a
7634 criminal history record under this section, a person must apply
7635 to the department for a certificate of eligibility for
7636 expunction. The department shall adopt rules to establish
7637 procedures for applying for and issuing a certificate of
7638 eligibility for expunction.

7639 (a) The department shall issue a certificate of eligibility
7640 for expunction to a person who is the subject of a criminal
7641 history record under this section if that person:

7642 1. Satisfies the eligibility criteria in paragraph (2) (a)
7643 or paragraph (2) (b);

7644 2. Has submitted to the department a written certified
7645 statement from the applicable state attorney or statewide
7646 prosecutor which confirms the criminal history record complies
7647 with the criteria in paragraph (2) (a) or paragraph (2) (b); and

7648 3. Has submitted to the department a certified copy of the
7649 disposition of the charge to which the petition to expunge or
7650 seal pertains.

7651 (b) A certificate of eligibility for expunction is valid
7652 for 12 months after the date of issuance stamped by the
7653 department on the certificate. After that time, the petitioner
7654 must reapply to the department for a new certificate of
7655 eligibility. The petitioner's status and the law in effect at
7656 the time of the renewal application determine the petitioner's

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7657 eligibility.

7658 (4) SEALING.—Upon determining that a person meets the
7659 criteria in paragraph (2) (a), the department may have his or her
7660 record sealed without a court hearing. The department shall seal
7661 the record as provided in s. 943.0505(3) and shall provide the
7662 person with a certificate of eligibility and a notification
7663 indicating that the record has been sealed. Sealing of a
7664 criminal history record under this subsection shall have the
7665 same effect, and the department may disclose such a record in
7666 the same manner, as a record sealed under s. 943.059.

7667 (5) PETITION FOR EXPUNCTION.—Each petition to expunge a
7668 criminal history record meeting the criteria for expunction
7669 under paragraph (2) (b) must be accompanied by both of the
7670 following:

7671 (a) A valid certificate of eligibility issued by the
7672 department.

7673 (b) The petitioner's sworn statement that he or she:
7674 1. Satisfies the eligibility requirements for expunction in
7675 subsection (2); and
7676 2. Is eligible for expunction to the best of his or her
7677 knowledge.

7678 (6) PENALTIES.—A person who knowingly provides false
7679 information on his or her sworn statement submitted with a
7680 petition to expunge commits a felony of the third degree,
7681 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

7682 (7) COURT AUTHORITY.—

7683 (a) The courts of this state have jurisdiction over their
7684 own procedures, including the maintenance, expunction, and
7685 correction of judicial records containing criminal history

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7686 information to the extent that such procedures are not
7687 inconsistent with the conditions, responsibilities, and duties
7688 established by this section.

7689 (b) A court of competent jurisdiction shall order a
7690 criminal justice agency to expunge the criminal history record
7691 of a person who complies with this section. The court may not
7692 order a criminal justice agency to expunge a criminal history
7693 record under this section until the person seeking to expunge a
7694 criminal history record has applied for and received a
7695 certificate of eligibility under subsection (3).

7696 (c) Expunction granted under this section does not prevent
7697 the person who receives such relief from petitioning for the
7698 expunction or sealing of a later criminal history record as
7699 provided for in ss. 943.0583, 943.0585, and 943.059, if the
7700 person is otherwise eligible under those sections.

7701 (8) PROCESSING OF A PETITION OR AN ORDER.—

7702 (a) In judicial proceedings under this section, a copy of
7703 the completed petition to expunge must be served upon the
7704 appropriate state attorney or the statewide prosecutor and upon
7705 the arresting agency; however, it is not necessary to make any
7706 agency other than the state a party to the proceeding. The
7707 appropriate state attorney or the statewide prosecutor and the
7708 arresting agency may respond to the court regarding the
7709 completed petition to expunge.

7710 (b) If relief is granted by the court, the clerk of the
7711 court shall certify copies of the order to the appropriate state
7712 attorney or the statewide prosecutor and the arresting agency.
7713 The arresting agency shall forward the order to any other agency
7714 to which the arresting agency disseminated the criminal history

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7715 record information to which the order pertains. The department
7716 shall forward the order to expunge to the Federal Bureau of
7717 Investigation. The clerk of the court shall certify a copy of
7718 the order to any other agency that the records of the court
7719 reflect has received the criminal history record from the court.

7720 (c) The department or any other criminal justice agency is
7721 not required to act on an order to expunge entered by a court if
7722 such order does not meet the requirements of this section. Upon
7723 receipt of such an order, the department shall notify the
7724 issuing court, the appropriate state attorney or the statewide
7725 prosecutor, the petitioner or the petitioner's attorney, and the
7726 arresting agency of the reason for noncompliance. The
7727 appropriate state attorney or the statewide prosecutor shall
7728 take action within 60 days to correct the record and petition
7729 the court to void the order. No cause of action, including
7730 contempt of court, may arise against any criminal justice agency
7731 for failure to comply with an order to expunge if the petitioner
7732 for such order failed to obtain the certificate of eligibility
7733 as required by this section or such order does not otherwise
7734 meet the requirements of this section.

7735 (9) EFFECT OF CANNABIS OFFENSE EXPUNCTION ORDER.-

7736 (a) A person who is the subject of a criminal history
7737 record that is expunged under this section may lawfully deny or
7738 fail to acknowledge the arrests and convictions covered by the
7739 expunged record, except if the person who is the subject of the
7740 record:

- 7741 1. Is a candidate for employment with a criminal justice
7742 agency;
7743 2. Is a defendant in a criminal prosecution;

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7744 3. Concurrently or subsequently petitions for relief under
7745 this section, s. 943.0583, s. 943.0585, or s. 943.059;

7746 4. Is a candidate for admission to The Florida Bar;

7747 5. Is seeking to be employed or licensed by or to contract
7748 with the Department of Children and Families, the Division of
7749 Vocational Rehabilitation within the Department of Education,
7750 the Agency for Health Care Administration, the Agency for
7751 Persons with Disabilities, the Department of Health, the
7752 Department of Elderly Affairs, or the Department of Juvenile
7753 Justice or to be employed or used by such contractor or licensee
7754 in a sensitive position having direct contact with children,
7755 persons with disabilities, or the elderly;

7756 6. Is seeking to be employed or licensed by the Department
7757 of Education, any district school board, any university
7758 laboratory school, any charter school, any private or parochial
7759 school, or any local governmental entity that licenses child
7760 care facilities;

7761 7. Is seeking to be licensed by the Division of Insurance
7762 Agent and Agency Services within the Department of Financial
7763 Services; or

7764 8. Is seeking to be appointed as a guardian pursuant to s.
7765 744.3125.

7766 (b) A person who has been granted an expunction under this
7767 section and who is authorized under paragraph (a) to lawfully
7768 deny or fail to acknowledge the arrests and convictions covered
7769 by an expunged record may not be held under any law of this
7770 state to have committed perjury or to be otherwise liable for
7771 giving a false statement by reason of his or her failure to
7772 recite or acknowledge an expunged criminal history record.

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7773 Section 14. Paragraph (a) of subsection (3) of section
7774 943.0595, Florida Statutes, is amended to read:

7775 943.0595 Automatic sealing of criminal history records.—

7776 (3) PROCESS FOR AND EFFECT OF AUTOMATIC SEALING.—

7777 (a) 1. Upon the disposition of a criminal case resulting in
7778 a criminal history record eligible for automatic sealing under
7779 paragraph (2) (a), the clerk of the court shall transmit a
7780 certified copy of the disposition of the criminal history record
7781 to the department. ~~7~~

7782 2. The department ~~which~~ shall immediately seal the criminal
7783 history record upon receipt of the certified copy under
7784 subparagraph 1. or if the department determines, upon a request
7785 made under s. 943.0856, that a record is eligible for sealing
7786 under s. 943.0586(2) (a).

7787 Section 15. Florida College System Cannabis Vocational
7788 Pilot Program.—

7789 (1) Definitions.—In this section, the term:

7790 (a) "Board" means the State Board of Education.

7791 (b) "Career in Cannabis Certificate" or "certificate" means
7792 the certification awarded to a community college student who
7793 completes a prescribed course of study in cannabis and cannabis
7794 business industry-related classes and curriculum at a community
7795 college awarded a program license.

7796 (c) "Florida College System institution" has the same
7797 meaning as provided in s. 1000.21, Florida Statutes.

7798 (d) "Department" means the Department of Business and
7799 Professional Regulation.

7800 (e) "Licensee" means a community college awarded a program
7801 license under this section.

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7802 (f) "Program" means the Florida College System Cannabis
7803 Vocational Pilot Program.

7804 (g) "Program license" means a Florida College System
7805 institution Cannabis Vocational Pilot Program license issued to
7806 a Florida College System institution under this section.

7807 (2) ADMINISTRATION.—

7808 (a) The department shall establish and administer the
7809 program in coordination with the board. The department may issue
7810 up to eight program licenses by September 1, 2022.

7811 (b) Beginning with the 2023-2024 academic year, Florida
7812 College System institutions awarded program licenses may offer
7813 qualifying students a Career in Cannabis Certificate, which
7814 includes courses that allow participating students to work with,
7815 study, and grow live cannabis plants to prepare students for a
7816 career in the legal cannabis industry and that instruct
7817 participating students on the best business practices,
7818 professional responsibilities, and legal compliance with the
7819 cannabis business industry.

7820 (c) The board may adopt rules to implement this section.

7821 (d) Notwithstanding any other provision of this section,
7822 students must be at least 18 years of age in order to enroll in
7823 a licensee's Career in Cannabis Certificate's prescribed course
7824 of study.

7825 (3) ISSUANCE OF LICENSES.—

7826 (a) The department shall adopt rules regulating the
7827 selection criteria for applicants for a program license by
7828 January 1, 2022. The department shall make the application for a
7829 program license available no later than February 1, 2022, and
7830 must require applicants to submit their completed applications

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7831 by July 1, 2022.

7832 (b) The department shall by rule develop a system to score
7833 program licenses to administratively rank applications based on
7834 the clarity, organization, and quality of the applicant's
7835 responses to required information. Applicants shall be awarded
7836 points that are based on or that meet the following categories:

7837 1. Geographic diversity of the applicants.

7838 2. Experience and credentials of the applicant's faculty.

7839 3. At least five program licenses must be awarded to
7840 Florida College System institutions where for the preceding 4
7841 years, more than 50 percent of the student population were low-
7842 income individuals.

7843 4. Security plan, including a requirement that all cannabis
7844 plants be in an enclosed, locked facility.

7845 5. Curriculum plan, including processing and testing
7846 curriculum for the Career in Cannabis Certificate.

7847 6. Career advising and placement plan for participating
7848 students.

7849 7. Any other criteria the department may set by rule.

7850 (4) PROGRAM REQUIREMENTS AND PROHIBITIONS.-

7851 (a) Licensees may not have more than 50 flowering cannabis
7852 plants at any one time.

7853 (b) The agent-in-charge shall keep a vault log of the
7854 licensee's enclosed, locked facility or facilities, including,
7855 but not limited to, each person entering the site location, the
7856 time of entrance, the time of exit, and any other information
7857 the department may set by rule.

7858 (c) Cannabis may not be removed from the licensee's
7859 facility except for the limited purpose of shipping a sample to

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7860 a laboratory registered under chapter 566, Florida Statutes.

7861 (d) The licensee must limit keys, access cards, and access
7862 codes to the licensee's enclosed, locked facility or facilities
7863 to cannabis curriculum faculty and college security personnel
7864 with a bona fide need to access the facility for emergency
7865 purposes.

7866 (e) A transporting organization may transport cannabis
7867 produced pursuant to this section to a laboratory registered
7868 under chapter 566, Florida Statutes. All other cannabis produced
7869 by the licensee which was not shipped to a registered laboratory
7870 must be destroyed within 5 weeks of being harvested.

7871 (f) Licensees shall subscribe to the department's cannabis
7872 plant monitoring system.

7873 (g) Licensees shall maintain a weekly inventory system.

7874 (h) A student participating in the cannabis curriculum
7875 necessary to obtain a certificate may not be in the licensee's
7876 facility unless a faculty agent-in-charge is also physically
7877 present in the facility.

7878 (i) Licensees shall conduct post-certificate followup
7879 surveys and record participating students' job placements within
7880 the cannabis business industry within 1 year after the student
7881 obtains the certificate.

7882 (j) The board shall report annually to the department on
7883 the race, ethnicity, and gender of all students participating in
7884 the cannabis curriculum and which of those students obtain a
7885 certificate.

7886 (5) FACULTY.—

7887 (a) All faculty members must maintain registration as an
7888 agent-in-charge and have a valid agent identification card under

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7889 subsection (8) before teaching or participating in the
7890 licensee's cannabis curriculum that involves instruction offered
7891 in the enclosed, locked facility or facilities.

7892 (b) All faculty receiving an agent-in-charge registration
7893 or agent identification card must successfully pass a background
7894 check required by s. 566.3018, Florida Statutes, before
7895 participating in a licensee's cannabis curriculum that involves
7896 instruction offered in the enclosed, locked facility.

7897 (6) ENFORCEMENT.—

7898 (a) The department has the authority to suspend a faculty
7899 agent-in-charge or revoke an agent identification card for any
7900 violation found under this section.

7901 (b) The department has the authority to suspend or revoke
7902 any program license for any violation found under this section.

7903 (c) The board shall revoke the authority to offer the
7904 certificate of any Florida College System institution that has
7905 had its license revoked by the department.

7906 (7) INSPECTION RIGHTS.—

7907 (a) A licensee's enclosed, locked facilities are subject to
7908 random inspections by the department and the Department of Law
7909 Enforcement.

7910 (b) This section does not give the department or the
7911 Department of Law Enforcement a right of inspection or access to
7912 any location on the licensee's premises beyond the facilities
7913 licensed under this section.

7914 (8) FACULTY IDENTIFICATION CARD.—

7915 (a) The department shall do all of the following:

7916 1. Establish by rule the information required in an initial
7917 application or renewal application for an agent identification

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7918 card submitted under this section and the nonrefundable fee to
7919 accompany the initial application or renewal application.

7920 2. Verify the information contained in an initial
7921 application or renewal application for an agent identification
7922 card submitted under this section, and approve or deny an
7923 application within 30 days after receiving a completed initial
7924 application or renewal application and all supporting
7925 documentation required by rule.

7926 3. Issue an agent identification card to a qualifying agent
7927 within 15 business days after approving the initial application
7928 or renewal application.

7929 4. Enter the license number of the Florida College System
7930 institution where the agent is employed.

7931 5. Allow for an electronic initial application and renewal
7932 application process and provide confirmation by electronic or
7933 other methods that an application has been submitted. Each
7934 department may by rule require prospective agents to file their
7935 applications by electronic means and to provide notices to the
7936 agents by electronic means.

7937 (b) An agent must keep his or her identification card
7938 visible at all times when in the enclosed, locked facility or
7939 facilities for which he or she is an agent.

7940 (c) The agent identification cards must contain all of the
7941 following:

7942 1. The name of the cardholder.

7943 2. The date of issuance and expiration date of the
7944 identification card.

7945 3. A random 10-digit alphanumeric identification number
7946 containing at least four numbers and at least four letters which

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- 7947 is unique to the holder.
- 7948 4. A photograph of the cardholder.
- 7949 5. The legal name of the Florida College System institution
7950 employing the agent.
- 7951 (d) An agent, upon termination of his or her employment,
7952 must immediately return his or her agent identification card to
7953 the Florida College System institution.
- 7954 (e) An agent must immediately upon discovery of the loss of
7955 his or her agent identification card report the loss to the
7956 Department of Law Enforcement and the department.
- 7957 (9) STUDY.—By December 31, 2027, the board must issue a
7958 report to the Governor, the President of the Senate, and the
7959 Speaker of the House of Representatives which includes all of
7960 the following:
- 7961 (a) The number of security incidents or infractions
7962 reported by each licensee and any action taken or not taken.
- 7963 (b) For Florida College System institutions participating
7964 in the program, statistics based on race, ethnicity, and gender
7965 for all of the following:
- 7966 1. Students enrolled in Career in Cannabis Certificate
7967 classes.
- 7968 2. Successful completion rates for the certificate by
7969 Florida College System institution students.
- 7970 3. Postgraduate job placement of students who obtained a
7971 certificate, including both cannabis business establishment jobs
7972 and noncannabis business establishment jobs.
- 7973 4. Any other relevant information.
- 7974 (10) REPEAL.—This section is repealed July 1, 2028.
- 7975 Section 16. Paragraph (a) of subsection (2) and paragraph

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7976 (a) of subsection (3) of section 456.0635, Florida Statutes, is
7977 amended to read:

7978 456.0635 Health care fraud; disqualification for license,
7979 certificate, or registration.—

7980 (2) Each board within the jurisdiction of the department,
7981 or the department if there is no board, shall refuse to admit a
7982 candidate to any examination and refuse to issue a license,
7983 certificate, or registration to any applicant if the candidate
7984 or applicant or any principal, officer, agent, managing
7985 employee, or affiliated person of the candidate or applicant:

7986 (a) Has been convicted of, or entered a plea of guilty or
7987 nolo contendere to, regardless of adjudication, a felony under
7988 chapter 409, chapter 817, or chapter 893, or a similar felony
7989 offense committed in another state or jurisdiction, unless the
7990 candidate or applicant has successfully completed a pretrial
7991 diversion or drug court program for that felony and provides
7992 proof that the plea has been withdrawn or the charges have been
7993 dismissed. Any such conviction or plea shall exclude the
7994 applicant or candidate from licensure, examination,
7995 certification, or registration unless the sentence and any
7996 subsequent period of probation for such conviction or plea
7997 ended:

7998 1. For felonies of the first or second degree, more than 15
7999 years before the date of application.

8000 2. For felonies of the third degree, more than 10 years
8001 before the date of application, except for felonies of the third
8002 degree under s. 893.13(5)(a) ~~s. 893.13(6)(a)~~.

8003 3. For felonies of the third degree under s. 893.13(5)(a)
8004 ~~s. 893.13(6)(a)~~, more than 5 years before the date of

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8005 application;

8006

8007 This subsection does not apply to an applicant for initial
8008 licensure, certification, or registration who was arrested or
8009 charged with a felony specified in paragraph (a) or paragraph
8010 (b) before July 1, 2009.

8011 (3) The department shall refuse to renew a license,
8012 certificate, or registration of any applicant if the applicant
8013 or any principal, officer, agent, managing employee, or
8014 affiliated person of the applicant:

8015 (a) Has been convicted of, or entered a plea of guilty or
8016 nolo contendere to, regardless of adjudication, a felony under
8017 chapter 409, chapter 817, or chapter 893, or a similar felony
8018 offense committed in another state or jurisdiction, unless the
8019 applicant is currently enrolled in a pretrial diversion or drug
8020 court program that allows the withdrawal of the plea for that
8021 felony upon successful completion of that program. Any such
8022 conviction or plea excludes the applicant from licensure renewal
8023 unless the sentence and any subsequent period of probation for
8024 such conviction or plea ended:

8025 1. For felonies of the first or second degree, more than 15
8026 years before the date of application.

8027 2. For felonies of the third degree, more than 10 years
8028 before the date of application, except for felonies of the third
8029 degree under s. 893.13(5)(a) ~~s. 893.13(6)(a)~~.

8030 3. For felonies of the third degree under s. 893.13(5)(a)
8031 ~~s. 893.13(6)(a)~~, more than 5 years before the date of
8032 application.

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8034 This subsection does not apply to an applicant for renewal of
 8035 licensure, certification, or registration who was arrested or
 8036 charged with a felony specified in paragraph (a) or paragraph
 8037 (b) before July 1, 2009.

8038 Section 17. Paragraph (a) of subsection (2) of section
 8039 772.12, Florida Statutes, is amended to read:

8040 772.12 Drug Dealer Liability Act.—

8041 (2) A person, including any governmental entity, has a
 8042 cause of action for threefold the actual damages sustained and
 8043 is entitled to minimum damages in the amount of \$1,000 and
 8044 reasonable attorney's fees and court costs in the trial and
 8045 appellate courts, if the person proves by the greater weight of
 8046 the evidence that:

8047 (a) The person was injured because of the defendant's
 8048 actions that resulted in the defendant's conviction for:

8049 1. A violation of s. 893.13, except for a violation of s.
 8050 893.13(2)(a) or (b), (4), (5)(a) or (b), (6) ~~s. 893.13(2)(a) or~~
 8051 ~~(b), (3), (5), (6)(a), (b), or (c), (7);~~ or

8052 2. A violation of s. 893.135; and

8053 Section 18. Paragraph (c) of subsection (4) of section
 8054 893.055, Florida Statutes, is amended to read:

8055 893.055 Prescription drug monitoring program.—

8056 (4) The following persons must be provided direct access to
 8057 information in the system:

8058 (c) The program manager or designated program and support
 8059 staff to administer the system.

8060 1. In order to calculate performance measures pursuant to
 8061 subsection (14), the program manager or program and support
 8062 staff members who have been directed by the program manager to

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8063 calculate performance measures may have direct access to
8064 information that contains no identifying information of any
8065 patient, physician, health care practitioner, prescriber, or
8066 dispenser.

8067 2. The program manager or designated program and support
8068 staff must provide the department, upon request, data that does
8069 not contain patient, physician, health care practitioner,
8070 prescriber, or dispenser identifying information for public
8071 health care and safety initiatives purposes.

8072 3. The program manager, upon determining a pattern
8073 consistent with the department's rules established under
8074 subsection (16), may provide relevant information to the
8075 prescriber and dispenser.

8076 4. The program manager, upon determining a pattern
8077 consistent with the rules established under subsection (16) and
8078 having cause to believe a violation of s. 893.13(6)(a)8., (7)(a)
8079 or (7)(b) ~~s. 893.13(7)(a)8., (8)(a), or (8)(b)~~ has occurred, may
8080 provide relevant information to the applicable law enforcement
8081 agency.

8082
8083 The program manager and designated program and support staff
8084 must complete a level II background screening.

8085 Section 19. Subsection (4) of section 893.0551, Florida
8086 Statutes, is amended to read:

8087 893.0551 Public records exemption for the prescription drug
8088 monitoring program.—

8089 (4) If the department determines consistent with its rules
8090 that a pattern of controlled substance abuse exists, the
8091 department may disclose such confidential and exempt information

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8092 to the applicable law enforcement agency in accordance with s.
8093 893.055. The law enforcement agency may disclose to a criminal
8094 justice agency, as defined in s. 119.011, only information
8095 received from the department that is relevant to an identified
8096 active investigation that is specific to a violation of s.
8097 893.13(6)(a)8., (7)(a), or (7)(b) ~~s. 893.13(7)(a)8., (8)(a), or~~
8098 ~~(8)(b).~~

8099 Section 20. Section 893.15, Florida Statutes, is amended to
8100 read:

8101 893.15 Rehabilitation.—Any person who violates s.
8102 893.13(5)(a) ~~s. 893.13(6)(a) or (b)~~ relating to possession may,
8103 in the discretion of the trial judge, be required to participate
8104 in a substance abuse services program approved or regulated by
8105 the Department of Children and Families pursuant to the
8106 provisions of chapter 397, provided the director of such program
8107 approves the placement of the defendant in such program. Such
8108 required participation shall be imposed in addition to any
8109 penalty or probation otherwise prescribed by law. However, the
8110 total time of such penalty, probation, and program participation
8111 shall not exceed the maximum length of sentence possible for the
8112 offense.

8113 Section 21. Subsections (1) and (2) of section 893.21,
8114 Florida Statutes, are amended to read:

8115 893.21 Alcohol-related or drug-related overdoses; medical
8116 assistance; immunity from arrest, charge, prosecution, and
8117 penalization.—

8118 (1) A person acting in good faith who seeks medical
8119 assistance for an individual experiencing, or believed to be
8120 experiencing, an alcohol-related or a drug-related overdose may

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8121 not be arrested, charged, prosecuted, or penalized for a
 8122 violation of s. 893.147(1) or s. 893.13(5) ~~s. 893.13(6)~~,
 8123 excluding paragraph (b) ~~(e)~~, if the evidence for such offense
 8124 was obtained as a result of the person's seeking medical
 8125 assistance.

8126 (2) A person who experiences, or has a good faith belief
 8127 that he or she is experiencing, an alcohol-related or a drug-
 8128 related overdose and is in need of medical assistance may not be
 8129 arrested, charged, prosecuted, or penalized for a violation of
 8130 s. 893.147(1) or s. 893.13(5) ~~s. 893.13(6)~~, excluding paragraph
 8131 (b) ~~(e)~~, if the evidence for such offense was obtained as a
 8132 result of the person's seeking medical assistance.

8133 Section 22. Paragraphs (a), (b), (c), (e), (g), (h), and
 8134 (i) of subsection (3) of section 921.0022, Florida Statutes, are
 8135 amended to read:

8136 921.0022 Criminal Punishment Code; offense severity ranking
 8137 chart.-

8138 (3) OFFENSE SEVERITY RANKING CHART

8139 (a) LEVEL 1

8140

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.

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8143

212.15 (2) (b) 3rd Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.

8144

316.1935 (1) 3rd Fleeing or attempting to elude law enforcement officer.

8145

319.30 (5) 3rd Sell, exchange, give away certificate of title or identification number plate.

8146

319.35 (1) (a) 3rd Tamper, adjust, change, etc., an odometer.

8147

320.26 (1) (a) 3rd Counterfeit, manufacture, or sell registration license plates or validation stickers.

8148

322.212 (1) (a) - (c) 3rd Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.

8149

322.212 (4) 3rd Supply or aid in supplying unauthorized driver license

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			or identification card.
8150	322.212 (5) (a)	3rd	False application for driver license or identification card.
8151	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
8152	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
8153	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value \$1,000 or more.
8154	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
8155	713.69	3rd	Tenant removes property upon which lien has accrued, value \$1,000 or more.
8156	812.014 (3) (c)	3rd	Petit theft (3rd

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			conviction); theft of any property not specified in subsection (2).
8157	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
8158	815.04 (5) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
8159	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
8160	817.569 (2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
8161	826.01	3rd	Bigamy.
8162	828.122 (3)	3rd	Fighting or baiting animals.
8163	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other

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			document listed in s. 92.28.
8164	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
8165	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
8166	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
8167	838.15 (2)	3rd	Commercial bribe receiving.
8168	838.16	3rd	Commercial bribery.
8169	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
8170	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
8171	849.09 (1) (a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein,

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8172			conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
8173	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
8174	849.25 (2)	3rd	Engaging in bookmaking.
8175	860.08	3rd	Interfere with a railroad signal.
8176	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
8177	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
8178	<u>893.13 (5) (a)</u> 893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
8179	934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
8180	(b) LEVEL 2		
8181			

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8182

Florida	Felony	Description
Statute	Degree	

8183

379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
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8184

379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
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8185

403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
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8186

517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
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8187

590.28 (1)	3rd	Intentional burning of lands.
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8188

784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
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8189

787.04 (1) 3rd In violation of court order,
take, entice, etc., minor
beyond state limits.

8190

806.13 (1) (b) 3. 3rd Criminal mischief; damage
\$1,000 or more to public
communication or any other
public service.

8191

810.061 (2) 3rd Impairing or impeding telephone
or power to a dwelling;
facilitating or furthering
burglary.

8192

810.09 (2) (e) 3rd Trespassing on posted
commercial horticulture
property.

8193

812.014 (2) (c) 1. 3rd Grand theft, 3rd degree; \$750
or more but less than \$5,000.

8194

812.014 (2) (d) 3rd Grand theft, 3rd degree; \$100
or more but less than \$750,
taken from unenclosed curtilage
of dwelling.

8195

812.015 (7) 3rd Possession, use, or attempted
use of an antishoplifting or

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			inventory control device countermeasure.
8196	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
8197	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
8198	817.52 (3)	3rd	Failure to redeliver hired vehicle.
8199	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
8200	817.60 (5)	3rd	Dealing in credit cards of another.
8201	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
8202	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
8203	826.04	3rd	Knowingly marries or has sexual

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			intercourse with person to whom related.
8204	831.01	3rd	Forgery.
8205	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
8206	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
8207	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
8208	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
8209	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
8210	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
8211	843.08	3rd	False personation.
8212			

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8213	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs other than cannabis.
8214	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
8215	(c) LEVEL 3		
8216	Florida Statute	Felony Degree	Description
8217	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
8218	316.066(3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
8219	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
8220	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights

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8221			activated.
	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
8222			
	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
8223			
	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
8224			
	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
8225			
	327.35 (2) (b)	3rd	Felony BUI.
8226			
	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
8227			

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8228 328.07 (4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

8229 376.302 (5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

8230 379.2431 (1) (e) 5. 3rd Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

8230 379.2431 (1) (e) 6. 3rd Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.

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8231

379.2431(1)(e)7. 3rd Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

8232

400.9935(4)(a) or (b) 3rd Operating a clinic, or offering services requiring licensure, without a license.

8233

400.9935(4)(e) 3rd Filing a false license application or other required information or failing to report information.

8234

440.1051(3) 3rd False report of workers' compensation fraud or retaliation for making such a report.

8235

501.001(2)(b) 2nd Tampers with a consumer product or the container using materially false/misleading information.

8236

624.401(4)(a) 3rd Transacting insurance

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			without a certificate of authority.
8237	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
8238	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
8239	697.08	3rd	Equity skimming.
8240	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
8241	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
8242	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
8243	810.09 (2) (c)	3rd	Trespass on property other than structure or

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			conveyance armed with firearm or dangerous weapon.
8244	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
8245	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
8246	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
8247	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
8248	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
8249	817.233	3rd	Burning to defraud insurer.
8250	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.

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8251	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
8252	817.236	3rd	Filing a false motor vehicle insurance application.
8253	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
8254	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
8255	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
8256	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
8257	838.021 (3) (b)	3rd	Threatens unlawful harm to

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8258			public servant.
	843.19	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
8259	860.15 (3)	3rd	Overcharging for repairs and parts.
8260	870.01 (2)	3rd	Riot; inciting or encouraging.
8261	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs).
8262	893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs within 1,000 feet of university.

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8268

misrepresentation, etc.

893.13(6)(a)10.

3rd

Affix false or forged label to package of controlled substance.

~~893.13(7)(a)10.~~

8269

893.13(6)(a)11.

3rd

Furnish false or fraudulent material information on any document or record required by chapter 893.

~~893.13(7)(a)11.~~

8270

893.13(7)(a)1.

3rd

Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

~~893.13(8)(a)1.~~

8271

893.13(7)(a)2.

3rd

Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

~~893.13(8)(a)2.~~

8272

893.13(7)(a)3.

3rd

Knowingly write a

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8273	893.13(8)(a)3.		prescription for a controlled substance for a fictitious person.
8274	<u>893.13(7)(a)4.</u>	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
	893.13(8)(a)4.		
8275	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
8276	944.47(1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
8277	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
8278	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
8279	(e) LEVEL 5		

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8280

8281

Florida	Felony	Description
Statute	Degree	

8282

316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
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8283

316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
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8284

316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
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8285

322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
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8286

327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
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8287

379.365 (2) (c) 1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or
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supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

8288

379.367(4) 3rd Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

8289

379.407(5)(b)3. 3rd Possession of 100 or more undersized spiny lobsters.

8290

381.0041(11)(b) 3rd Donate blood, plasma, or organs knowing HIV positive.

8291

440.10(1)(g) 2nd Failure to obtain workers' compensation coverage.

8292

440.105(5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

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8293	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
8294	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
8295	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
8296	790.01 (2)	3rd	Carrying a concealed firearm.
8297	790.162	2nd	Threat to throw or discharge destructive device.
8298	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
8299	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
8300	790.23	2nd	Felons in possession of

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8301			firearms, ammunition, or electronic weapons or devices.
	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
8302			
	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
8303			
	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
8304			
	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
8305			
	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
8306			
	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
8307			
	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.

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8308

812.131(2)(b) 3rd Robbery by sudden snatching.

8309

812.16(2) 3rd Owning, operating, or
conducting a chop shop.

8310

817.034(4)(a)2. 2nd Communications fraud, value
\$20,000 to \$50,000.

8311

817.234(11)(b) 2nd Insurance fraud; property value
\$20,000 or more but less than
\$100,000.

8312

817.2341(1), 3rd Filing false financial
(2)(a) & (3)(a) statements, making false
entries of material fact or
false statements regarding
property values relating to the
solvency of an insuring entity.

8313

817.568(2)(b) 2nd Fraudulent use of personal
identification information;
value of benefit, services
received, payment avoided, or
amount of injury or fraud,
\$5,000 or more or use of
personal identification
information of 10 or more
persons.

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8314

817.611(2)(a) 2nd Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

8315

817.625(2)(b) 2nd Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

8316

825.1025(4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

8317

827.071(4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

8318

827.071(5) 3rd Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

8319

828.12(2) 3rd Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

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8320

839.13 (2) (b) 2nd Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

8321

843.01 3rd Resist officer with violence to person; resist arrest with violence.

8322

847.0135 (5) (b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

8323

847.0137 3rd Transmission of pornography by (2) & (3) electronic device or equipment.

8324

847.0138 3rd Transmission of material (2) & (3) harmful to minors to a minor by electronic device or equipment.

8325

874.05 (1) (b) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

8326

874.05 (2) (a) 2nd Encouraging or recruiting person under 13 years of age to

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8327

join a criminal gang.

893.13(1)(a)1.

2nd

Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).

8328

893.13(1)(c)2.

2nd

Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

8329

893.13(1)(d)1.

1st

Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.

8330

893.13(1)(e)2.

2nd

Sell, manufacture, or deliver

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8331
 893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3., (2)(c)6.,
 (2)(c)7., (2)(c)8., (2)(c)9.,
 (2)(c)10., (3), or (4) within
 1,000 feet of property used for
 religious services or a
 specified business site.

8331
 893.13(1)(f)1. 1st Sell, manufacture, or deliver
 cocaine (or other s.
 893.03(1)(a), (1)(b), (1)(d),
 or (2)(a), (2)(b), or (2)(c)5.
 drugs) within 1,000 feet of
 public housing facility.

8332
893.13(3)(b) 2nd Use or hire of minor; deliver
~~893.13(4)(b)~~ to minor other controlled
 substance.

8333
 893.1351(1) 3rd Ownership, lease, or rental for
 trafficking in or manufacturing
 of controlled substance.

8334
 8335 (g) LEVEL 7

8336
 8337
 Florida Felony Description

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	Statute	Degree	
8338	316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
8339	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
8340	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
8341	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
8342	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
8343	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
8344			

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8345	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
8346	456.065 (2)	3rd	Practicing a health care profession without a license.
8347	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
8348	458.327 (1)	3rd	Practicing medicine without a license.
8349	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
8350	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
8351	461.012 (1)	3rd	Practicing podiatric medicine without a license.
8352	462.17	3rd	Practicing naturopathy without a license.
	463.015 (1)	3rd	Practicing optometry without a license.

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8353	464.016(1)	3rd	Practicing nursing without a license.
8354	465.015(2)	3rd	Practicing pharmacy without a license.
8355	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
8356	467.201	3rd	Practicing midwifery without a license.
8357	468.366	3rd	Delivering respiratory care services without a license.
8358	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
8359	483.901(7)	3rd	Practicing medical physics without a license.
8360	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
8361	484.053	3rd	Dispensing hearing aids without a license.
8362			

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8363 494.0018(2) 1st Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

8364 560.123(8)(b)1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.

8365 560.125(5)(a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

8366 655.50(10)(b)1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

8367 775.21(10)(a) 3rd Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.

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8368

775.21(10)(b) 3rd Sexual predator working where children regularly congregate.

8369

775.21(10)(g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

8370

782.051(3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

8371

782.07(1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

8372

782.071 2nd Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).

782.072 2nd Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

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8373

784.045 (1) (a) 1. 2nd Aggravated battery;
intentionally causing great
bodily harm or disfigurement.

8374

784.045 (1) (a) 2. 2nd Aggravated battery; using
deadly weapon.

8375

784.045 (1) (b) 2nd Aggravated battery; perpetrator
aware victim pregnant.

8376

784.048 (4) 3rd Aggravated stalking; violation
of injunction or court order.

8377

784.048 (7) 3rd Aggravated stalking; violation
of court order.

8378

784.07 (2) (d) 1st Aggravated battery on law
enforcement officer.

8379

784.074 (1) (a) 1st Aggravated battery on sexually
violent predators facility
staff.

8380

784.08 (2) (a) 1st Aggravated battery on a person
65 years of age or older.

8381

784.081 (1) 1st Aggravated battery on specified
official or employee.

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8386
8387
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8389

784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.

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8390 790.165(3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

8391 790.166(3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

8392 790.166(4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

8393 790.23 1st,PBL Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

8394 794.08(4) 3rd Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

8395 796.05(1) 1st Live on earnings of a prostitute; 2nd offense.

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8396	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
8397	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
8398	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
8399	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
8400	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
8401	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
	810.02 (3) (b)	2nd	Burglary of unoccupied

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8402

dwelling; unarmed; no assault
or battery.

810.02 (3) (d)

2nd

Burglary of occupied
conveyance; unarmed; no assault
or battery.

8403

810.02 (3) (e)

2nd

Burglary of authorized
emergency vehicle.

8404

812.014 (2) (a) 1.

1st

Property stolen, valued at
\$100,000 or more or a
semitrailer deployed by a law
enforcement officer; property
stolen while causing other
property damage; 1st degree
grand theft.

8405

812.014 (2) (b) 2.

2nd

Property stolen, cargo valued
at less than \$50,000, grand
theft in 2nd degree.

8406

812.014 (2) (b) 3.

2nd

Property stolen, emergency
medical equipment; 2nd degree
grand theft.

8407

812.014 (2) (b) 4.

2nd

Property stolen, law
enforcement equipment from
authorized emergency vehicle.

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8408

812.0145 (2) (a) 1st Theft from person 65 years of age or older; \$50,000 or more.

8409

812.019 (2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

8410

812.131 (2) (a) 2nd Robbery by sudden snatching.

8411

812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

8412

817.034 (4) (a) 1. 1st Communications fraud, value greater than \$50,000.

8413

817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

8414

817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

8415

817.234 (11) (c) 1st Insurance fraud; property value \$100,000 or more.

8416

817.2341 1st Making false entries of

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	(2) (b) & (3) (b)		material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
8417	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
8418	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
8419	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
8420	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
8421	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
8422	827.04 (3)	3rd	Impregnation of a child under

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			16 years of age by person 21 years of age or older.
8423	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
8424	838.015	2nd	Bribery.
8425	838.016	2nd	Unlawful compensation or reward for official behavior.
8426	838.021(3)(a)	2nd	Unlawful harm to a public servant.
8427	838.22	2nd	Bid tampering.
8428	843.0855(2)	3rd	Impersonation of a public officer or employee.
8429	843.0855(3)	3rd	Unlawful simulation of legal process.
8430	843.0855(4)	3rd	Intimidation of a public officer or employee.
8431	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.

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8432

847.0135 (4) 2nd Traveling to meet a minor to
commit an unlawful sex act.

8433

872.06 2nd Abuse of a dead human body.

8434

874.05 (2) (b) 1st Encouraging or recruiting
person under 13 to join a
criminal gang; second or
subsequent offense.

8435

874.10 1st,PBL Knowingly initiates, organizes,
plans, finances, directs,
manages, or supervises criminal
gang-related activity.

8436

893.13 (1) (c) 1. 1st Sell, manufacture, or deliver
cocaine (or other drug
prohibited under s.
893.03 (1) (a), (1) (b), (1) (d),
(2) (a), (2) (b), or (2) (c) 5.)
within 1,000 feet of a child
care facility, school, or
state, county, or municipal
park or publicly owned
recreational facility or
community center.

8437

893.13 (1) (e) 1. 1st Sell, manufacture, or deliver

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			cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.
8438	<u>893.13(3)(a)</u> 893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
8439	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
8440	<u>893.135</u> <u>(1)(a)1.a.</u> 893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
8441	<u>893.135</u> <u>(1)(b)1.a.</u> 893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
8442	<u>893.135</u> <u>(1)(b)2.a.</u> 893.135	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.

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~~(1)(c)2.a.~~

8443

893.135

1st

Trafficking in hydrocodone, 50 grams or more, less than 100 grams.

(1)(b)2.b.

~~893.135~~

~~(1)(c)2.b.~~

8444

893.135

1st

Trafficking in oxycodone, 7 grams or more, less than 14 grams.

(1)(b)3.a.

~~893.135~~

~~(1)(c)3.a.~~

8445

893.135

1st

Trafficking in oxycodone, 14 grams or more, less than 25 grams.

(1)(b)3.b.

~~893.135~~

~~(1)(c)3.b.~~

8446

893.135

1st

Trafficking in fentanyl, 4 grams or more, less than 14 grams.

(1)(b)4.b.(I)

~~893.135~~

~~(1)(c)4.b.(I)~~

8447

893.135

1st

Trafficking in phencyclidine, 28 grams or more, less than 200 grams.

(1)(c)1.a.

~~893.135~~

~~(1)(d)1.a.~~

8448

893.135(1)(d)1.

1st

Trafficking in methaqualone, 200 grams or more, less than 5

~~893.135(1)(e)1.~~

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8449	<u>893.135</u> (1)(e)1.	1st	kilograms.
	893.135(1)(f)1.		Trafficking in amphetamine, 14 grams or more, less than 28 grams.
8450	<u>893.135</u> <u>(1)(h)1.a.</u>	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
	893.135 (1)(g)1.a.		
8451	<u>893.135</u> <u>(1)(g)1.a.</u>	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
	893.135 (1)(h)1.a.		
8452	<u>893.135</u> <u>(1)(i)1.a.</u>	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
	893.135 (1)(j)1.a.		
8453	<u>893.135</u> <u>(1)(j)2.a.</u>	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
	893.135 (1)(k)2.a.		
8454	<u>893.135</u> <u>(1)(l)2.a.</u>	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
	893.135		

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~~(1) (m) 2.a.~~

8455

893.135

1st

Trafficking in synthetic
cannabinoids, 500 grams or
more, less than 1,000 grams.

(1) (l) 2.b.

~~893.135~~

~~(1) (m) 2.b.~~

8456

893.135

1st

Trafficking in n-benzyl
phenethylamines, 14 grams or
more, less than 100 grams.

(1) (m) 2.a.

~~893.135~~

~~(1) (n) 2.a.~~

8457

893.1351 (2)

2nd

Possession of place for
trafficking in or manufacturing
of controlled substance.

8458

896.101 (5) (a)

3rd

Money laundering, financial
transactions exceeding \$300 but
less than \$20,000.

8459

896.104 (4) (a) 1.

3rd

Structuring transactions to
evade reporting or registration
requirements, financial
transactions exceeding \$300 but
less than \$20,000.

8460

943.0435 (4) (c)

2nd

Sexual offender vacating
permanent residence; failure to
comply with reporting

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8461			requirements.
8462	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
8463	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
8464	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
8465	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
8466	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
8466	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.

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8467

944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

8468

944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

8469

985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

8470

985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

8471

985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

8472

8473

(h) LEVEL 8

8474

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	Florida Statute	Felony Degree	Description
8475	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
8476	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
8477	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
8478	499.0051 (6)	1st	Knowing trafficking in contraband prescription drugs.
8479	499.0051 (7)	1st	Knowing forgery of prescription labels or prescription drug labels.
8480	560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
8481	560.125 (5) (b)	2nd	Money transmitter business by unauthorized

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8482	655.50 (10) (b) 2.	2nd	<p>person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.</p>
8483	777.03 (2) (a)	1st	<p>Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.</p>
8484	782.04 (4)	2nd	<p>Accessory after the fact, capital felony.</p> <p>Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.</p>
8485			

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8486	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
8487	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
8488	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
8489	787.06 (3) (a) 1.	1st	Human trafficking for labor and services of a child.
8490	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
8490	787.06 (3) (c) 2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.

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8491

787.06(3)(e)1.

1st

Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.

8492

787.06(3)(f)2.

1st

Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.

8493

790.161(3)

1st

Discharging a destructive device which results in bodily harm or property damage.

8494

794.011(5)(a)

1st

Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.

8495

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8496	794.011 (5) (b)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
8497	794.011 (5) (c)	2nd	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
8498	794.011 (5) (d)	1st	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.
8499	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
	800.04 (4) (b)	2nd	Lewd or lascivious

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8500			battery.
	800.04(4)(c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
8501			
	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
8502			
	810.02(2)(a)	1st, PBL	Burglary with assault or battery.
8503			
	810.02(2)(b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
8504			
	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
8505			
	812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or

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8506
8507
8508
8509
8510
8511
8512

812.13 (2) (b)

1st

more, grand theft in 1st degree.

Robbery with a weapon.

812.135 (2) (c)

1st

Home-invasion robbery, no firearm, deadly weapon, or other weapon.

817.505 (4) (c)

1st

Patient brokering; 20 or more patients.

817.535 (2) (b)

2nd

Filing false lien or other unauthorized document; second or subsequent offense.

817.535 (3) (a)

2nd

Filing false lien or other unauthorized document; property owner is a public officer or employee.

817.535 (4) (a) 1.

2nd

Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.

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8513	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
8514	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
8515	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
8516	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
8517	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
8517	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at

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8518			\$50,000 or more.
	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
8519			
	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
8520			
	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
8521			
	860.16	1st	Aircraft piracy.
8522			
	893.13 (1) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
8523			
	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s.

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			893.03(1) (a) or (b) .
8524	<u>893.13(5) (b)</u> 893.13(6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b) .
8525	893.135(1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
8526	<u>893.135(1) (a) 1.b.</u> 893.135(1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
8527	<u>893.135(1) (b) 1.b.</u> 893.135(1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
8528	<u>893.135(1) (b) 2.c.</u> 893.135(1) (c) 2.c.	1st	Trafficking in hydrocodone, 100 grams or more, less than 300 grams.
8529	<u>893.135(1) (b) 3.c.</u> 893.135(1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
8530			

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8531	<p><u>893.135(1)(b)4.b.(II)</u> 893.135(1)(c)4.b.(II)</p>	1st	<p>Trafficking in fentanyl, 14 grams or more, less than 28 grams.</p>
8532	<p><u>893.135(1)(c)1.b.</u> 893.135(1)(d)1.b.</p>	1st	<p>Trafficking in phencyclidine, 200 grams or more, less than 400 grams.</p>
8533	<p><u>893.135(1)(d)1.b.</u> 893.135(1)(e)1.b.</p>	1st	<p>Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.</p>
8534	<p><u>893.135(1)(e)1.b.</u> 893.135(1)(f)1.b.</p>	1st	<p>Trafficking in amphetamine, 28 grams or more, less than 200 grams.</p>
8535	<p><u>893.135(1)(f)1.b.</u> 893.135(1)(g)1.b.</p>	1st	<p>Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.</p>
	<p><u>893.135(1)(g)1.b.</u> 893.135(1)(h)1.b.</p>	1st	<p>Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.</p>

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8536

893.135(1)(i)1.b. 1st Trafficking in 1,4-
~~893.135(1)(j)1.b.~~ Butanediol, 5 kilograms
 or more, less than 10
 kilograms.

8537

893.135(1)(j)2.b. 1st Trafficking in
~~893.135(1)(k)2.b.~~ Phenethylamines, 200
 grams or more, less than
 400 grams.

8538

893.135(1)(l)2.c. 1st Trafficking in synthetic
~~893.135(1)(m)2.c.~~ cannabinoids, 1,000 grams
 or more, less than 30
 kilograms.

8539

893.135(1)(m)2.b. 1st Trafficking in n-benzyl
~~893.135(1)(n)2.b.~~ phenethylamines, 100
 grams or more, less than
 200 grams.

8540

893.1351(3) 1st Possession of a place
 used to manufacture
 controlled substance when
 minor is present or
 resides there.

8541

895.03(1) 1st Use or invest proceeds
 derived from pattern of

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8542

racketeering activity.

895.03 (2)

1st

Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

8543

895.03 (3)

1st

Conduct or participate in any enterprise through pattern of racketeering activity.

8544

896.101 (5) (b)

2nd

Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

8545

896.104 (4) (a) 2.

2nd

Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

8546

8547

(i) LEVEL 9

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8548

Florida
Statute

Felony
Degree

Description

8549

316.193 (3) (c) 3.b.

1st

DUI manslaughter; failing to render aid or give information.

8550

327.35 (3) (c) 3.b.

1st

BUI manslaughter; failing to render aid or give information.

8551

409.920 (2) (b) 1.c.

1st

Medicaid provider fraud; \$50,000 or more.

8552

499.0051 (8)

1st

Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.

8553

560.123 (8) (b) 3.

1st

Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.

8554

560.125 (5) (c)

1st

Money transmitter business by unauthorized

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8555

person, currency, or
payment instruments
totaling or exceeding
\$100,000.

655.50 (10) (b) 3.

1st

Failure to report
financial transactions
totaling or exceeding
\$100,000 by financial
institution.

8556

775.0844

1st

Aggravated white collar
crime.

8557

782.04 (1)

1st

Attempt, conspire, or
solicit to commit
premeditated murder.

8558

782.04 (3)

1st, PBL

Accomplice to murder in
connection with arson,
sexual battery, robbery,
burglary, aggravated
fleeing or eluding with
serious bodily injury or
death, and other
specified felonies.

8559

782.051 (1)

1st

Attempted felony murder
while perpetrating or

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8560

782.07(2)

1st

attempting to perpetrate a felony enumerated in s. 782.04(3).

Aggravated manslaughter of an elderly person or disabled adult.

8561

787.01(1)(a)1.

1st, PBL

Kidnapping; hold for ransom or reward or as a shield or hostage.

8562

787.01(1)(a)2.

1st, PBL

Kidnapping with intent to commit or facilitate commission of any felony.

8563

787.01(1)(a)4.

1st, PBL

Kidnapping with intent to interfere with performance of any governmental or political function.

8564

787.02(3)(a)

1st, PBL

False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or

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8565

exhibition.

787.06 (3) (c) 1.

1st

Human trafficking for labor and services of an unauthorized alien child.

8566

787.06 (3) (d)

1st

Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.

8567

787.06 (3) (f) 1.

1st, PBL

Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.

8568

790.161

1st

Attempted capital destructive device offense.

8569

790.166 (2)

1st, PBL

Possessing, selling, using, or attempting to use a weapon of mass destruction.

8570

794.011 (2)

1st

Attempted sexual battery; victim less than 12 years

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8571

794.011 (2)

Life

of age.

Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.

8572

794.011 (4) (a)

1st, PBL

Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.

8573

794.011 (4) (b)

1st

Sexual battery, certain circumstances; victim and offender 18 years of age or older.

8574

794.011 (4) (c)

1st

Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.

8575

794.011 (4) (d)

1st, PBL

Sexual battery, certain circumstances; victim 12 years of age or older;

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8576

794.011 (8) (b)

1st, PBL

prior conviction for
specified sex offenses.

8577

794.08 (2)

1st

Female genital
mutilation; victim
younger than 18 years of
age.

8578

800.04 (5) (b)

Life

Lewd or lascivious
molestation; victim less
than 12 years; offender
18 years or older.

8579

812.13 (2) (a)

1st, PBL

Robbery with firearm or
other deadly weapon.

8580

812.133 (2) (a)

1st, PBL

Carjacking; firearm or
other deadly weapon.

8581

812.135 (2) (b)

1st

Home-invasion robbery
with weapon.

8582

817.535 (3) (b)

1st

Filing false lien or

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8583

817.535 (4) (a) 2.

1st

other unauthorized document; second or subsequent offense; property owner is a public officer or employee.

8584

817.535 (5) (b)

1st

Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.

8585

817.568 (7)

2nd,
PBL

Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.

Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising

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			custodial authority.
8586			
	827.03 (2) (a)	1st	Aggravated child abuse.
8587			
	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
8588			
	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
8589			
	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
8590			
	893.135	1st	Attempted capital trafficking offense.
8591			
	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
8592			
	<u>893.135 (1) (a) 1.c.</u>	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
	893.135 (1) (b) 1.c.		

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8593

893.135(1)(b)1.c. 1st Trafficking in illegal
~~893.135(1)(e)1.e.~~ drugs, more than 28
grams, less than 30
kilograms.

8594

893.135(1)(b)2.d. 1st Trafficking in
~~893.135(1)(e)2.d.~~ hydrocodone, 300 grams or
more, less than 30
kilograms.

8595

893.135(1)(b)3.d. 1st Trafficking in oxycodone,
~~893.135(1)(e)3.d.~~ 100 grams or more, less
than 30 kilograms.

8596

893.135(1)(b)4.b.(III) 1st Trafficking in fentanyl,
~~893.135(1)(e)4.b.(III)~~ 28 grams or more.

8597

893.135(1)(c)1.c. 1st Trafficking in
~~893.135(1)(d)1.e.~~ phencyclidine, 400 grams
or more.

8598

893.135(1)(d)1.c. 1st Trafficking in
~~893.135(1)(e)1.e.~~ methaqualone, 25
kilograms or more.

8599

893.135(1)(e)1.c. 1st Trafficking in
~~893.135(1)(f)1.e.~~ amphetamine, 200 grams or
more.

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8600

893.135(1)(g)1.c. 1st Trafficking in gamma-
~~893.135(1)(h)1.e.~~ hydroxybutyric acid
 (GHB), 10 kilograms or
 more.

8601

893.135(1)(i)1.c. 1st Trafficking in 1,4-
~~893.135(1)(j)1.e.~~ Butanediol, 10 kilograms
 or more.

8602

893.135(1)(j)2.c. 1st Trafficking in
~~893.135(1)(k)2.e.~~ Phenethylamines, 400
 grams or more.

8603

893.135(1)(l)2.d. 1st Trafficking in synthetic
~~893.135(1)(m)2.d.~~ cannabinoids, 30
 kilograms or more.

8604

893.135(1)(m)2.c. 1st Trafficking in n-benzyl
~~893.135(1)(n)2.e.~~ phenethylamines, 200
 grams or more.

8605

896.101(5)(c) 1st Money laundering,
 financial instruments
 totaling or exceeding
 \$100,000.

8606

896.104(4)(a)3. 1st Structuring transactions
 to evade reporting or

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registration
 requirements, financial
 transactions totaling or
 exceeding \$100,000.

8607

8608 Section 23. Subsection (1) of section 948.20, Florida
 8609 Statutes, is amended to read:

8610 948.20 Drug offender probation.—

8611 (1) If it appears to the court upon a hearing that the
 8612 defendant is a chronic substance abuser whose criminal conduct
 8613 is a violation of s. 893.13(2) (a) or (5) (a) ~~(6) (a)~~, or other
 8614 nonviolent felony if such nonviolent felony is committed on or
 8615 after July 1, 2009, and notwithstanding s. 921.0024 the
 8616 defendant’s Criminal Punishment Code scoresheet total sentence
 8617 points are 60 points or fewer, the court may either adjudge the
 8618 defendant guilty or stay and withhold the adjudication of guilt.
 8619 In either case, the court may also stay and withhold the
 8620 imposition of sentence and place the defendant on drug offender
 8621 probation or into a postadjudicatory treatment-based drug court
 8622 program if the defendant otherwise qualifies. As used in this
 8623 section, the term “nonviolent felony” means a third degree
 8624 felony violation under chapter 810 or any other felony offense
 8625 that is not a forcible felony as defined in s. 776.08.

8626 Section 24. This act shall take effect July 1, 2022.