

By Senator Farmer

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1 A bill to be entitled
2 An act relating to taxes; creating s. 566.012, F.S.;
3 imposing an excise tax on recreational marijuana;
4 requiring the Department of Business and Professional
5 Regulation to annually calculate and publish an
6 adjusted excise tax rate; requiring certain entities
7 to file a monthly return that includes tax payments
8 and to keep specified records; authorizing the
9 Division of Alcoholic Beverages, Marijuana, and
10 Tobacco to revoke a marijuana cultivation facility's
11 license under certain circumstances; creating s.
12 566.0125, F.S.; authorizing counties and
13 municipalities to establish additional excise taxes on
14 the sale and purchase of marijuana; limiting the
15 excise tax rate; providing a contingent effective
16 date.

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

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20 Section 1. Section 566.012, Florida Statutes, is created to
21 read:

22 566.012 Excise tax on marijuana.-

23 (1) An excise tax is imposed on the sale or transfer of
24 marijuana from a marijuana cultivation facility to a retail
25 marijuana store or marijuana product manufacturing facility.
26 Each marijuana cultivation facility shall pay an excise tax at
27 the rate of \$50 per ounce, or proportionate part thereof, on
28 marijuana that is sold or transferred from a marijuana
29 cultivation facility pursuant to part II.

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

32 (a) Beginning in 2022, on or about February 15 of each
33 year, the department shall calculate the adjusted excise tax
34 rate by multiplying the rate in effect on the calculation date
35 by an inflation index computed as provided in paragraph (b). The
36 adjusted rate must be rounded to the nearest penny and become
37 effective on the first day of July immediately after the
38 calculation. The division shall publish the annually adjusted
39 excise tax rate and shall provide all necessary forms and
40 reports.

41 (b) The inflation index is the Consumer Price Index for All
42 Urban Consumers, U.S. City Average, or successor reports, as
43 reported by the United States Department of Labor, Bureau of
44 Labor Statistics, for the calendar year ending December 31
45 immediately before the calculation date, divided by the Consumer
46 Price Index for the previous calendar year. The inflation index
47 may not be less than 1.

48 (3) (a) A marijuana cultivation facility subject to the
49 licensing requirement of s. 566.036 shall file, on or before the
50 last day of each month, a return on a form prescribed and
51 furnished by the division, together with payment of the tax due
52 under this section. The return must report all marijuana
53 products held, purchased, manufactured, brought in, or caused to
54 be brought in from outside the state or shipped or transported
55 to a retail marijuana store or marijuana product manufacturing
56 facility within the state during the previous calendar month. A
57 marijuana cultivation facility shall keep a complete and
58 accurate record at its principal place of business to

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59 substantiate all receipts and sales of marijuana products.

60 (b) The return must include further information as the
61 division may prescribe. Tax previously paid on marijuana
62 products that are returned to a marijuana establishment because
63 the product has become unfit for use, sale, or consumption and
64 for marijuana products that are returned to a marijuana
65 cultivation facility that are subsequently destroyed by the
66 marijuana cultivation facility may be taken as a credit on a
67 subsequent return. The division may either witness the
68 destruction of the product or may accept another form of proof
69 that the product has been destroyed by the marijuana cultivation
70 facility.

71 (c) A person who is not a marijuana cultivation facility
72 licensed under s. 566.036 who imports, receives, or otherwise
73 acquires marijuana products for use or consumption in the state
74 from a person other than a licensed marijuana cultivation
75 facility shall file, on or before the last day of the month
76 after each month in which marijuana products were acquired, a
77 return on a form prescribed by the division together with
78 payment of the tax imposed by this section at the rate provided
79 in subsection (1). The return must report the quantity of
80 marijuana products imported, received, or otherwise acquired
81 from a person other than a licensed marijuana cultivation
82 facility during the previous calendar month and additional
83 information that the division may require.

84 (4) If a marijuana cultivation facility fails to make tax
85 payments as required by this section, the division may revoke
86 the marijuana cultivation facility's license.

87 Section 2. Section 566.0125, Florida Statutes, is created

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88 to read:

89 566.0125 County or municipality excise taxes.—A county or
90 municipality may establish additional excise taxes for the sale
91 or purchase of marijuana, but the tax rate may not exceed 15
92 percent.

93 Section 3. This act shall take effect on the same date that
94 SB ____ or similar legislation takes effect, if such legislation
95 is adopted in the same legislative session or an extension
96 thereof and becomes a law.