



26 | for fee waiver and loan programs; establishing special  
27 | provisions for equity applicants and microbusinesses;  
28 | providing for issuance of early approval adult use  
29 | dispensing organization licenses; specifying selection  
30 | criteria; providing for issuance of conditional adult  
31 | use dispensing organization license after a specified  
32 | date; providing for adult use dispensing organization  
33 | licenses; providing for identification cards for  
34 | dispensing organizations; providing for background  
35 | checks; requiring disclosure of ownership and control  
36 | of dispensing organizations; providing for changes to  
37 | dispensing organizations; providing for financial  
38 | responsibility of dispensing organizations; providing  
39 | for administration of dispensing organizations;  
40 | providing operational requirements; providing  
41 | requirements for inventory control systems; providing  
42 | storage requirements; providing dispensing  
43 | requirements; providing requirements for destruction  
44 | and disposal of cannabis; requiring designation of an  
45 | agent-in-charge; providing requirements for such  
46 | agents; requiring security measures; specifying  
47 | requirements for security of dispensaries; requiring  
48 | certain recordkeeping for dispensaries; providing for  
49 | nondisciplinary citations for minor violations;  
50 | providing penalties; specifying grounds for

51 discipline; authorizing temporary suspension of  
52 licenses; authorizing consent orders to resolve  
53 certain disciplinary complaints; providing for  
54 hearings on disciplinary complaints; providing for  
55 issuance of adult use cultivation center licenses;  
56 providing requirements; providing for early approval  
57 of adult use cultivation center licenses; providing  
58 for conditional adult use cultivation center license  
59 applications; providing requirements for such centers;  
60 providing for scoring of applications; providing for  
61 denial of applications under certain circumstances;  
62 providing for cultivation center agent identification  
63 cards; requiring cultivation center background checks;  
64 providing for renewal of cultivation center licenses  
65 and agent identification cards; providing for  
66 licensure of craft growers; providing requirements;  
67 providing for applications and scoring; providing for  
68 denial of applications in certain circumstances;  
69 providing for identification cards; requiring  
70 background checks; providing for renewal of licenses  
71 and identification cards; providing for licensing of  
72 infuser organizations; providing requirements;  
73 providing for applications and scoring; providing for  
74 denial of applications in certain circumstances;  
75 providing for identification cards; requiring

76 background checks; providing for renewal of licenses  
77 and identification cards; providing for licensing of  
78 transporting organizations; providing requirements;  
79 providing for applications and scoring; providing for  
80 denial of applications in certain circumstances;  
81 providing for identification cards; requiring  
82 background checks; providing for renewal of licenses  
83 and identification cards; providing for cannabis  
84 testing facilities; requiring approval of testing  
85 facilities ; providing requirements; requiring that  
86 certain tests be performed before manufacturing or  
87 natural processing of any cannabis or cannabis-infused  
88 product or packaging cannabis for sale to a  
89 dispensary; requiring the department to establish  
90 certain standards; authorizing certain enforcement  
91 actions by the department; authorizing the Attorney  
92 General to enforce certain provisions under the  
93 Deceptive and Unfair Trade Practices Act; providing  
94 immunity for prosecution or discipline under certain  
95 provisions for licensees for engaging in licensed  
96 conduct; providing construction; providing standards  
97 and requirements for advertising and promotions;  
98 providing standards and requirements for packaging and  
99 labeling; requiring certain warning labels; providing  
100 for certain local zoning ordinances for regulated

101 businesses; providing for nonconflicting local  
102 ordinances and rules; authorizing certain local  
103 regulation of on-premises cannabis consumption;  
104 authorizing establishment of restricted cannabis  
105 zones; providing definitions; providing a process for  
106 local governments to create such zones; providing  
107 requirements for such zones; providing for enforcement  
108 of tax provisions; providing for search, seizure, and  
109 forfeiture of cannabis in certain circumstances;  
110 requiring a report concerning a grant program;  
111 amending s. 500.03, F.S.; providing that marijuana  
112 establishments that sell food containing marijuana are  
113 considered food service establishments for the  
114 purposes of specified regulations; creating s.  
115 500.105, F.S.; specifying that food products  
116 containing marijuana that are prepared in permitted  
117 food establishments and sold by licensed retail  
118 marijuana stores are not considered adulterated;  
119 amending s. 562.13, F.S.; providing that it is  
120 unlawful for marijuana establishments to employ  
121 persons under 18 years of age under certain  
122 provisions; amending s. 569.0073, F.S.; exempting  
123 licensed marijuana establishments from specified  
124 provisions regulating the sale of pipes and smoking  
125 devices; amending s. 893.03, F.S.; removing cannabis

126 from the schedule of controlled substances; amending  
127 ss. 893.13 and 893.135, F.S.; providing that conduct  
128 authorized under chapter 566, F.S., is not prohibited  
129 by specified controlled substance prohibitions;  
130 removing restrictions of possession and sale of  
131 cannabis; correcting cross-references; creating s.  
132 893.13501, F.S.; providing for retroactive effect of  
133 amendments to ss. 893.03, 893.13, and 893.135, F.S.,  
134 by this act; providing for sentencing review for  
135 certain offenders; requiring notice to certain  
136 offenders; providing procedures for resentencing or  
137 release of offenders; providing exceptions; amending  
138 s. 921.0022, F.S.; conforming provisions to changes  
139 made by the act; creating s. 943.0586, F.S.; providing  
140 definitions; authorizing an individual convicted of  
141 certain crimes to obtain sealing of his or her  
142 criminal history record or petition the court for  
143 expunction of his or her criminal history record under  
144 certain circumstances; requiring the individual to  
145 first obtain a certificate of eligibility from the  
146 Department of Law Enforcement; requiring the  
147 department to adopt rules establishing the procedures  
148 for applying for and issuing such certificates;  
149 requiring the department to issue a certificate under  
150 certain circumstances; providing for the expiration of

151 and reapplication for the certificate; providing for  
152 sealing of certain records up the department's  
153 determination of eligibility; providing requirements  
154 for the petition for expunction; providing criminal  
155 penalties; providing for the court's authority over  
156 its own procedures, with an exception; requiring the  
157 court to order the expunction of a criminal history  
158 record under certain circumstances; providing that  
159 expunction of certain criminal history records does  
160 not affect eligibility for expunction of other  
161 criminal history records; providing procedures for  
162 processing expunction petitions and orders; providing  
163 that a person granted an expunction may lawfully deny  
164 or fail to acknowledge the underlying arrest or  
165 conviction, with exceptions; providing that a person  
166 may not be deemed to have committed perjury or  
167 otherwise held liable for giving a false statement if  
168 he or she fails to recite or acknowledge an expunged  
169 criminal history record; amending ss. 210.01, 210.10,  
170 210.13, 210.151, 210.16, 210.1605, 210.20, 210.25,  
171 210.405, 210.51, 213.053, 282.709, 322.212, 386.207,  
172 402.62, 403.708, 455.116, 561.01, 561.02, 561.121,  
173 561.14, 561.20, 561.221, 561.32, 561.545, 561.68,  
174 561.695, 561.703, 562.025, 562.111, 562.45, 569.002,  
175 569.003, 569.12, 569.31, 616.265, 633.142, 812.171,

176 812.173, 812.174, 812.175, 812.176, 832.06, 877.18,  
 177 932.7055, 943.0595, 1002.395, and 1003.485, F.S.;  
 178 conforming provisions to changes made by the act;  
 179 providing an effective date.

180  
 181 WHEREAS, cannabis prohibition has had devastating impacts  
 182 on communities across Florida and the United States, and

183 WHEREAS, persons convicted of a cannabis offense and their  
 184 families suffer the long-term consequences of prohibition, and

185 WHEREAS, while some individuals have a more difficult time  
 186 entering the cannabis industry due, in part, to a lack of access  
 187 to capital, business space, technical support, and regulatory  
 188 compliance assistance, offering technical support, regulatory  
 189 compliance assistance, and assistance with securing the capital  
 190 necessary to begin a business will further reduce barriers to  
 191 licensure and employment in the regulated industry, and

192 WHEREAS, offering such support will also aid the state in  
 193 its goal of eliminating or reducing the illicit cannabis market  
 194 by bringing more people into the legal marketplace, and

195 WHEREAS, it is the intent of the Legislature to ensure that  
 196 persons most harmed by cannabis criminalization and poverty be  
 197 offered assistance to enter the multi-billion dollar cannabis  
 198 industry as entrepreneurs or as employees with high quality,  
 199 well-paying jobs, and



200 WHEREAS, it is the intent of the Legislature that the  
 201 cannabis industry be representative of the state's population,  
 202 and that barriers to entering the industry are reduced through  
 203 support of cannabis equity programs, NOW, THEREFORE,

204

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

206

207 Section 1. This act may be cited as the "Florida Adult Use  
 208 and Equity Act."

209 Section 2. Paragraph (b) of subsection (2) and paragraph  
 210 (a) of subsection (9) of section 20.165, Florida Statutes, are  
 211 amended to read:

212 20.165 Department of Business and Professional  
 213 Regulation.—There is created a Department of Business and  
 214 Professional Regulation.

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

217 (b) Division of Alcoholic Beverages, Marijuana, and  
 218 Tobacco.

219 (9)(a) All employees authorized by the Division of  
 220 Alcoholic Beverages, Marijuana, and Tobacco shall have access  
 221 to, and shall have the right to inspect, premises licensed by  
 222 the division, to collect taxes and remit them to the officers  
 223 entitled to them, and to examine the books and records of all  
 224 licensees. The authorized employees shall require of each

225 licensee strict compliance with the laws of this state relating  
 226 to the transaction of such business.

227 Section 3. Section 561.025, Florida Statutes, is amended  
 228 to read:

229 561.025 Alcoholic Beverage, Marijuana, and Tobacco Trust  
 230 Fund.—There is created within the State Treasury the Alcoholic  
 231 Beverage, Marijuana, and Tobacco Trust Fund. All funds collected  
 232 by the division under ss. 210.15, 210.40, or under s. 569.003  
 233 and the Beverage Law with the exception of state funds collected  
 234 pursuant to ss. 563.05, 564.06, and 565.12 shall be deposited in  
 235 the State Treasury to the credit of the trust fund,  
 236 notwithstanding any other provision of law to the contrary. In  
 237 addition, funds collected by the division under chapter 566  
 238 shall be deposited into the trust fund. Moneys deposited to the  
 239 credit of the trust fund shall be used to operate the division  
 240 and to provide a proportionate share of the operation of the  
 241 office of the secretary and the Division of Administration of  
 242 the Department of Business and Professional Regulation; except  
 243 that:

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

249 (2) Ten percent of the revenues derived from retail

250 tobacco products dealer permit fees collected under s. 569.003  
 251 shall be transferred to the Department of Education to provide  
 252 for teacher training and for research and evaluation to reduce  
 253 and prevent the use of tobacco products by children.

254 Section 4. Chapter 566, Florida Statutes, consisting of  
 255 ss. 566.011 through 566.806, is created to read:

256 CHAPTER 566

257 RECREATIONAL MARIJUANA

258 566.011 Definitions.—As used in this chapter, the term:

259 (1) "Adult use cultivation center license" means a license  
 260 issued by the department that permits a person to act as a  
 261 cultivation center under this chapter and any administrative  
 262 rule made in furtherance of this chapter.

263 (2) "Adult use dispensing organization license" means a  
 264 license issued by the department that permits a person to act as  
 265 a medical marijuana treatment center under this chapter and any  
 266 administrative rule made in furtherance of this chapter.

267 (3) "Advertise" means to engage in promotional activities,  
 268 including, but not limited to, newspaper, radio, Internet and  
 269 electronic media, and television advertising; the distribution  
 270 of fliers and circulars; and the display of window and interior  
 271 signs.

272 (4) "BLS region" means a region in this state used by the  
 273 United States Bureau of Labor Statistics to gather and  
 274 categorize employment and wage data.

275        (5) "Cannabis" means marijuana, hashish, and other  
276        substances that are identified as including any parts of the  
277        plant Cannabis sativa, including derivatives or subspecies, such  
278        as indica, of all strains of cannabis, whether growing or not;  
279        the seeds thereof, the resin extracted from any part of the  
280        plant; and any compound, manufacture, salt, derivative, mixture,  
281        or preparation of the plant, its seeds, or resin, including  
282        tetrahydrocannabinol (THC) and all other naturally produced  
283        cannabinol derivatives, whether produced directly or indirectly  
284        by extraction; however, "cannabis" does not include the mature  
285        stalks of the plant, fiber produced from the stalks, oil or cake  
286        made from the seeds of the plant, any other compound,  
287        manufacture, salt, derivative, mixture, or preparation of the  
288        mature stalks; except, the resin extracted from it, fiber, oil  
289        or cake, or the sterilized seed of the plant that is incapable  
290        of germination. Cannabis does not include industrial hemp as  
291        defined and authorized under the Industrial Hemp Act. "Cannabis"  
292        also means concentrate and cannabis-infused products.

293        (6) "Cannabis business establishment" means a cultivation  
294        center, craft grower, processing organization, dispensing  
295        organization, or transporting organization.

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

299        (8) "Cannabis container" means a sealed, traceable,

300 container, or package used for the purpose of containment of  
301 cannabis or cannabis-infused product during transportation.

302 (9) "Cannabis equity program" means a program adopted or  
303 operated by the state that focuses on inclusion and support of  
304 individuals in Florida's cannabis industry who are linked to  
305 populations or neighborhoods that were negatively or  
306 disproportionately impacted by cannabis criminalization.

307 Cannabis equity programs may include, but are not limited to,  
308 the following types of services:

309 (a) Small business support services offering technical  
310 assistance to those persons from economically disadvantaged  
311 communities that experience high rates of poverty or communities  
312 most harmed by cannabis prohibition, determined by historically  
313 high rates of arrests or convictions for cannabis law  
314 violations.

315 (b) Tiered fees or fee waivers for cannabis-related  
316 permits and licenses.

317 (c) Assistance in paying state regulatory and licensing  
318 fees.

319 (d) Assistance securing business locations before or  
320 during the application process.

321 (e) Assistance securing capital investments.

322 (f) Assistance with regulatory compliance.

323 (g) Assistance in recruitment, training, and retention of  
324 a qualified and diverse workforce, including transitional

325 workers.

326 (10) "Cannabis flower" means marijuana, hashish, and other  
327 substances that are identified as including any parts of and any  
328 derivatives or subspecies from, the plant Cannabis sativa, such  
329 as indica, of all strains of cannabis, including raw kief,  
330 leaves, and buds, but not resin that has been extracted from any  
331 part of such plant; or any compound, manufacture, salt,  
332 derivative, mixture, or preparation of such plant, its seeds, or  
333 resin.

334 (11) "Cannabis-infused product" means a beverage, food,  
335 oil, ointment, tincture, topical formulation, or another product  
336 containing cannabis that is not intended to be smoked.

337 (12) "Cannabis plant monitoring system" or "plant  
338 monitoring system" means a system that includes, but is not  
339 limited to, testing and data collection established and  
340 maintained by the cultivation center, craft grower, or  
341 processing organization and that is available to the department,  
342 the Department of Revenue, and the Department of Law Enforcement  
343 for the purposes of documenting each cannabis plant and  
344 monitoring plant development throughout the life cycle of a  
345 cannabis plant cultivated for the intended use by a customer  
346 from seed planting to final packaging.

347 (13) "Cannabis testing facility" means an entity  
348 registered by the department to test cannabis for potency and  
349 contaminants.

350       (14) "Clone" means a plant section from a female cannabis  
 351 plant not yet rootbound, growing in a water solution or other  
 352 propagation matrix, that is capable of developing into a new  
 353 plant.

354       (15) "Conditional adult use cultivation center license"  
 355 means a license awarded to top-scoring applicants which allows  
 356 an adult to use the license and reserves the right for an adult  
 357 use cultivation center license if the applicant meets certain  
 358 conditions as determined by the department by rule, but does not  
 359 entitle the recipient to begin growing, processing, or selling  
 360 cannabis or cannabis-infused products.

361       (16) "Conditional adult use dispensing organization  
 362 license" means a license awarded to top-scoring applicants for  
 363 an adult use dispensing organization license that reserves the  
 364 right to an adult use dispensing organization license if the  
 365 applicant meets certain conditions described in this chapter,  
 366 but does not entitle the recipient to begin purchasing or  
 367 selling cannabis or cannabis-infused products.

368       (17) "Consumer" means a person 21 years of age or older  
 369 who purchases marijuana or marijuana products for personal use  
 370 by persons 21 years of age or older, but not for resale to  
 371 others.

372       (18) "Craft grower" means a facility operated by an  
 373 organization or business that is licensed by the department to  
 374 cultivate, dry, cure, and package cannabis and perform other

375 necessary activities to make cannabis available for sale at a  
376 dispensing organization or use at a processing organization. A  
377 craft grower may contain up to 5,000 square feet of canopy space  
378 on its premises for plants in the flowering state. The  
379 department may authorize an increase or decrease of flowering  
380 stage cultivation space in increments of 3,000 square feet by  
381 rule based on market need, craft grower capacity, and the  
382 licensee's history of compliance or noncompliance, with a  
383 maximum space of 14,000 square feet for cultivating plants in  
384 the flowering stage, which must be cultivated in all stages of  
385 growth in an enclosed and secure area. A craft grower may share  
386 premises with a processing organization or a dispensing  
387 organization, or both, provided each licensee stores currency  
388 and cannabis or cannabis-infused products in a separate secured  
389 vault to which the other licensee does not have access or all  
390 licensees sharing a vault share more than 50 percent of the same  
391 ownership.

392 (19) "Craft grower agent" means a principal officer, board  
393 member, employee, or other agent of a craft grower who is 21  
394 years of age or older.

395 (20) "Cultivation center" means a facility operated by an  
396 organization or business that is licensed by the department,  
397 unless otherwise limited by this chapter, to cultivate, process,  
398 transport, and perform other necessary activities to provide  
399 cannabis and cannabis-infused products to cannabis business



400 establishments.

401 (21) "Cultivation center agent" means a principal officer,  
402 board member, employee, or other agent of a cultivation center  
403 who is 21 years of age or older.

404 (22) "Department" means the Department of Business and  
405 Professional Regulation.

406 (23) "Dispensary" means a facility operated by a  
407 dispensing organization at which activities licensed by this  
408 chapter may occur.

409 (24) "Dispensing organization" means a facility operated  
410 by an organization or business that is licensed by the  
411 department to acquire cannabis from a cultivation center, craft  
412 grower, processing organization, or another dispensary for the  
413 purpose of selling or dispensing cannabis, cannabis-infused  
414 products, cannabis seeds, paraphernalia, or related supplies  
415 under this chapter to purchasers or to qualified registered  
416 medical cannabis patients and caregivers. As used in this  
417 chapter, dispensary organization includes a medical marijuana  
418 treatment center licensed under s. 381.986.

419 (25) "Disproportionately impacted area" means a census  
420 tract or comparable geographic area that, as determined by the  
421 Department of Economic Opportunity, satisfies all of the  
422 following criteria:

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

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

428 (c) At least 20 percent of the households in the area  
 429 receive assistance under the Supplemental Nutrition Assistance  
 430 Program.

431 (d) The area has an average unemployment rate, as  
 432 determined by the Department of Economic Opportunity, that is  
 433 more than 120 percent of the national unemployment average, as  
 434 determined by the United States Department of Labor, for a  
 435 period of at least 2 consecutive calendar years preceding the  
 436 date of the application.

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

440 (26) "Division" means the Division of Alcoholic Beverages,  
 441 Marijuana, and Tobacco of the department.

442 (27) "Early approval adult use cultivation center license"  
 443 means a license that permits a medical marijuana treatment  
 444 center licensed under s. 381.986 as of July 1, 2022, unless  
 445 otherwise provided in this chapter, to begin cultivating,  
 446 infusing, packaging, transporting, and selling cannabis to  
 447 cannabis business establishments for resale to purchasers as  
 448 permitted by this chapter as of January 1, 2023.

449 (28) "Early approval adult use dispensing organization at

450 a secondary site" means a license that permits a medical  
451 marijuana treatment center licensed under s. 381.986 as of July  
452 1, 2022, to begin selling cannabis to purchasers as permitted by  
453 this chapter on January 1, 2023, at a different dispensary  
454 location from its existing registered medical dispensary  
455 location.

456 (29) "Early approval adult use dispensing organization  
457 license" means a license that permits a medical marijuana  
458 treatment center licensed under s. 381.986 as of July 1, 2022,  
459 to begin selling cannabis to purchasers as permitted by this  
460 chapter as of January 1, 2023.

461 (30) "Enclosed, locked facility" means a room, greenhouse,  
462 building, or other enclosed area equipped with locks or other  
463 security devices that permit access only by cannabis business  
464 establishment agents working for the licensed cannabis business  
465 establishment or acting pursuant to this chapter to cultivate,  
466 process, store, or distribute cannabis.

467 (31) "Enclosed, locked space" means a closet, room,  
468 greenhouse, building, or other enclosed area equipped with locks  
469 or other security devices that permit access only by authorized  
470 individuals under this chapter. Enclosed, locked space may  
471 include:

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

473 1. Is the primary residence of the individual cultivating  
474 five or fewer cannabis plants that are more than 5 inches tall;

475 and

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

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

482 1. Includes sleeping quarters and indoor plumbing; and

483 2. Is used as a primary residence by the person  
 484 cultivating five or fewer cannabis plants that are more than 5  
 485 inches tall, such as a shed or greenhouse. The structure must  
 486 remain locked when it is unoccupied by people.

487 (32) "Financial institution" has the same meaning as in s.  
 488 655.005, and also includes the holding companies, subsidiaries,  
 489 and affiliates of such financial institutions.

490 (33) "Flowering stage" means the stage of cultivation  
 491 where and when a cannabis plant is cultivated to produce plant  
 492 material for cannabis products. This includes mature plants as  
 493 follows:

494 (a) If more than two stigmas are visible at each internode  
 495 of the plant; or

496 (b) If the cannabis plant is in an area that has been  
 497 intentionally deprived of light for a period of time intended to  
 498 produce flower buds and induce maturation, from the moment the  
 499 light deprivation began through the remainder of the marijuana

500 plant growth cycle.

501 (34) "Individual" means a natural person.

502 (35) "Infuser organization" or "infuser" means a facility  
503 operated by an organization or business that is licensed by the  
504 department to directly incorporate cannabis or cannabis  
505 concentrate into a product formulation to produce a cannabis-  
506 infused product.

507 (36) "Kief" means the resinous crystal-like trichomes that  
508 are found on cannabis and that are accumulated, resulting in a  
509 higher concentration of cannabinoids, untreated by heat or  
510 pressure, or extracted using a solvent.

511 (37) "Labor peace agreement" means an agreement between a  
512 cannabis business establishment and any labor organization  
513 recognized under the National Labor Relations Act, referred to  
514 in this chapter as a bona fide labor organization, that  
515 prohibits labor organizations and members from engaging in  
516 picketing, work stoppages, boycotts, and any other economic  
517 interference with the cannabis business establishment. The  
518 agreement provides that the cannabis business establishment has  
519 agreed not to disrupt efforts by the bona fide labor  
520 organization to communicate with, and attempt to organize and  
521 represent, the cannabis business establishment's employees. The  
522 agreement shall provide a bona fide labor organization access at  
523 reasonable times to areas in which the cannabis business  
524 establishment's employees work, for the purpose of meeting with

525 employees to discuss their right to representation, employment  
526 rights under state law, and terms and conditions of employment.  
527 The agreement shall not mandate a particular method of election  
528 or certification of the bona fide labor organization.

529 (38) "Licensee" means any individual, partnership,  
530 corporation, firm, association, or other legal entity holding a  
531 marijuana establishment license within the state.

532 (39) "Limited access area" means a building, room, or  
533 other area under the control of a cannabis dispensing  
534 organization licensed under this chapter and upon the licensed  
535 premises with access limited to purchasers, dispensing  
536 organization owners and other dispensing organization agents, or  
537 service professionals conducting business with the dispensing  
538 organization.

539 (40) "Marijuana accessories" means equipment, products, or  
540 materials of any kind that are used, intended, or designed for  
541 use in planting, propagating, cultivating, growing, harvesting,  
542 composting, manufacturing, compounding, converting, producing,  
543 processing, preparing, testing, analyzing, packaging,  
544 repackaging, storing, vaporizing, or containing marijuana or for  
545 ingesting, inhaling, or otherwise introducing marijuana into the  
546 human body.

547 (41) "Marijuana testing facility" means an entity licensed  
548 to analyze and certify the safety and potency of marijuana.

549 (42) "Member of an impacted family" means an individual

550 who has a parent, legal guardian, child, spouse, or dependent,  
551 or was a dependent of an individual who, before July 1, 2022,  
552 was arrested for, convicted of, or adjudicated delinquent for  
553 any offense that is eligible for expungement under this chapter.

554 (43) "Minor" means a person under 21 years of age.

555 (44) "Mother plant" means a cannabis plant that is  
556 cultivated or maintained for the purpose of generating clones,  
557 and that will not be used to produce plant material for sale to  
558 an infuser or dispensing organization.

559 (45) "Ordinary public view" means within the sight line  
560 with normal visual range of a person, unassisted by visual aids,  
561 from a public street or sidewalk adjacent to real property, or  
562 from within an adjacent property.

563 (46) "Ownership and control" means ownership of at least  
564 51 percent of the business, including corporate stock if a  
565 corporation, and control over the management and day-to-day  
566 operations of the business and an interest in the capital,  
567 assets, and profits and losses of the business proportionate to  
568 percentage of ownership.

569 (47) "Possession limit" means the amount of cannabis  
570 requirements under s. 566.013, that may be possessed at any one  
571 time by a person 21 years of age or older or who is a registered  
572 qualifying medical cannabis patient or caregiver under s.  
573 381.986.

574 (48) "Primary residence" means a dwelling where a person

575 usually stays or stays more often than other locations. It may  
576 be determined by, without limitation, presence, tax filings, the  
577 address on a driver license, a state issued identification card,  
578 or voter registration. A person may not have more than one  
579 primary residence.

580 (49) "Principal officer" includes a cannabis business  
581 establishment applicant or licensed cannabis business  
582 establishment's board member, owner with more than 1 percent  
583 interest of the total cannabis business establishment or more  
584 than 5 percent interest of the total cannabis business  
585 establishment of a publicly traded company, president, vice  
586 president, secretary, treasurer, partner, officer, member,  
587 manager member, or person with a profit sharing, financial  
588 interest, or revenue sharing arrangement. The definition  
589 includes a person with authority to control the cannabis  
590 business establishment, a person who assumes responsibility for  
591 the debts of the cannabis business establishment, and who is  
592 further defined in this chapter.

593 (50) "Processing organization" or "processor" means a  
594 facility operated by an organization or business that is  
595 licensed by the department to either extract constituent  
596 chemicals or compounds to produce cannabis concentrate or  
597 incorporate cannabis or cannabis concentrate into a product  
598 formulation to produce a cannabis product.

599 (51) "Processing organization agent" means a principal



600 officer, board member, employee, or agent of a processing  
601 organization.

602 (52) "Processing organization agent identification card"  
603 means a document issued by the department that  
604 identifies a person as a processing organization agent.

605 (53) "Purchaser" means a person who acquires cannabis for  
606 a valuable consideration. Purchaser does not include a  
607 cardholder under s. 381.986.

608 (54) "Residence" or "resided" means an individual's  
609 primary residence area as established by any of the following:

610 (a) A signed lease agreement that includes the applicant's  
611 name.

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

613 (c) School records.

614 (d) A voter registration card.

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

617 (f) A paycheck stub.

618 (g) A utility bill.

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

621 (55) "Seedling" means a marijuana plant that has no  
622 flowers, is less than 12 inches in height, and is less than 12  
623 inches in diameter.

624 (56) "Smoking" means the inhalation of smoke caused by the

625 combustion of cannabis.

626 (57) "Social equity applicant" means an applicant who is a  
627 resident of the state and meets at least one of the following  
628 criteria:

629 (a) Is an applicant with at least 51 percent ownership and  
630 control by one or more individuals who have resided for at least  
631 5 of the preceding 10 years in a disproportionately impacted  
632 area;

633 (b) Is an applicant with at least 51 percent ownership and  
634 control by one or more individuals who:

635 1. Have been arrested for, convicted of, or  
636 adjudicated delinquent for any offense that is eligible for  
637 expungement under this chapter; or

638 2. Is a member of an impacted family;

639 (c) Is an applicant with a minimum of 10 full-time  
640 employees, an applicant with at least 51 percent of current  
641 employees who:

642 1. Currently reside in a disproportionately impacted area;

643 or

644 2. Have been arrested for, convicted of, or adjudicated  
645 delinquent for any offense that is eligible for expungement  
646 under this chapter or member of an impacted family.

647  
648 This chapter does not permit an employer to require an employee  
649 to disclose sealed or expunged offenses, unless otherwise

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650 required by law.

651 (58) "Tincture" means a cannabis-infused solution,  
652 typically comprised of alcohol, glycerin, or vegetable oils,  
653 derived either directly from the cannabis plant or from a  
654 processed cannabis extract. A tincture is not an alcoholic  
655 beverage as defined in s. 561.01. A tincture shall include a  
656 calibrated dropper or other similar device capable of accurately  
657 measuring servings.

658 (59) "Transitional worker" means a person who, at the time  
659 of starting employment at the business premises, resides in a  
660 zip code or census tract area with higher than average  
661 unemployment, crime, or child death rates, and faces at least  
662 one of the following barriers to employment:

663 (a) Is homeless;

664 (b) Is a custodial single parent;

665 (c) Is receiving public assistance;

666 (d) Lacks a GED or high school diploma;

667 (e) Has a criminal record or other involvement with the  
668 criminal justice system;

669 (f) Suffers from chronic unemployment;

670 (g) Is emancipated from the foster care system;

671 (h) Is a veteran; or

672 (i) Is over 65 years of age and is financially  
673 compromised.

674 (60) "Transporting organization" or "transporter" means an

675 organization or business that is licensed by the department to  
 676 transport cannabis on behalf of a cannabis business  
 677 establishment or a community college licensed under the  
 678 Community College Cannabis Vocational Training Pilot Program.

679 (61) "Transporting organization agent" means a principal  
 680 officer, board member, employee, or agent of a transporting  
 681 organization.

682 (62) "Unit of local government" means any county, city, or  
 683 incorporated town.

684 566.012 Exemption from criminal and noncriminal penalties,  
 685 seizure, or forfeiture.—Notwithstanding chapter 893 or any other  
 686 provision of law, and except as provided in this chapter, the  
 687 actions specified in this chapter are legal under the laws of  
 688 this state and do not constitute a civil or criminal offense  
 689 under the laws of this state or under the laws of any political  
 690 subdivision within the state or serve as a basis for seizure or  
 691 forfeiture of assets under state law.

692 566.013 Personal use of marijuana.—

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

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

696 (b) Transfer or furnish, without remuneration, up to 2.5  
 697 ounces of marijuana and up to six seedlings to a person who is  
 698 21 years of age or older.

699 (c) Possess, grow, cultivate, process, or transport up to

700 six marijuana plants, including seedlings, and possess the  
701 marijuana produced by the marijuana plants on the premises where  
702 the plants were grown.

703 (d) Purchase up to 2.5 ounces of marijuana, up to six  
704 seedlings, and marijuana accessories from a retail marijuana  
705 store.

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

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

712 (b) A person who elects to cultivate marijuana shall take  
713 reasonable precautions to ensure the plants are secure from  
714 unauthorized access or access by a person under 21 years of age.  
715 Reasonable precautions include, but are not limited to,  
716 cultivating marijuana in a fully enclosed secure outdoor area,  
717 locked closet, or locked room inaccessible to persons under 21  
718 years of age.

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

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

723 (b) The prohibitions and limitations on smoking tobacco  
724 products in specified areas in part II of chapter 386 apply to

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725 marijuana.

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

729 566.0131 False identification.-

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

734 (a) Ordering, purchasing, attempting to purchase, or  
735 otherwise procuring or attempting to procure marijuana; or

736 (b) Gaining access to marijuana.

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

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

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

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

746

747 When a minor is adjudged to have committed a first offense under  
748 subsection (1), the judge shall inform that minor that the  
749 noncriminal penalties for the second and subsequent offenses are

750 mandatory and may only be suspended as provided in paragraph  
751 (b). Failure to inform the minor that subsequent noncriminal  
752 penalties are mandatory is not a ground for suspension of any  
753 subsequent civil penalty.

754 (b) A judge, as an alternative to or in addition to the  
755 noncriminal penalties specified in paragraph (a), may assign the  
756 minor to perform specified work for the benefit of the state,  
757 the city, or other public entity or a charitable institution for  
758 no more than 40 hours for each violation.

759 566.014 Personal cultivation.—

760 (1) Notwithstanding any other provision of law, and except  
761 as otherwise provided in this chapter, the following acts are  
762 not a violation of this chapter and shall not be a criminal or  
763 civil offense under state law or the ordinances of any unit of  
764 local government of this state or be a basis for seizure or  
765 forfeiture of assets under state law for persons other than  
766 natural individuals under 21 years of age:

767 (a) Possession, consumption, use, purchase, obtaining, or  
768 transporting an amount of cannabis for personal use that does  
769 not exceed the possession limit under s. 566.013 or otherwise in  
770 accordance with the requirements of this chapter.

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

773 (c) Controlling property if actions that are authorized by  
774 this chapter occur on the property in accordance with this

775 chapter.

776 (2) Notwithstanding any other provision of law, and except  
777 as otherwise provided in this chapter, possessing, consuming,  
778 using, purchasing, obtaining, or transporting an amount of  
779 cannabis purchased or produced in accordance with this chapter  
780 that does not exceed the possession limit under s. 566.013(1)  
781 shall not be a basis for seizure or forfeiture of assets under  
782 state law.

783 (3) Cultivating cannabis for personal use is subject to  
784 the following limitations:

785 (a) A resident of this state 21 years of age or older who  
786 is a registered qualifying patient under s. 381.986 may  
787 cultivate cannabis plants, with a limit of five plants that are  
788 more than 5 inches tall, per household without a cultivation  
789 center or craft grower license.

790 (b) Cannabis cultivation must take place in an enclosed,  
791 locked space.

792 (c) Adult registered qualifying patients may purchase  
793 cannabis seeds from a dispensary for the purpose of home  
794 cultivation. Seeds may not be given or sold to any other person.

795 (d) Cannabis plants may not be stored or placed in a  
796 location where they are subject to ordinary public view. A  
797 registered qualifying patient who cultivates cannabis under this  
798 section shall take reasonable precautions to ensure the plants  
799 are secure from unauthorized access, including unauthorized



800 access by a person under 21 years of age.

801 (4) Cannabis cultivation may occur only on residential  
802 property lawfully in possession of the cultivator or with the  
803 consent of the person in lawful possession of the property. An  
804 owner or lessor of residential property may prohibit the  
805 cultivation of cannabis by a lessee.

806 (5) A dwelling, residence, apartment, condominium unit,  
807 enclosed, locked space, or piece of property not divided into  
808 multiple dwelling units shall not contain more than five plants  
809 at any one time.

810 (6) Cannabis plants may only be tended by registered  
811 qualifying patients who reside at the residence, or their  
812 authorized agent attending to the residence for brief periods,  
813 such as when the qualifying patient is temporarily away from the  
814 residence.

815 (7) A registered qualifying patient who cultivates more  
816 than the allowable number of cannabis plants, or who sells or  
817 gives away cannabis plants, cannabis, or cannabis-infused  
818 products produced under this section, is liable for penalties as  
819 provided by law, in addition to loss of home cultivation  
820 privileges as established by rule.

821 566.015 Possession limits.—

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

825       1. Thirty grams of cannabis flower.  
 826       2. 500 milligrams of THC contained in cannabis-infused  
 827 product.  
 828       3. Five grams of cannabis concentrate.  
 829       (b) For registered qualifying patients, any cannabis  
 830 produced by cannabis plants grown under s. 566.012(2), provided  
 831 any amount of cannabis produced in excess of 30 grams of raw  
 832 cannabis or its equivalent must remain secured within the  
 833 residence or residential property in which it was grown.  
 834       (2)(a) For a person who is 21 years of age or older and  
 835 who is not a resident of this state, the possession limit is:  
 836       1. Fifteen grams of cannabis flower.  
 837       2. Two and one-half grams of cannabis concentrate.  
 838       3. Two hundred fifty milligrams of THC contained in a  
 839 cannabis-infused product.  
 840       (b) The possession limits found in subparagraphs (a)1. and  
 841 2. are to be considered cumulative.  
 842       (3) A person may not knowingly obtain, seek to obtain, or  
 843 possess an amount of cannabis from a dispensing organization or  
 844 craft grower that would cause him or her to exceed the  
 845 possession limit under this section, including cannabis that is  
 846 cultivated by a person under this chapter or obtained under s.  
 847 381.986.  
 848       566.201 Duties of the division.—The division shall:  
 849       (1) Enforce the laws and rules relating to the

850 manufacturing, processing, labeling, storing, transporting,  
851 testing, and selling of marijuana by marijuana establishments  
852 and administer those laws relating to licensing and the  
853 collection of taxes.

854 (2) Adopt rules consistent with this chapter for the  
855 administration and enforcement of laws regulating and licensing  
856 marijuana establishments.

857 (3) If determined necessary by the division, enter into a  
858 memorandum of understanding with the Department of Law  
859 Enforcement, a county sheriff, or other state or municipal law  
860 enforcement agency to perform inspections of marijuana  
861 establishments.

862 (4) Issue marijuana cultivation facility, marijuana  
863 testing facility, marijuana product manufacturing facility, and  
864 retail marijuana store licenses.

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

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

870 (7) Post on the department's publicly accessible website  
871 this chapter and all rules adopted under this chapter. The  
872 division shall notify all licensees of changes in the law and  
873 rules through a publicly accessible website posting within 90  
874 days after adjournment of each session of the Legislature. The

875 division shall update the posting on the department's publicly  
876 accessible website to reflect new laws and rules before the  
877 effective date of the laws and rules.

878 (8) Certify monthly to the Chief Financial Officer a  
879 complete statement of revenues and expenses for licenses issued  
880 and for revenues collected by the division and submit an annual  
881 report that includes a complete statement of the revenues and  
882 expenses for the division to the Governor, the President of the  
883 Senate, and the Speaker of the House of Representatives.

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

888 (a) Continue to possess marijuana during the time its  
889 license is suspended, but may not dispense, transfer, or sell  
890 marijuana. If the marijuana establishment is a marijuana  
891 cultivation facility, it may continue to cultivate marijuana  
892 plants during the time its license is suspended. Marijuana may  
893 not be removed from the licensed premises except as authorized  
894 by the division and only for the purpose of destruction.

895 (b) Possess marijuana for up to 7 days after revocation of  
896 its license, during which time the marijuana establishment shall  
897 dispose of its inventory of marijuana in accordance with  
898 division rules.

899 (10) Beginning January 15, 2024, and annually thereafter,

900 report to the committees of each house of the Legislature having  
901 jurisdiction over marijuana regulation. The report must include,  
902 but is not limited to, all rules adopted by the division and  
903 statistics regarding the number of marijuana establishment  
904 applications received, and licensed and the licensing fees  
905 collected within the previous year.

906 566.2015 Cannabis Equity Program.-

907 (1) The division shall before October 1, 2022, create a  
908 cannabis equity program. When determining whether to provide  
909 technical assistance, the department shall make individual  
910 determinations based on the reasonableness of the request and  
911 available resources.

912 (2) The department shall provide technical assistance,  
913 which shall include providing training and educational sessions  
914 regarding state cannabis licensing processes and requirements to  
915 equity applicants or equity licensees.

916 (3) An eligible applicant or licensee may, in the form and  
917 manner prescribed by the division, submit an application to the  
918 division for a grant from the Florida Marijuana Equity Fund for  
919 assistance.

920 (4) The division shall review an application based on the  
921 following factors:

922 (a) The number of existing and potential cannabis equity  
923 applicants and cannabis equity licensees in the state.

924 (b) Any additional relevant and reasonable criteria the

925 division deems relevant.

926 (5) The division shall grant funding to an eligible  
927 applicant or licensee based on its review of the factors in  
928 subsection (4). If applications for funding are greater than the  
929 amount collected for this grant program, the division shall  
930 prorate the funding as necessary.

931 (6) An eligible applicant or licensee that receives a  
932 grant pursuant to this section shall use grant funds to gain  
933 entry to, and to successfully operate in, the state's regulated  
934 cannabis marketplace. An eligible applicant or licensee that  
935 receives a grant pursuant to this section shall, on or before  
936 January 1 of the year following receipt of the grant and  
937 annually thereafter for each year, grant funds that are  
938 expended, and submit an annual report to the division that  
939 includes how the applicant or licensee used grant funds.

940 (7) An eligible applicant or licensee that receives a  
941 grant pursuant to this section shall use no more than 25 percent  
942 of the state grant for administration, including employing staff  
943 or hiring consultants.

944 (8) To facilitate greater equity in business ownership and  
945 employment in the cannabis market, the division shall do all of  
946 the following:

947 (a) Serve as a point of contact for cannabis equity  
948 programs.

949 (b) On or before December 1, 2022, publish approved

950 guidelines for grant applicants on the its website.

951 566.2016 Fee waiver and loan programs.-

952 (1) On or before December 1, 2022, the division shall  
 953 develop and implement a program to provide a deferral or waiver  
 954 for an application fee, a licensing fee, or renewal fee  
 955 otherwise required for a needs-based applicant or needs-based  
 956 licensee.

957 (a) At least 60 percent of the total dollar amount of  
 958 deferrals of fees pursuant to the program developed and  
 959 implemented by the division pursuant to this section shall be  
 960 allocated to the deferral of fees for cannabis equity applicants  
 961 and licensees.

962 (b) At least 60 percent of the total dollar amount of  
 963 waivers of fees pursuant to the program developed and  
 964 implemented by the division shall be allocated to the waiver of  
 965 fees for cannabis equity applicants and licensees.

966 (2) On or before December 1, 2022, the division and the  
 967 Office of Economic Opportunity shall create a low-interest loan  
 968 program to be administered by cannabis equity programs for  
 969 cannabis equity applicants. The division shall determine the  
 970 amount of dollars required for the fund based on community need.

971 566.2017 Equity applicant or licensee microbusinesses.-

972 (1) Any cannabis equity applicant or licensee that  
 973 operates a microbusiness shall:

974 (a) Be permitted to use experience points to come from

975 educational programs provided by the division.

976 (b) Be exempt from cannabis-specific experience and allow  
977 experience from other regulated industries.

978 (c) Only be required to have a Florida resident ownership  
979 requirement of 7 percent.

980 (d) Be permitted to submit cap increase requests at any  
981 time for approval to the division and work with the Department  
982 of Economic Opportunity to determine the appropriate capital  
983 range for the microbusiness licenses based on the market  
984 dynamic.

985 (e) Be permitted to sell or transfer their license after 3  
986 years from the date the business starts operating.

987 (2) The division shall create a program that helps  
988 microbusinesses and craft grower license holder licenses  
989 transition to cultivation center licenses.

990 566.202 Early approval adult use dispensing organization  
991 license.—

992 (1) Any medical marijuana dispensary holding a valid  
993 registration under s. 381.986 as of July 1, 2022, may, before  
994 September 1, 2022, apply to the department for an early approval  
995 adult use dispensing organization license to serve purchasers at  
996 any medical cannabis dispensing location in operation on July 1,  
997 2022, pursuant to this section.

998 (2) A medical marijuana dispensary seeking issuance of an  
999 early approval adult use dispensing organization license to



1000 serve purchasers at any medical cannabis dispensing location in  
1001 operation as of July 1, 2022, shall submit an application on  
1002 forms provided by the department. The application must be  
1003 submitted by the same person or entity that holds the medical  
1004 marijuana dispensary registration and include the following:

1005 (a) Payment of a nonrefundable fee as provided in s.  
1006 566.801 to be deposited into the Alcoholic Beverage, Marijuana,  
1007 and Tobacco Trust Fund.

1008 (b) Proof of registration as a medical marijuana  
1009 dispensary that is in good standing.

1010 (c) Certification that the applicant will comply with the  
1011 requirements contained in s. 381.986 except as provided in this  
1012 chapter.

1013 (d) The legal name of the dispensing organization.

1014 (e) The physical address of the dispensing organization.

1015 (f) The name, address, social security number, and date of  
1016 birth of each principal officer and board member of the  
1017 dispensing organization, each of whom must be at least 21 years  
1018 of age.

1019 (g) A nonrefundable cannabis business development fee as  
1020 provided in s. 566.801 to be deposited with the department to be  
1021 used to encourage development of businesses of social equity  
1022 applicants.

1023 (h) Identification of one of the following social equity  
1024 inclusion plans to be completed by March 31, 2024:

1025 1. Make a contribution to the department to be used to  
1026 encourage development of businesses of social equity applicants  
1027 as provided in s. 566.804. This is in addition to the fee  
1028 required by paragraph (g);

1029 2. Make a contribution as provided in s. 566.804 to a  
1030 cannabis industry training or education program at a Florida  
1031 College System institution;

1032 3. Make a donation provided in s. 566.804 or more to a  
1033 program that provides job training services to persons recently  
1034 incarcerated or that operates in a disproportionately impacted  
1035 area;

1036 4. Participate as a host in a cannabis business  
1037 establishment incubator program approved by the Department of  
1038 Economic Opportunity, and in which an early approval adult use  
1039 dispensing organization licenseholder agrees to provide a loan  
1040 of at least \$100,000 and mentorship to incubate a licensee that  
1041 qualifies as a social equity applicant for at least a year. As  
1042 used in this subparagraph, the term "incubate" means providing  
1043 direct financial assistance and training necessary to engage in  
1044 licensed cannabis industry activity similar to that of the host  
1045 licensee. The early approval adult use dispensing organization  
1046 licenseholder or the same entity holding any other licenses  
1047 issued pursuant to this chapter shall not take an ownership  
1048 stake of greater than 10 percent in any business receiving  
1049 incubation services to comply with this subsection. If an early

1050 approval adult use dispensing organization licenseholder fails  
1051 to find a business to incubate to comply with this subsection  
1052 before its early approval adult use dispensing organization  
1053 license expires, it may opt to meet the requirement of this  
1054 subsection by completing another item from this subsection; or

1055 5. Participate in a sponsorship program for at least 2  
1056 years approved by the Department of Economic Opportunity in  
1057 which an early approval adult use dispensing organization  
1058 licenseholder agrees to provide an interest-free loan of at  
1059 least \$200,000 to a social equity applicant. The sponsor shall  
1060 not take an ownership stake in any cannabis business  
1061 establishment receiving sponsorship services to comply with this  
1062 subsection.

1063 (3) The license fee required by paragraph (2)(a) shall be  
1064 in addition to any license fee required for the renewal of a  
1065 registered medical marijuana dispensary license.

1066 (4) Applicants must submit all required information,  
1067 including the requirements in subsection (2), to the department.  
1068 Failure by an applicant to submit all required information may  
1069 result in the application being disqualified.

1070 (5) If the department receives an application that fails  
1071 to provide the required elements contained in subsection (2),  
1072 the department shall issue a deficiency notice to the applicant.  
1073 The applicant shall have 10 calendar days after the date of the  
1074 deficiency notice to submit complete information. Applications

1075 that are still incomplete after this opportunity to cure may be  
 1076 disqualified.

1077 (6) If an applicant meets all the requirements of  
 1078 subsection (2), the department shall issue the early approval  
 1079 adult use dispensing organization license within 14 days after  
 1080 receiving a completed application unless:

1081 (a) The licensee or a principal officer is delinquent in  
 1082 filing any required tax returns or paying any amounts owed to  
 1083 the state;

1084 (b) The department determines there is reason, based on  
 1085 documented compliance violations, the licensee is not entitled  
 1086 to an early approval adult use dispensing organization license;  
 1087 or

1088 (c) Any principal officer fails to register and remain in  
 1089 compliance with this chapter or s. 381.986.

1090 (7) A medical marijuana treatment center that obtains an  
 1091 early approval adult use dispensing organization license may  
 1092 begin selling cannabis, cannabis-infused products,  
 1093 paraphernalia, and related items to purchasers under the rules  
 1094 of this chapter no sooner than January 1, 2023.

1095 (8) A medical marijuana treatment center under s. 381.986  
 1096 must maintain an adequate supply of cannabis and cannabis-  
 1097 infused products for purchase by qualifying patients. For the  
 1098 purposes of this subsection, "adequate supply" means a monthly  
 1099 inventory level that is comparable in type and quantity to those

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1100 medical cannabis products provided to patients and caregivers on  
1101 an average monthly basis for the 6 months before July 1, 2022.

1102 (9) If there is a shortage of cannabis or cannabis-infused  
1103 products, a medical marijuana treatment center holding both a  
1104 medical marijuana treatment center license and a license under  
1105 this chapter shall prioritize serving qualifying patients and  
1106 caregivers before serving purchasers.

1107 (10) Notwithstanding any law or rule to the contrary, a  
1108 medical marijuana treatment center licensed under s. 381.986  
1109 that is also an early approval adult use dispensing organization  
1110 licensee may permit purchasers into a limited access area as  
1111 that term is defined in administrative rules made under the  
1112 authority in s. 381.986.

1113 (11) An early approval adult use dispensing organization  
1114 license is valid until March 31, 2024. A medical marijuana  
1115 treatment center that obtains an early approval adult use  
1116 dispensing organization license shall receive written or  
1117 electronic notice 90 days before the expiration of the license  
1118 that the license will expire, and inform the licenseholder that  
1119 it may renew its early approval adult use dispensing  
1120 organization license. The department shall renew the early  
1121 approval adult use dispensing organization license within 60  
1122 days after the renewal application being deemed complete if:

1123 (a) The medical marijuana treatment center submits an  
1124 application and the required nonrefundable renewal fee as

1125 provided in s. 566.801, to be deposited into the Alcoholic  
1126 Beverage, Marijuana, and Tobacco Trust Fund.

1127 (b) The department has not suspended or revoked the early  
1128 approval adult use dispensing organization license or a medical  
1129 cannabis medical marijuana treatment center license on the same  
1130 premises for violations of this chapter, s. 381.986, or rules  
1131 adopted pursuant to those either of them.

1132 (c) The medical marijuana treatment center has completed a  
1133 social equity inclusion plan as required by paragraph (2)(h).

1134 (12) The early approval adult use dispensing organization  
1135 license renewed pursuant to subsection (11) shall expire March  
1136 31, 2025. The early approval adult use dispensing organization  
1137 licensee shall receive written or electronic notice 90 days  
1138 before the expiration of the license that the license will  
1139 expire, and inform the licenseholder that it may apply for an  
1140 adult use dispensing organization license. The department shall  
1141 grant an adult use dispensing organization license within 60  
1142 days after an application being deemed complete if the applicant  
1143 has met all of the criteria in s. 566.2032.

1144 (13) If a dispensary fails to submit an application for an  
1145 adult use dispensing organization license before the expiration  
1146 of the early approval adult use dispensing organization license  
1147 pursuant to subsection (11), the medical marijuana treatment  
1148 center shall cease serving purchasers and cease all operations  
1149 until it receives an adult use dispensing organization license.

1150       (14) A medical marijuana treatment center agent who holds  
1151 a valid medical marijuana treatment center agent identification  
1152 card issued under s. 381.986 and is an officer, director,  
1153 manager, or employee of the medical marijuana treatment center  
1154 licensed under this section may engage in all activities  
1155 authorized by this chapter to be performed by a medical  
1156 marijuana treatment center agent.

1157       (15) (a) If the department suspends or revokes the early  
1158 approval adult use dispensing organization license of a  
1159 dispensing organization that is also a medical marijuana  
1160 treatment center licensed under s. 381.986, the department may  
1161 consider the suspension or revocation as grounds to take  
1162 disciplinary action against the medical cannabis dispensing  
1163 organization license.

1164       (b) If, within 360 days after July 1, 2022, a dispensing  
1165 organization is unable to find a location within the BLS Regions  
1166 prescribed in which to operate an early approval adult use  
1167 dispensing organization at a secondary site because no  
1168 jurisdiction within the prescribed area allows the operation of  
1169 an adult use cannabis dispensing organization, the department  
1170 may waive the geographic restrictions and specify another BLS  
1171 Region into which the dispensary may be placed.

1172       (c) A medical marijuana treatment center licensed under s.  
1173 381.986 as of July 1, 2022, may, before September 1, 2022, apply  
1174 to the department for an early approval adult use dispensing

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1175 organization license to operate a dispensing organization to  
1176 serve purchasers at a secondary site not within 1,500 feet of  
1177 another medical marijuana treatment center.

1178 (d) A medical marijuana treatment center licensed under s.  
1179 381.986 seeking issuance of an early approval adult use  
1180 dispensing organization license at a secondary site to serve  
1181 purchasers at a secondary site as prescribed in this section  
1182 shall submit an application on forms provided by the department.  
1183 The application must meet or include the following  
1184 qualifications:

1185 1. Payment of a nonrefundable application fee as provided  
1186 in s. 566.801.

1187 2. Proof of registration as a medical marijuana treatment  
1188 center licensed under s. 381.986 that is in good standing.

1189 3. Submission of the application by the same person or  
1190 entity that holds the medical cannabis dispensing organization  
1191 registration.

1192 4. The legal name of the medical marijuana treatment  
1193 center.

1194 5. The physical address of the medical cannabis treatment  
1195 center and the proposed physical address of the secondary site.

1196 6. A copy of the current local zoning ordinance sections  
1197 relevant to dispensary operations and documentation of the  
1198 approval, the conditional approval or the status of a request  
1199 for zoning approval from the local zoning office that the



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1200 proposed dispensary location is in compliance with the local  
1201 zoning rules.

1202 7. A plot plan of the dispensary drawn to scale. The  
1203 applicant shall submit general specifications of the building  
1204 exterior and interior layout.

1205 8. A statement that the dispensing organization agrees to  
1206 respond to the department's supplemental requests for  
1207 information.

1208 9. For the building or land to be used as the proposed  
1209 dispensary:

1210 a. If the property is not owned by the applicant, a  
1211 written statement from the property owner and landlord, if any,  
1212 certifying consent that the applicant may operate a dispensary  
1213 on the premises; or

1214 b. If the property is owned by the applicant, confirmation  
1215 of ownership;

1216 10. A copy of the proposed operating bylaws.

1217 11. A copy of the proposed business plan that complies  
1218 with the requirements in this chapter, including, at a minimum,  
1219 the following:

1220 a. A description of services to be offered.

1221 b. A description of the process of dispensing cannabis;

1222 12. A copy of the proposed security plan that complies  
1223 with the requirements in this chapter, including:

1224 a. A description of the delivery process by which cannabis

1225 will be received from a transporting organization, including  
1226 receipt of manifests and protocols that will be used to avoid  
1227 diversion, theft, or loss at the dispensary acceptance point.

1228 b. The process or controls that will be implemented to  
1229 monitor the dispensary, secure the premises, agents, patients,  
1230 and currency, and prevent the diversion, theft, or loss of  
1231 cannabis.

1232 c. The process to ensure that access to the restricted  
1233 access areas is restricted to, registered agents, service  
1234 professionals, transporting organization agents, department  
1235 inspectors, and security personnel.

1236 13. A proposed inventory control plan that complies with  
1237 this section.

1238 14. The name, address, social security number, and date of  
1239 birth of each principal officer and board member of the  
1240 dispensing organization; each of those individuals must be at  
1241 least 21 years of age.

1242 15. A nonrefundable cannabis business development fee as  
1243 provided in s. 566.804, to be paid to the department to be used  
1244 to encourage development of businesses of social equity  
1245 applicants.

1246 16. A commitment to completing one of the social equity  
1247 inclusion plans in paragraph (e).

1248 (e) Before receiving an early approval adult use  
1249 dispensing organization license at a secondary site, a

1250 dispensing organization shall indicate the social equity  
1251 inclusion plan that the applicant plans to achieve before the  
1252 expiration of the early approval adult use dispensing  
1253 Organization License from the following list:

1254 1. Make a contribution of 3 percent of total sales from  
1255 June 1, 2018 to June 1, 2019, or \$100,000, whichever is less, to  
1256 the department to be used to encourage development of businesses  
1257 of social equity applicants. This is in addition to the fee  
1258 required by subparagraph (d)15.;

1259 2. Make a grant of 3 percent of total sales from June 1,  
1260 2018 to June 1, 2019, or \$100,000, whichever is less, to a  
1261 cannabis industry training or education program at a Florida  
1262 college system institution;

1263 3. Make a donation of \$100,000 or more to a program that  
1264 provides job training services to persons recently incarcerated  
1265 or that operates in a disproportionately impacted area;

1266 4. Participate as a host in a cannabis business  
1267 establishment incubator program approved by the Department of  
1268 Economic Opportunity, and in which an early approval adult use  
1269 dispensing organization license at a secondary site holder  
1270 agrees to provide a loan of at least \$100,000 and mentorship to  
1271 incubate a licensee that qualifies as a social equity applicant  
1272 for at least a year. As used in this subparagraph, the term  
1273 "incubate" means providing direct financial assistance and  
1274 training necessary to engage in licensed cannabis industry

1275 activity similar to that of the host licensee. The early  
1276 approval adult use dispensing organization license holder or the  
1277 same entity holding any other licenses issued under this chapter  
1278 shall not take an ownership stake of greater than 10 percent in  
1279 any business receiving incubation services to comply with this  
1280 paragraph. If an early approval adult use dispensing  
1281 organization license at a secondary site holder fails to find a  
1282 business to incubate in order to comply with this paragraph  
1283 before its early approval adult use dispensing organization  
1284 license at a secondary site expires, it may opt to meet the  
1285 requirement of this paragraph by completing another item from  
1286 this paragraph before the expiration of its early approval adult  
1287 use dispensing organization license at a secondary site to avoid  
1288 a penalty; or

1289 5. Participate in a sponsorship program for at least 2  
1290 years approved by the Department of Economic Opportunity in  
1291 which an early approval adult use dispensing organization  
1292 License at a secondary site holder agrees to provide an  
1293 interest-free loan of at least \$200,000 to a social equity  
1294 applicant. The sponsor shall not take an ownership stake of  
1295 greater than 10 percent in any business receiving sponsorship  
1296 services to comply with this paragraph.

1297 (f) The license fee required by subparagraph (d)1. is in  
1298 addition to any license fee required for the renewal of a  
1299 medical marijuana treatment center license.

1300        (g) Applicants must submit all required information,  
1301 including the requirements in paragraph (d) to the department.  
1302 Failure by an applicant to submit all required information may  
1303 result in the application being disqualified.

1304        (h) If the department receives an application that fails  
1305 to provide the required elements contained in paragraph (d), the  
1306 department shall issue a deficiency notice to the applicant. The  
1307 applicant shall have 10 calendar days after the date of the  
1308 deficiency notice to submit complete information. Applications  
1309 that are still incomplete after this opportunity to cure may be  
1310 disqualified.

1311        (i) Once all required information and documents have been  
1312 submitted, the department will review the application. The  
1313 Department may request revisions and retains final approval over  
1314 dispensary features. Once the application is complete and meets  
1315 the department's approval, it shall conditionally approve the  
1316 license. Final approval is contingent on the build-out and  
1317 department inspection.

1318        (j) Upon submission of the early approval adult use  
1319 dispensing organization at a secondary site application, the  
1320 applicant shall request an inspection and the department may  
1321 inspect the early approval adult use dispensing organization's  
1322 secondary site to confirm compliance with the application and  
1323 this chapter.

1324        (k) The department shall only issue an early approval

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1325 adult use dispensing organization license at a secondary site  
1326 after the completion of a successful inspection.

1327 (1) If an applicant passes the inspection under this  
1328 subsection, the department shall issue the early approval adult  
1329 use dispensing organization license at a secondary site within  
1330 10 business days unless:

1331 1. The licensee; principal officer, board member, or  
1332 person having a financial or voting interest of 5 percent or  
1333 greater in the licensee; or agent is delinquent in filing any  
1334 required tax returns or paying any amounts owed to the state; or

1335 2. The department determines there is reason, based on  
1336 documented compliance violations, the licensee is not entitled  
1337 to an early approval adult use dispensing organization license  
1338 at its secondary site.

1339 (m) Once the department has issued a license, the  
1340 dispensing organization shall notify the department of the  
1341 proposed opening date.

1342 (n) A medical marijuana treatment center that obtains an  
1343 early approval adult use dispensing organization license at a  
1344 secondary site may begin selling cannabis, cannabis-infused  
1345 products, paraphernalia, and related items to purchasers under  
1346 the rules of this chapter no earlier than January 1, 2023.

1347 (o) If there is a shortage of cannabis or cannabis-infused  
1348 products, a dispensing organization that is a medical marijuana  
1349 treatment center under s. 381.986 and is licensed under this

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1350 section shall prioritize serving qualifying patients and  
1351 caregivers before serving purchasers.

1352 (p) An early approval adult use dispensing organization  
1353 license at a secondary site is valid until March 31, 2024. A  
1354 treatment center that obtains an early approval adult use  
1355 dispensing organization license at a secondary site shall  
1356 receive written or electronic notice 90 days before the  
1357 expiration of the license that the license will expire, and  
1358 inform the license holder that it may renew its early approval  
1359 adult use dispensing organization license at a secondary site.  
1360 the department shall renew an early approval adult use  
1361 dispensing organization license at a secondary site within 60  
1362 days of submission of the renewal application being deemed  
1363 complete if:

1364 1. The dispensing organization submits an application and  
1365 the required nonrefundable renewal fee as provided in s.  
1366 566.801, to be deposited into the Alcoholic Beverage, Marijuana,  
1367 and Tobacco Trust Fund;

1368 2. The person's or entity's early approval adult use  
1369 dispensing organization license or a medical marijuana treatment  
1370 center license has not been suspended or revoked for violation  
1371 of applicable statutes or rules; and

1372 3. The dispensing organization has completed a social  
1373 equity inclusion plan as required by this section.

1374 (q) The early approval adult use dispensing organization

1375 licensee at a secondary site renewed pursuant to paragraph (p)  
1376 shall receive written or electronic notice 90 days before the  
1377 expiration of the license that the license will expire, and  
1378 inform the license holder that it may apply for an adult use  
1379 dispensing organization license. The department shall grant an  
1380 adult use dispensing organization license within 60 days after  
1381 an application is deemed complete if the applicant has meet all  
1382 of the criteria for such a license.

1383 (r) If a dispensing organization fails to submit an  
1384 application for renewal of an early approval adult use  
1385 dispensing organization license or for an adult use dispensing  
1386 organization license before the expiration dates provided in  
1387 paragraphs (p) and (q), the dispensing organization shall cease  
1388 serving purchasers until it receives a renewal or an adult use  
1389 dispensing organization license.

1390 (s) A medical marijuana treatment center agent who holds a  
1391 valid medical marijuana treatment center agent identification  
1392 card issued under s. 381.986 and is an officer, director,  
1393 manager, or employee of the medical marijuana treatment center  
1394 licensed under this section may engage in all activities  
1395 authorized by this chapter to be performed by a medical  
1396 marijuana treatment center agent.

1397 (t) If the department suspends or revokes the early  
1398 approval adult use dispensing organization license of a  
1399 dispensing organization that is also holds a medical marijuana



1400 treatment center, the Department of Health may consider the  
1401 suspension or revocation as grounds to take disciplinary action  
1402 against the medical marijuana treatment center.

1403 (u) All fees or fines collected from an early approval  
1404 adult use dispensary organization license at a secondary site  
1405 holder as a result of a disciplinary action in the enforcement  
1406 of this chapter shall be deposited into the Alcoholic Beverage,  
1407 Marijuana, and Tobacco Trust Fund and be appropriated to the  
1408 department for the ordinary and contingent expenses of the  
1409 department in the administration and enforcement of this  
1410 section.

1411 (16) All fees collected pursuant to this section shall be  
1412 deposited into the Alcoholic Beverage, Marijuana, and Tobacco  
1413 Trust Fund, unless otherwise specified.

1414 566.203 Awarding of conditional adult use dispensing  
1415 organization licenses.-

1416 (1) The department shall issue up to 75 conditional adult  
1417 use dispensing organization licenses before May 1, 2023.

1418 (2) The department shall make the application for a  
1419 conditional adult use dispensing organization license available  
1420 no later than October 1, 2022, and shall accept applications no  
1421 later than January 1, 2023.

1422 (3) To ensure the geographic dispersion of conditional  
1423 adult use dispensing organization licenseholders, the number of  
1424 licenses shall be awarded in each BLS region as determined by

1425 each region's percentage of the state's population.

1426 (4) An applicant seeking issuance of a conditional adult  
 1427 use dispensing organization license shall submit an application  
 1428 on forms provided by the department. An applicant must meet the  
 1429 following requirements:

1430 (a) Payment of a nonrefundable application fee of as  
 1431 provided in s. 588.801 for each license for which the applicant  
 1432 is applying, which shall be deposited into the Alcoholic  
 1433 Beverage, Marijuana, and Tobacco Trust Fund.

1434 (b) Certification that the applicant will comply with the  
 1435 requirements of this chapter.

1436 (c) The legal name of the proposed dispensing  
 1437 organization.

1438 (d) A statement that the dispensing organization agrees to  
 1439 respond to the department's supplemental requests for  
 1440 information.

1441 (e) From each principal officer, a statement indicating  
 1442 whether that person:

1443 1. Has previously held or currently holds an ownership  
 1444 interest in a cannabis business establishment in this state; or

1445 2. Has held an ownership interest in a dispensing  
 1446 organization or its equivalent in another state or territory of  
 1447 the United States that had the dispensing organization  
 1448 registration or license suspended, revoked, placed on  
 1449 probationary status, or subjected to other disciplinary action.

1450        (f) Disclosure of whether any principal officer has ever  
1451 filed for bankruptcy or defaulted on spousal support or child  
1452 support obligation.

1453        (g) A résumé for each principal officer, including whether  
1454 that person has an academic degree, certification, or relevant  
1455 experience with a cannabis business establishment or in a  
1456 related industry.

1457        (h) A description of the training and education that will  
1458 be provided to dispensing organization agents.

1459        (i) A copy of the proposed operating bylaws.

1460        (j) A copy of the proposed business plan that complies  
1461 with the requirements in this chapter, including, at a minimum,  
1462 the following:

1463            1. A description of services to be offered.

1464            2. A description of the process of dispensing cannabis.

1465        (k) A copy of the proposed security plan that complies  
1466 with the requirements in this chapter, including:

1467            1. The process or controls that will be implemented to  
1468 monitor the dispensary, secure the premises, agents, and  
1469 currency, and prevent the diversion, theft, or loss of cannabis.

1470            2. The process to ensure that access to the restricted  
1471 access areas is restricted to, registered agents, service  
1472 professionals, transporting organization agents, department  
1473 inspectors, and security personnel.

1474        (l) A proposed inventory control plan that complies with

1475 this section.

1476 (m) A proposed floor plan, a square footage estimate, and  
1477 a description of proposed security devices, including, without  
1478 limitation, cameras, motion detectors, servers, video storage  
1479 capabilities, and alarm service providers.

1480 (n) The name, address, social security number, and date of  
1481 birth of each principal officer and board member of the  
1482 dispensing organization; each of those individuals shall be at  
1483 least 21 years of age.

1484 (o) Evidence of the applicant's status as a social equity  
1485 applicant, if applicable, and whether such applicant plans to  
1486 apply for a loan or grant issued by the Department Economic  
1487 Opportunity.

1488 (p) The address, telephone number, and e-mail address of  
1489 the applicant's principal place of business, if applicable. A  
1490 post office box is not permitted.

1491 (q) Written summaries of any information regarding  
1492 instances in which a business or not-for-profit that a  
1493 prospective board member previously managed or served on were  
1494 fined or censured, or any instances in which a business or not-  
1495 for-profit that a prospective board member previously managed or  
1496 served on had its registration suspended or revoked in any  
1497 administrative or judicial proceeding.

1498 (r) A plan for community engagement.

1499 (s) Procedures to ensure accurate recordkeeping and

1500 security measures that are in accordance with this chapter and  
1501 department rules.

1502 (t) The estimated volume of cannabis it plans to store at  
1503 the dispensary.

1504 (u) A description of the features that will provide  
1505 accessibility to purchasers as required by the Americans with  
1506 Disabilities Act.

1507 (v) A detailed description of air treatment systems that  
1508 will be installed to reduce odors.

1509 (w) A reasonable assurance that the issuance of a license  
1510 will not have a detrimental impact on the community in which the  
1511 applicant wishes to locate.

1512 (x) The dated signature of each principal officer.

1513 (y) A description of the enclosed, locked facility where  
1514 cannabis will be stored by the dispensing organization.

1515 (z) Signed statements from each dispensing organization  
1516 agent stating that he or she will not divert cannabis.

1517 (aa) The number of licenses it is applying for in each BLS  
1518 region.

1519 (bb) A diversity plan that includes a narrative of at  
1520 least 2,500 words that establishes a goal of diversity in  
1521 ownership, management, employment, and contracting to ensure  
1522 that diverse participants and groups are afforded equality of  
1523 opportunity.

1524 (cc) A contract with a private security contractor that is

1525 licensed under part III of chapter 493 in order for the  
1526 dispensary to have adequate security at its facility.

1527 (5) An applicant who receives a conditional adult use  
1528 dispensing organization license under this section has 180 days  
1529 after the date of award to identify a physical location for the  
1530 dispensing organization retail storefront. Before a conditional  
1531 licensee receives an authorization to build out the dispensing  
1532 organization from the department, the department shall inspect  
1533 the physical space selected by the conditional licensee. The  
1534 department shall verify the site is suitable for public access,  
1535 the layout promotes the safe dispensing of cannabis, the  
1536 location is sufficient in size, power allocation, lighting,  
1537 parking, handicapped accessible parking spaces, accessible entry  
1538 and exits as required by the Americans with Disabilities Act,  
1539 product handling, and storage. The applicant shall also provide  
1540 a statement of reasonable assurance that the issuance of a  
1541 license will not have a detrimental impact on the community. The  
1542 applicant shall also provide evidence that the location is not  
1543 within 1,500 feet of an existing dispensing organization. If an  
1544 applicant is unable to find a suitable physical address in the  
1545 opinion of the department within 180 days after the issuance of  
1546 the conditional adult use dispensing organization license, the  
1547 department may extend the period for finding a physical address  
1548 another 180 days if the conditional adult use dispensing  
1549 organization licenseholder demonstrates concrete attempts to

1550 secure a location and a hardship. If the department denies the  
1551 extension or the conditional adult use dispensing organization  
1552 licenseholder is unable to find a location or become operational  
1553 within 360 days after being awarded a conditional license, the  
1554 department shall rescind the conditional license and award it to  
1555 the next highest scoring applicant in the BLS region for which  
1556 the license was assigned, provided the applicant receiving the  
1557 license:

1558 (a) Confirms a continued interest in operating a  
1559 dispensing organization.

1560 (b) Can provide evidence that the applicant continues to  
1561 meet the financial requirements provided in subsection (3).

1562 (c) Has not otherwise become ineligible to be awarded a  
1563 dispensing organization license. If the new awardee is unable to  
1564 accept the conditional adult use dispensing organization  
1565 license, the department shall award the conditional adult use  
1566 dispensing organization license to the next highest scoring  
1567 applicant in the same manner. The new awardee shall be subject  
1568 to the same required deadlines as provided in this subsection.

1569 (6) If, within 180 days after being awarded a conditional  
1570 adult use dispensing organization license, a dispensing  
1571 organization is unable to find a location within the BLS region  
1572 in which it was awarded a conditional adult use dispensing  
1573 organization license because no jurisdiction within the BLS  
1574 region allows for the operation of an adult use dispensing

1575 organization, the department may authorize the conditional adult  
1576 use dispensing organization licenseholder to transfer its  
1577 license to a BLS region specified by the department.

1578 (7) A dispensing organization that is awarded a  
1579 conditional adult use dispensing organization license pursuant  
1580 to the criteria in s. 566.202 shall not purchase, possess, sell,  
1581 or dispense cannabis or cannabis-infused products until the  
1582 person has received an adult use dispensing organization license  
1583 issued by the department pursuant to s. 566.2032. The department  
1584 shall not issue an adult use dispensing organization license  
1585 until:

1586 (a) The department has inspected the dispensary site and  
1587 proposed operations and verified that they are in compliance  
1588 with this chapter and local zoning laws.

1589 (b) The conditional adult use dispensing organization  
1590 licenseholder has paid a registration fee as provided in s.  
1591 566.801, or a prorated amount accounting for the difference of  
1592 time between when the adult use dispensing organization license  
1593 is issued and March 31 of the next even-numbered year.

1594 (8) The department shall conduct a background check of the  
1595 prospective organization agents in order to carry out its duties  
1596 under this chapter. The Department of Law Enforcement may charge  
1597 a fee as provided in s. 943.053. Each person applying as a  
1598 dispensing organization agent shall submit a full set of  
1599 fingerprints to the Department of Law Enforcement for the



1600 purpose of obtaining a state and federal criminal records check.  
1601 These fingerprints shall be checked against the fingerprint  
1602 records now and hereafter, to the extent allowed by law, filed  
1603 in the Department of Law Enforcement criminal history records  
1604 databases. The Department of Law Enforcement shall furnish,  
1605 following positive identification, all this state conviction  
1606 information to the department.

1607 (9) Applicants for a conditional adult use dispensing  
1608 organization license must submit all required information,  
1609 including the information required in s. 566.203, to the  
1610 department. Failure by an applicant to submit all required  
1611 information may result in the application being disqualified.

1612 (10) If the department receives an application that fails  
1613 to provide the required elements contained in this section, the  
1614 department shall issue a deficiency notice to the applicant. The  
1615 applicant shall have 10 calendar days after the date of the  
1616 deficiency notice to resubmit the incomplete information.  
1617 Applications that are still incomplete after this opportunity to  
1618 cure will not be scored and will be disqualified.

1619 (11) The department shall award up to 250 points to  
1620 complete applications based on the sufficiency of the  
1621 applicant's responses to required information. Applicants will  
1622 be awarded points based on a determination that the application  
1623 satisfactorily includes the following elements:

1624 (a) Suitability of Employee Training Plan.-(15 points).

1625 The plan includes an employee training plan that demonstrates  
1626 that employees will understand the rules and laws to be followed  
1627 by dispensary employees, have knowledge of any security measures  
1628 and operating procedures of the dispensary, and are able to  
1629 advise purchasers on how to safely consume cannabis and use  
1630 individual products offered by the dispensary.

1631 (b) Security and Recordkeeping.—(65 points).

1632 1. The security plan accounts for the prevention of the  
1633 theft or diversion of cannabis. The security plan demonstrates  
1634 safety procedures for dispensary agents and purchasers, and safe  
1635 delivery and storage of cannabis and currency. It demonstrates  
1636 compliance with all security requirements in this section and  
1637 rules.

1638 2. A plan for recordkeeping, tracking, and monitoring  
1639 inventory, quality control, and other policies and procedures  
1640 that will promote standard recordkeeping and discourage unlawful  
1641 activity. This plan includes the applicant's strategy to  
1642 communicate with the department and the Department of Law  
1643 Enforcement on the destruction and disposal of cannabis. The  
1644 plan must also demonstrate compliance with this chapter and  
1645 rules.

1646 3. The security plan shall also detail which private  
1647 security contractor licensed under part III of chapter 493 the  
1648 dispensary will contract with in order to provide adequate  
1649 security at its facility.

1650 (c) Applicant's Business Plan, Financials, Operating and  
1651 Floor Plan.-(65 points).

1652 1. The business plan shall describe, at a minimum, how the  
1653 dispensing organization will be managed on a long-term basis.  
1654 This shall include a description of the dispensing  
1655 organization's point-of-sale system, purchases and denials of  
1656 sale, confidentiality, and products and services to be offered.  
1657 It will demonstrate compliance with this chapter and rules.

1658 2. The operating plan shall include, at a minimum, best  
1659 practices for day-to-day dispensary operation and staffing. The  
1660 operating plan may also include information about employment  
1661 practices, including information about the percentage of full-  
1662 time employees who will be provided a living wage.

1663 3. The proposed floor plan is suitable for public access,  
1664 the layout promotes safe dispensing of cannabis, is compliant  
1665 with the Americans with Disabilities Act, and facilitates safe  
1666 product handling and storage.

1667 (d) Knowledge and Experience.-(30 points).

1668 1. The applicant's principal officers must demonstrate  
1669 experience and qualifications in business management or  
1670 experience with the cannabis industry. This includes ensuring  
1671 optimal safety and accuracy in the dispensing and sale of  
1672 cannabis.

1673 2. The applicant's principal officers must demonstrate  
1674 knowledge of various cannabis product strains or varieties and

1675 describe the types and quantities of products planned to be  
1676 sold. This includes confirmation of whether the dispensing  
1677 organization plans to sell cannabis paraphernalia or edibles.

1678 3. Knowledge and experience may be demonstrated through  
1679 experience in other comparable industries that reflect on  
1680 applicant's ability to operate a cannabis business  
1681 establishment.

1682 (e) Status as a Social Equity Applicant.-(50 points). The  
1683 applicant meets the qualifications for a social equity applicant  
1684 as set forth in this chapter.

1685 (f) Labor and Employment Practices.-(5 points). The  
1686 applicant may describe plans to provide a safe, healthy, and  
1687 economically beneficial working environment for its agents,  
1688 including, but not limited to, codes of conduct, health care  
1689 benefits, educational benefits, retirement benefits, living wage  
1690 standards, and entering a labor peace agreement with employees.

1691 (g) Environmental Plan.-(5 points): The applicant may  
1692 demonstrate an environmental plan of action to minimize the  
1693 carbon footprint, environmental impact, and resource needs for  
1694 the dispensary, which may include, without limitation, recycling  
1695 cannabis product packaging.

1696 (h) Florida Owner.-(5 points). The applicant is 51 percent  
1697 or more owned and controlled by a Florida resident, who can  
1698 prove residency in each of the past 5 years with tax records.

1699 (i) Status as a Veteran.-(5 points). The applicant is 51

1700 percent or more controlled and owned by an individual or  
1701 individuals who meet the qualifications of a veteran as defined  
1702 s. 1.01(14).

1703 (j) A Diversity Plan.—(5 points). The plan shall include a  
1704 narrative of not more than 2,500 words that establishes a goal  
1705 of diversity in ownership, management, employment, and  
1706 contracting to ensure that diverse participants and groups are  
1707 afforded equality of opportunity.

1708 (12) The department may also award up to 2 bonus points  
1709 for a plan to engage with the community. The applicant may  
1710 demonstrate a desire to engage with its community by  
1711 participating in one or more of, but not limited to, the  
1712 following actions:

1713 1. Establishment of an incubator program designed to  
1714 increase participation in the cannabis industry by persons who  
1715 would qualify as social equity applicants;

1716 2. Providing financial assistance to substance abuse  
1717 treatment centers;

1718 3. Educating children and teens about the potential harms  
1719 of cannabis use; or

1720 4. Other measures demonstrating a commitment to the  
1721 applicant's community. Bonus points will only be awarded if the  
1722 department receives applications that receive an equal score for  
1723 a particular region.

1724 (13) The department may verify information contained in

1725 each application and accompanying documentation to assess the  
1726 applicant's veracity and fitness to operate a dispensing  
1727 organization.

1728 (14) The department may, in its discretion, refuse to  
1729 issue an authorization to any applicant:

1730 (a) Who is unqualified to perform the duties required of  
1731 the applicant;

1732 (b) Who fails to disclose or states falsely any  
1733 information called for in the application;

1734 (c) Who has been found guilty of a violation of this  
1735 chapter, or whose medical marijuana dispensary license, early  
1736 approval adult use dispensing organization license, or early  
1737 approval adult use dispensing organization license at a  
1738 secondary site, or early approval cultivation center license was  
1739 suspended, restricted, revoked, or denied for just cause, or the  
1740 applicant's cannabis business establishment license was  
1741 suspended, restricted, revoked, or denied in any other state; or

1742 (d) Who has engaged in a pattern or practice of unfair or  
1743 illegal practices, methods, or activities in the conduct of  
1744 owning a cannabis business establishment or other business.

1745 (15) The department shall deny the license if any  
1746 principal officer, board member, or person having a financial or  
1747 voting interest of 5 percent or greater in the licensee is  
1748 delinquent in filing any required tax returns or paying any  
1749 amounts owed to the state.

1750       (16) The department shall verify an applicant's compliance  
 1751 with the requirements of this chapter and rules before issuing a  
 1752 dispensing organization license.

1753       (17) Should the applicant be awarded a license, the  
 1754 information and plans provided in the application, including any  
 1755 plans submitted for bonus points, shall become a condition of  
 1756 the conditional adult use dispensing organization license,  
 1757 except as otherwise provided by this chapter or rule. Dispensing  
 1758 organizations have a duty to disclose any material changes to  
 1759 the application. The department shall review all material  
 1760 changes disclosed by the dispensing organization, and may re-  
 1761 evaluate its prior decision regarding the awarding of a license,  
 1762 including, but not limited to, suspending or revoking a license.  
 1763 Failure to comply with the conditions or requirements in the  
 1764 application may subject the dispensing organization to  
 1765 discipline, up to and including suspension or revocation of its  
 1766 authorization or license by the department.

1767       (18) If an applicant has not begun operating as a  
 1768 dispensing organization within one year of the issuance of the  
 1769 conditional adult use dispensing organization license, the  
 1770 department may revoke the conditional adult use dispensing  
 1771 organization license and award it to the next highest scoring  
 1772 applicant in the BLS region if a suitable applicant indicates a  
 1773 continued interest in the license or begin a new selection  
 1774 process to award a conditional adult use dispensing organization

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1775 license.

1776 (19) The department shall deny an application if granting  
1777 that application would result in a single person or entity  
1778 having a direct or indirect financial interest in more than 10  
1779 early approval adult use dispensing organization licenses,  
1780 conditional adult use dispensing organization licenses, or adult  
1781 use dispensing organization licenses. Any entity that is awarded  
1782 a license that results in a single person or entity having a  
1783 direct or indirect financial interest in more than 10 licenses  
1784 shall forfeit the most recently issued license and suffer a  
1785 penalty to be determined by the department, unless the entity  
1786 declines the license at the time it is awarded.

1787 566.2031 Conditional adult use dispensing organization  
1788 license after January 1, 2024.—

1789 (1) In addition to any of the licenses issued under this  
1790 chapter, by December 21, 2022, the department shall issue up to  
1791 110 conditional adult use dispensing organization licenses,  
1792 pursuant to the application process under this section. Before  
1793 issuing such licenses, the department may adopt rules through  
1794 emergency rulemaking in accordance with chapter 120. Such rules  
1795 may:

1796 (a) Modify or change the BLS regions as they apply to this  
1797 chapter or modify or raise the number of adult conditional use  
1798 dispensing organization licenses assigned to each region based  
1799 on the following factors:



- 1800        1. Purchaser wait times.
- 1801        2. Travel time to the nearest dispensary for potential  
 1802 purchasers.
- 1803        3. Percentage of cannabis sales occurring in this state  
 1804 not in the regulated market and tourism data from the Visit  
 1805 Florida to ascertain total cannabis consumption in this state  
 1806 compared to the amount of sales in licensed dispensing  
 1807 organizations.
- 1808        4. Whether there is an adequate supply of cannabis and  
 1809 cannabis-infused products to serve registered medical cannabis  
 1810 patients.
- 1811        5. Population increases or shifts.
- 1812        6. Density of dispensing organizations in a region;
- 1813        7. The department's capacity to appropriately regulate  
 1814 additional licenses.
- 1815        8. Any other criteria the department deems relevant.
- 1816        (b) Make modifications to remedy evidence of  
 1817 discrimination.
- 1818        (2) After January 1, 2024, the department may by rule  
 1819 modify or raise the number of adult use dispensing organization  
 1820 licenses assigned to each region, and modify or change the  
 1821 licensing application process to reduce or eliminate barriers  
 1822 based on the criteria in subsection (1). At no time shall the  
 1823 department issue more than 500 adult use dispensary organization  
 1824 licenses.

1825 566.2032 Adult use dispensing organization license.-

1826 (1) A person is only eligible to receive an adult use  
1827 dispensing organization if the person has been awarded a  
1828 conditional adult use dispensing organization license pursuant  
1829 to this chapter or has renewed its license pursuant to s.  
1830 566.202(11) or (12).

1831 (2) The department shall not issue an adult use dispensing  
1832 organization license until:

1833 (a) The department has inspected the dispensary site and  
1834 proposed operations and verified that they are in compliance  
1835 with this chapter and local zoning laws;

1836 (b) The conditional adult use dispensing organization  
1837 licenseholder has paid a registration fee as provided in s.  
1838 566.801 or a prorated amount accounting for the difference of  
1839 time between when the adult use dispensing organization license  
1840 is issued and March 31 of the next even-numbered year; or

1841 (c) The conditional adult use dispensing organization  
1842 licenseholder has met all the requirements in this chapter and  
1843 rules.

1844 (3) A person or entity may not hold any legal, equitable,  
1845 ownership, or beneficial interest, directly or indirectly, of  
1846 more than 10 dispensing organizations licensed under this  
1847 chapter. Further, no person or entity that is:

1848 (a) Employed by, is an agent of, or participates in the  
1849 management of a dispensing organization or registered medical

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1850 marijuana dispensary;

1851 (b) A principal officer of a dispensing organization or  
1852 registered medical marijuana dispensary; or

1853 (c) An entity controlled by or affiliated with a principal  
1854 officer of a dispensing organization or registered medical  
1855 marijuana dispensary;

1856  
1857 shall hold any legal, equitable, ownership, or beneficial  
1858 interest, directly or indirectly, in a dispensing organization  
1859 that would result in such person or entity owning or  
1860 participating in the management of more than 10 dispensing  
1861 organizations. For the purpose of this paragraph, the term  
1862 "participating in management" includes, without limitation,  
1863 controlling decisions regarding staffing, pricing, purchasing,  
1864 marketing, store design, hiring, and website design.

1865 (4) The department shall deny an application if granting  
1866 that application would result in a person or entity obtaining  
1867 direct or indirect financial interest in more than 10 early  
1868 approval adult use dispensing organization licenses, conditional  
1869 adult use dispensing organization licenses, adult use dispensing  
1870 organization licenses, or any combination thereof. If a person  
1871 or entity is awarded a conditional adult use dispensing  
1872 organization license that would cause the person or entity to be  
1873 in violation of this subsection, he, she, or it shall choose  
1874 which license application it wants to abandon and such licenses

1875 shall become available to the next qualified applicant in the  
1876 region in which the abandoned license was awarded.

1877 566.2033 Dispensing organization agent identification  
1878 card; agent training.-

1879 (1) The department shall:

1880 (a) Verify the information contained in an application or  
1881 renewal for a dispensing organization agent identification card  
1882 submitted under this chapter, and approve or deny an application  
1883 or renewal, within 30 days after receiving a completed  
1884 application or renewal application and all supporting  
1885 documentation required by rule.

1886 (b) Issue a dispensing organization agent identification  
1887 card to a qualifying agent within 15 business days after  
1888 approving the application or renewal.

1889 (c) Enter the registry identification number of the  
1890 dispensing organization where the agent works.

1891 (d) By July 1, 2023, allow for an electronic application  
1892 process and provide a confirmation by electronic or other  
1893 methods that an application has been submitted.

1894 (e) Collect a nonrefundable fee as provided in s. 566.801  
1895 from the applicant to be deposited into the Alcoholic Beverage,  
1896 Marijuana, and Tobacco Trust Fund.

1897 (2) A dispensing agent must keep his or her identification  
1898 card visible at all times when on the property of the dispensing  
1899 organization.

1900           (3) The dispensing organization agent identification cards  
 1901 shall contain the following:

1902           (a) The name of the cardholder.

1903           (b) The date of issuance and expiration date of the  
 1904 dispensing organization agent identification cards.

1905           (c) A random 10-digit alphanumeric identification number  
 1906 containing at least four numbers and at least four letters that  
 1907 is unique to the cardholder.

1908           (d) A photograph of the cardholder.

1909           (4) The dispensing organization agent identification cards  
 1910 shall be immediately returned to the dispensing organization  
 1911 upon termination of employment.

1912           (5) The department shall not issue an agent identification  
 1913 card if the applicant is delinquent in filing any required tax  
 1914 returns or paying any amounts owed to the state.

1915           (6) A card lost by a dispensing organization agent shall  
 1916 be reported to the Department of Law Enforcement and the  
 1917 department immediately upon discovery of the loss.

1918           (7) An applicant shall be denied a dispensing organization  
 1919 agent identification card if he or she fails to complete the  
 1920 training provided for in this section.

1921           (8) A dispensing organization agent shall only be required  
 1922 to hold one card for the same employer regardless of what type  
 1923 of dispensing organization license the employer holds.

1924           (9) Cannabis retail sales training requirements.

1925 (a) Within 90 days after September 1, 2022, or 90 days  
1926 after employment, whichever is later, all owners, managers,  
1927 employees, and agents involved in the handling or sale of  
1928 cannabis or cannabis-infused product employed by an adult use  
1929 dispensing organization or medical marijuana dispensary shall  
1930 attend and successfully complete a responsible vendor program.

1931 (b) Each owner, manager, employee, and agent of an adult  
1932 use dispensing organization or medical marijuana dispensary  
1933 shall successfully complete the program annually.

1934 (c) Responsible vendor program training modules shall  
1935 include at least 2 hours of instruction time approved by the  
1936 department including:

1937 1. Health and safety concerns of cannabis use, including  
1938 the responsible use of cannabis, its physical effects, onset of  
1939 physiological effects, recognizing signs of impairment, and  
1940 appropriate responses in the event of overconsumption.

1941 2. Training on laws and regulations on driving while under  
1942 the influence.

1943 3. Sales to minors prohibition. Training shall cover all  
1944 relevant state laws and rules.

1945 4. Quantity limitations on sales to purchasers. Training  
1946 shall cover all relevant state laws and rules.

1947 5. Acceptable forms of identification. Training shall  
1948 include:

1949 a. How to check identification.

- 1950        b. Common mistakes made in verification.
- 1951        6. Safe storage of cannabis.
- 1952        7. Compliance with all inventory tracking system
- 1953 regulations.
- 1954        8. Waste handling, management, and disposal.
- 1955        9. Health and safety standards.
- 1956        10. Maintenance of records.
- 1957        11. Security and surveillance requirements.
- 1958        12. Permitting inspections by state and local licensing
- 1959 and enforcement authorities.
- 1960        13. Privacy issues.
- 1961        14. Packaging and labeling requirement for sales to
- 1962 purchasers.
- 1963        15. Other areas as determined by rule.
- 1964        (10) Upon the successful completion of the responsible
- 1965 vendor program, the provider shall deliver proof of completion
- 1966 either through mail or electronic communication to the
- 1967 dispensing organization, which shall retain a copy of the
- 1968 certificate.
- 1969        (11) The license of a dispensing organization or medical
- 1970 marijuana dispensary whose owners, managers, employees, or
- 1971 agents fail to comply with this section may be suspended or
- 1972 revoked under s. 566.2068 or may face other disciplinary action.
- 1973        (12) The regulation of dispensing organization and medical
- 1974 cannabis dispensing employer and employee training is an

1975 exclusive function of the state, and regulation by a unit of  
 1976 local government, is prohibited.

1977 (13) Persons seeking department approval to offer the  
 1978 training required by paragraph (9)(c) may apply for such  
 1979 approval between August 1 and August 15 of each odd-numbered  
 1980 year in a manner prescribed by the department.

1981 (14) Persons seeking department approval to offer the  
 1982 training required by paragraph (9)(c) shall submit a  
 1983 nonrefundable application fee as provided in s. 566.801 to be  
 1984 deposited into the Alcoholic Beverage, Marijuana, and Tobacco  
 1985 Trust Fund or a fee as may be set by rule. Any changes made to  
 1986 the training module shall be approved by the department.

1987 (15) The department shall not unreasonably deny approval  
 1988 of a training module that meets all the requirements of  
 1989 paragraph (9)(c). A denial of approval shall include a detailed  
 1990 description of the reasons for the denial.

1991 (16) Any person approved to provide the training required  
 1992 by paragraph (9)(c) shall submit an application for re-approval  
 1993 between August 1 and August 15 of each odd-numbered year and  
 1994 include a non-refundable application fee as provided in s.  
 1995 566.801 to be deposited into the Alcoholic Beverage, Marijuana,  
 1996 and Tobacco Trust Fund or a fee as may be set by rule.

1997 566.20331 Renewal of adult use dispensing organization  
 1998 licenses.—

1999 (1) Adult use dispensing organization licenses shall



2000 expire on March 31 of even-numbered years.

2001 (2) Agent identification cards shall expire 1 year after  
 2002 the date they are issued.

2003 (3) Licensees and dispensing agents shall submit a renewal  
 2004 applications as provided by the department and pay the renewal  
 2005 fees provided in s. 566.801(3)(b) and (4)(a)1., respectively.  
 2006 The department shall require an agent, employee, contracting,  
 2007 and subcontracting diversity report and an environmental impact  
 2008 report with its renewal application. No license or agent  
 2009 identification card shall be renewed if it is currently under  
 2010 revocation or suspension for violation of this chapter or any  
 2011 rules that may be adopted under this chapter or the licensee,  
 2012 principal officer, board member, person having a financial or  
 2013 voting interest of 5 percent or greater in the licensee, or  
 2014 agent is delinquent in filing any required tax returns or paying  
 2015 any amounts owed to the state.

2016 (4) Renewal fees collected under subsection (3) are to be  
 2017 deposited into the Alcoholic Beverage, Marijuana, and Tobacco  
 2018 Trust Fund.

2019 (5) If a dispensing organization fails to renew its  
 2020 license before expiration, the dispensing organization shall  
 2021 cease operations until the license is renewed.

2022 (6) If a dispensing organization agent fails to renew his  
 2023 or her registration before its expiration, he or she shall cease  
 2024 to perform duties authorized by this chapter at a dispensing

2025 organization until his or her registration is renewed.

2026 (7) Any dispensing organization that continues to operate  
 2027 or dispensing agent that continues to perform duties authorized  
 2028 by this chapter at a dispensing organization that fails to renew  
 2029 its license is subject to penalty as provided in this chapter,  
 2030 or any rules that may be adopted pursuant to this chapter.

2031 (8) The department shall not renew a license if the  
 2032 applicant is delinquent in filing any required tax returns or  
 2033 paying any amounts owed to the state. The department shall not  
 2034 renew a dispensing agent identification card if the applicant is  
 2035 delinquent in filing any required tax returns or paying any  
 2036 amounts owed to the state.

2037 566.20332 Disclosure of ownership and control.—

2038 (1) Each dispensing organization applicant and licensee  
 2039 shall file and maintain a table of organization, ownership, and  
 2040 control with the department. The table of organization,  
 2041 ownership, and control shall contain the information required by  
 2042 this section in sufficient detail to identify all owners,  
 2043 directors, and principal officers, and the title of each  
 2044 principal officer or business entity that, through direct or  
 2045 indirect means, manages, owns, or controls the applicant or  
 2046 licensee.

2047 (2) The table of organization, ownership, and control  
 2048 shall identify the following information:

2049 (a) The management structure, ownership, and control of

2050 the applicant or licenseholder, including the name of each  
2051 principal officer or business entity, the office or position  
2052 held, and the percentage ownership interest, if any. If the  
2053 business entity has a parent company, the name of each owner,  
2054 board member, and officer of the parent company and his or her  
2055 percentage ownership interest in the parent company and the  
2056 dispensing organization.

2057 (b) If the applicant or licensee is a business entity with  
2058 publicly traded stock, the identification of ownership shall be  
2059 provided as required in subsection (3).

2060 (3) If a business entity identified in subsection (2) is a  
2061 publicly traded company, the following information shall be  
2062 provided in the table of organization, ownership, and control:

2063 (a) The name and percentage of ownership interest of each  
2064 individual or business entity with ownership of more than 5  
2065 percent of the voting shares of the entity, to the extent such  
2066 information is known or contained in 13D or 13G Securities and  
2067 Exchange Commission filings.

2068 (b) To the extent known, the names and percentage of  
2069 interest of ownership of persons who are relatives of one  
2070 another and who together exercise control over or own more than  
2071 10 percent of the voting shares of the entity.

2072 (4) A dispensing organization with a parent company or  
2073 companies, or partially owned or controlled by another entity  
2074 must disclose to the department the relationship and all owners,

2075 board members, officers, or individuals with control or  
2076 management of those entities. A dispensing organization shall  
2077 not shield its ownership or control from the department.

2078 (5) All principal officers must submit a complete online  
2079 application with the department within 14 days after the  
2080 dispensing organization being licensed by the department or  
2081 within 14 days after department notice of approval as a new  
2082 principal officer.

2083 (6) A principal officer may not allow his or her  
2084 registration to expire.

2085 (7) A dispensing organization separating with a principal  
2086 officer must do so under this chapter. The principal officer  
2087 must communicate the separation to the department within 5  
2088 business days.

2089 (8) A principal officer not in compliance with the  
2090 requirements of this chapter shall be removed from his or her  
2091 position with the dispensing organization or shall otherwise  
2092 terminate his or her affiliation. Failure to do so may subject  
2093 the dispensing organization to discipline, suspension, or  
2094 revocation of its license by the department.

2095 (9) It is the responsibility of the dispensing  
2096 organization and its principal officers to promptly notify the  
2097 department of any change of the principal place of business  
2098 address, hours of operation, change in ownership or control, or  
2099 a change of the dispensing organization's primary or secondary

2100 contact information. Any changes must be made to the department  
 2101 in writing.

2102 566.20333 Financial responsibility.—Evidence of financial  
 2103 responsibility is a requirement for the issuance, maintenance,  
 2104 or reactivation of a license under this chapter. Evidence of  
 2105 financial responsibility shall be used to guarantee that the  
 2106 dispensing organization timely and successfully completes  
 2107 dispensary construction, operates in a manner that provides an  
 2108 uninterrupted supply of cannabis, faithfully pays registration  
 2109 renewal fees, keeps accurate books and records, makes regularly  
 2110 required reports, complies with state tax requirements, and  
 2111 conducts the dispensing organization in conformity with this  
 2112 chapter and rules. Evidence of financial responsibility shall be  
 2113 provided by one of the following:

2114 (1) Establishing and maintaining an escrow or surety  
 2115 account in a financial institution in the amount of \$50,000,  
 2116 with escrow terms, approved by the department, that it shall be  
 2117 payable to the department in the event of circumstances outlined  
 2118 in this chapter and rules.

2119 (a) A financial institution may not return money in an  
 2120 escrow or surety account to the dispensing organization that  
 2121 established the account or a representative of the organization  
 2122 unless the organization or representative presents a statement  
 2123 issued by the department indicating that the account may be  
 2124 released.

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2125 (b) The escrow or surety account shall not be canceled on  
2126 less than 30 days' notice in writing to the department, unless  
2127 otherwise approved by the department. If an escrow or surety  
2128 account is canceled and the registrant fails to secure a new  
2129 account with the required amount on or before the effective date  
2130 of cancellation, the registrant's registration may be revoked.  
2131 The total and aggregate liability of the surety on the bond is  
2132 limited to the amount specified in the escrow or surety account.

2133 (2) Providing a surety bond in the amount of \$50,000,  
2134 naming the dispensing organization as principal of the bond,  
2135 with terms, approved by the department, that the bond defaults  
2136 to the department in the event of circumstances outlined in this  
2137 chapter and rules. Bond terms shall include:

2138 (a) The business name and registration number on the bond  
2139 must correspond exactly with the business name and registration  
2140 number in the department's records.

2141 (b) The bond must be written on a form approved by the  
2142 department.

2143 (c) A copy of the bond must be received by the department  
2144 within 90 days after the effective date.

2145 (d) The bond shall not be canceled by a surety on less  
2146 than 30 days' notice in writing to the department. If a bond is  
2147 canceled and the registrant fails to file a new bond with the  
2148 department in the required amount on or before the effective  
2149 date of cancellation, the registrant's registration may be

2150 revoked. The total and aggregate liability of the surety on the  
 2151 bond is limited to the amount specified in the bond.

2152 566.20334 Changes to a dispensing organization.-

2153 (1) A license shall be issued to the specific dispensing  
 2154 organization identified on the application and for the specific  
 2155 location proposed. The license is valid only as designated on  
 2156 the license and for the location for which it is issued.

2157 (2) A dispensing organization may only add principal  
 2158 officers after being approved by the department.

2159 (3) A dispensing organization shall provide written notice  
 2160 of the removal of a principal officer within 5 business days  
 2161 after removal. The notice shall include the written agreement of  
 2162 the principal officer being removed, unless otherwise approved  
 2163 by the department, and allocation of ownership shares after  
 2164 removal in an updated ownership chart.

2165 (4) A dispensing organization shall provide a written  
 2166 request to the department for the addition of principal  
 2167 officers. A dispensing organization shall submit proposed  
 2168 principal officer applications on forms approved by the  
 2169 department.

2170 (5) All proposed new principal officers shall be subject  
 2171 to the requirements of this chapter and any rules that may be  
 2172 adopted pursuant to this chapter.

2173 (6) The department may prohibit the addition of a  
 2174 principal officer to a dispensing organization for failure to

2175 comply with this chapter and any rules that may be adopted  
2176 pursuant to this chapter.

2177 (7) A dispensing organization may not assign a license.

2178 (8) A dispensing organization may not transfer a license  
2179 without prior department approval. Such approval may be withheld  
2180 if the person to whom the license is being transferred does not  
2181 commit to the same or a similar community engagement plan  
2182 provided as part of the dispensing organization's application  
2183 under s. 566.202(4), and such transferee's license shall be  
2184 conditional upon that commitment.

2185 (9) With the addition or removal of principal officers,  
2186 the department will review the ownership structure to determine  
2187 whether the change in ownership has had the effect of a transfer  
2188 of the license. The dispensing organization shall supply all  
2189 ownership documents requested by the department.

2190 (10) A dispensing organization may apply to the department  
2191 to approve a sale of the dispensing organization. A request to  
2192 sell the dispensing organization must be on application forms  
2193 provided by the department. A request for an approval to sell a  
2194 dispensing organization must comply with the following:

2195 (a) New application materials shall comply with this  
2196 chapter and any rules that may be adopted pursuant to this  
2197 chapter.

2198 (b) Application materials shall include a change of  
2199 ownership fee as provided in s. 566.801 to be deposited into the



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2200 Alcoholic Beverage, Marijuana, and Tobacco Trust Fund.

2201 (c) The application materials shall provide proof that the  
2202 transfer of ownership will not have the effect of granting any  
2203 of the owners or principal officers direct or indirect ownership  
2204 or control of more than 10 adult use dispensing organization  
2205 licenses.

2206 (d) New principal officers shall each complete the  
2207 proposed new principal officer application.

2208 (e) If the department approves the application materials  
2209 and proposed new principal officer applications, it will perform  
2210 an inspection before approving the sale and issuing the  
2211 dispensing organization license.

2212 (f) If a new license is approved, the department will  
2213 issue a new license number and certificate to the new dispensing  
2214 organization.

2215 (11) The dispensing organization shall provide the  
2216 department with the personal information for all new dispensing  
2217 organizations agents as required in this chapter and all new  
2218 dispensing organization agents shall be subject to the  
2219 requirements of this chapter. A dispensing organization agent  
2220 must obtain an agent identification card from the department  
2221 before beginning work at a dispensary.

2222 (12) Before remodeling, expansion, reduction, or other  
2223 physical, noncosmetic alteration of a dispensary, the dispensing  
2224 organization must notify the department and confirm the

2225 alterations are in compliance with this chapter and any rules  
2226 that may be adopted pursuant to this chapter.

2227 566.204 Administration.—

2228 (1) A dispensing organization shall establish, maintain,  
2229 and comply with written policies and procedures as submitted in  
2230 the business, financial and operating plans as required in this  
2231 chapter, or by rules established by the department, and approved  
2232 by the department, for the security, storage, inventory, and  
2233 distribution of cannabis. These policies and procedures shall  
2234 include methods for identifying, recording, and reporting  
2235 diversion, theft, or loss, and for correcting errors and  
2236 inaccuracies in inventories. At a minimum, dispensing  
2237 organizations shall ensure the written policies and procedures  
2238 provide for the following:

2239 (a) Mandatory and voluntary recalls of cannabis products.

2240 The policies shall be adequate to deal with recalls due to any  
2241 action initiated at the request of the department and any  
2242 voluntary action by the dispensing organization to remove  
2243 defective or potentially defective cannabis from the market or  
2244 any action undertaken to promote public health and safety,  
2245 including:

2246 1. A mechanism reasonably calculated to contact purchasers  
2247 who have, or likely have, obtained the product from the  
2248 dispensary, including information on the policy for return of  
2249 the recalled product.

2250           2. A mechanism to identify and contact the adult use  
 2251 cultivation center, craft grower, or infuser that manufactured  
 2252 the cannabis.

2253           3. Policies for communicating with the department and the  
 2254 Department of Health within 24 hours of discovering defective or  
 2255 potentially defective cannabis.

2256           4. Policies for destruction of any recalled cannabis  
 2257 product.

2258           (b) Responses to local, state, or national emergencies,  
 2259 including natural disasters, that affect the security or  
 2260 operation of a dispensary.

2261           (c) Segregation and destruction of outdated, damaged,  
 2262 deteriorated, misbranded, or adulterated cannabis. This  
 2263 procedure shall provide for written documentation of the  
 2264 cannabis disposition.

2265           (d) Ensure the oldest stock of a cannabis product is  
 2266 distributed first. The procedure may permit deviation from this  
 2267 requirement, if such deviation is temporary and appropriate.

2268           (e) Training of dispensing organization agents in this  
 2269 chapter and rules, to effectively operate the point-of-sale  
 2270 system and the state's verification system, proper inventory  
 2271 handling and tracking, specific uses of cannabis or cannabis-  
 2272 infused products, instruction regarding regulatory inspection  
 2273 preparedness and law enforcement interaction, awareness of the  
 2274 legal requirements for maintaining status as an agent, and other

2275 topics as specified by the dispensing organization or the  
2276 department. The dispensing organization shall maintain evidence  
2277 of all training provided to each agent in its files that is  
2278 subject to inspection and audit by the department. The  
2279 dispensing organization shall ensure agents receive a minimum of  
2280 8 hours of training subject to the requirements in s.  
2281 566.2033(9) annually, unless otherwise approved by the  
2282 department.

2283 (f) Maintenance of business records consistent with  
2284 industry standards, including bylaws, consents, manual or  
2285 computerized records of assets and liabilities, audits, monetary  
2286 transactions, journals, ledgers, and supporting documents,  
2287 including agreements, checks, invoices, receipts, and vouchers.  
2288 Records shall be maintained in a manner consistent with this  
2289 chapter and shall be retained for a minimum of 5 years.

2290 (g) Inventory control, including:  
2291 1. Tracking purchases and denials of sale.  
2292 2. Disposal of unusable or damaged cannabis as required by  
2293 this chapter and rules.

2294 (h) Purchaser education and support, including:  
2295 1. Whether possession of cannabis is illegal under federal  
2296 law.  
2297 2. Current educational information issued by the  
2298 department of Public Health about the health risks associated  
2299 with the use or abuse of cannabis.

- 2300        3. Information about possible side effects.
- 2301        4. Prohibition on smoking cannabis in public places.
- 2302        5. Offering any other appropriate purchaser education or
- 2303 support materials.

2304        (2) A dispensing organization shall maintain copies of the  
 2305 policies and procedures on the dispensary premises and provide  
 2306 copies to the department upon request. The dispensing  
 2307 organization shall review the dispensing organization policies  
 2308 and procedures at least once every 12 months from the issue date  
 2309 of the license and update as needed due to changes in industry  
 2310 standards or as requested by the department.

2311        (3) A dispensing organization shall ensure that each  
 2312 principal officer and each dispensing organization agent has a  
 2313 current agent identification card in the agent's immediate  
 2314 possession when the agent is at the dispensary.

2315        (4) A dispensing organization shall provide prompt written  
 2316 notice to the department, including the date of the event, when  
 2317 a dispensing organization agent no longer is employed by the  
 2318 dispensing organization.

2319        (5) A dispensing organization shall promptly document and  
 2320 report any loss or theft of cannabis from the dispensary to the  
 2321 Department of Law Enforcement and the department. It is the duty  
 2322 of any dispensing organization agent who becomes aware of the  
 2323 loss or theft to report it as provided in this chapter

2324        (6) A dispensing organization shall post the following

2325 information in a conspicuous location in an area of the  
 2326 dispensary accessible to consumers:  
 2327 (a) The dispensing organization's license.  
 2328 (b) The hours of operation.  
 2329 (7) Signage that shall be posted inside the premises.  
 2330 (a) All dispensing organizations must display a placard  
 2331 that states the following: "Cannabis consumption can impair  
 2332 cognition and driving, is for adult use only, may be habit  
 2333 forming, and should not be used by pregnant or breastfeeding  
 2334 women."  
 2335 (b) Any dispensing organization that sells edible  
 2336 cannabis-infused products must display a placard that states the  
 2337 following:  
 2338 1. "Edible cannabis-infused products were produced in a  
 2339 kitchen that may also process common food allergens"; and  
 2340 2. "The effects of cannabis products can vary from person  
 2341 to person, and it can take as long as 2 hours to feel the  
 2342 effects of some cannabis-infused products. Carefully review the  
 2343 portion size information and warnings contained on the product  
 2344 packaging before consuming."  
 2345 (c) All of the required signage in this subsection shall  
 2346 be no smaller than 24 inches tall by 36 inches wide, with typed  
 2347 letters no smaller than 2 inches. The signage shall be clearly  
 2348 visible and readable by customers. The signage shall be placed  
 2349 in the area where cannabis and cannabis-infused products are

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2350 sold and may be translated into additional languages as needed.  
2351 The department may require a dispensary to display the required  
2352 signage in a different language, other than English, if the  
2353 department deems it necessary.

2354 (8) A dispensing organization shall prominently post  
2355 notices inside the dispensing organization that state activities  
2356 that are strictly prohibited and punishable by law, including,  
2357 but not limited to:

2358 (a) No minors permitted on the premises unless the minor  
2359 is a minor qualifying patient.

2360 (b) Distribution to persons under the age of 21 is  
2361 prohibited.

2362 (c) Transportation of cannabis or cannabis products across  
2363 state lines is prohibited.

2364 566.2042 Operational requirements; prohibitions.-

2365 (1) A dispensing organization shall operate in accordance  
2366 with the representations made in its application and license  
2367 materials. It shall be in compliance with this chapter and  
2368 rules.

2369 (2) A dispensing organization must include the legal name  
2370 of the dispensary on the packaging of any cannabis product it  
2371 sells.

2372 (3) All cannabis, cannabis-infused products, and cannabis  
2373 seeds must be obtained from a registered adult use cultivation  
2374 center in this state, craft grower, infuser, or another

2375 dispensary.

2376 (4) Dispensing organizations are prohibited from selling  
2377 any product containing alcohol except tinctures, which must be  
2378 limited to containers that are no larger than 100 milliliters.

2379 (5) A dispensing organization shall inspect and count  
2380 product received by the adult use cultivation center before  
2381 dispensing it.

2382 (6) A dispensing organization may only accept cannabis  
2383 deliveries into a restricted access area. Deliveries may not be  
2384 accepted through the public or limited access areas unless  
2385 otherwise approved by the department.

2386 (7) A dispensing organization shall maintain compliance  
2387 with state and local building, fire, and zoning requirements or  
2388 regulations.

2389 (8) A dispensing organization shall submit a list to the  
2390 department of the names of all service professionals that will  
2391 work at the dispensary. The list shall include a description of  
2392 the type of business or service provided. Changes to the service  
2393 professional list shall be promptly provided. No service  
2394 professional shall work in the dispensary until the name is  
2395 provided to the department on the service professional list.

2396 (9) A dispensing organization's license allows for a  
2397 dispensary to be operated only at a single location.

2398 (10) A dispensary may operate between 6 a.m. and 10 p.m.  
2399 local time.



2400       (11) A dispensing organization must keep all lighting  
 2401 outside and inside the dispensary in good working order and  
 2402 wattage sufficient for security cameras.

2403       (12) A dispensing organization shall ensure that any  
 2404 building or equipment used by a dispensing organization for the  
 2405 storage or sale of cannabis is maintained in a clean and  
 2406 sanitary condition.

2407       (13) The dispensary shall be free from infestation by  
 2408 insects, rodents, or pests.

2409       (14) A dispensing organization shall not:

2410       (a) Produce or manufacture cannabis.

2411       (b) Accept a cannabis product from an adult use  
 2412 cultivation center, craft grower, infuser, dispensing  
 2413 organization, or transporting organization unless it is pre-  
 2414 packaged and labeled in accordance with this chapter and any  
 2415 rules that may be adopted pursuant to this chapter.

2416       (c) Obtain cannabis or cannabis-infused products from  
 2417 outside this state.

2418       (d) Sell cannabis or cannabis-infused products to a  
 2419 purchaser unless the dispensary organization is a medical  
 2420 marijuana treatment center, and the individual is a registered  
 2421 under s. 381.986 or the purchaser has been verified to be over  
 2422 the age of 21.

2423       (e) Enter into an exclusive agreement with any adult use  
 2424 cultivation center, craft grower, or infuser. Dispensaries shall

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2425 provide consumers an assortment of products from various  
2426 cannabis business establishment licensees such that the  
2427 inventory available for sale at any dispensary from any single  
2428 cultivation center, craft grower, processor, or infuser entity  
2429 shall not be more than 40 percent of the total inventory  
2430 available for sale. For the purpose of this subsection, a  
2431 cultivation center, craft grower, processor, or infuser shall be  
2432 considered part of the same entity if the licensees share at  
2433 least one principal officer. The department may request that a  
2434 dispensary diversify its products as needed or otherwise  
2435 discipline a dispensing organization for violating this  
2436 requirement.

2437 (f) Refuse to conduct business with an adult use  
2438 cultivation center, craft grower, transporting organization, or  
2439 infuser that has the ability to properly deliver the product and  
2440 is permitted by the Department of Agriculture, on the same terms  
2441 as other adult use cultivation centers, craft growers, infusers,  
2442 or transporters with whom it is dealing.

2443 (g) Operate drive-through windows.

2444 (h) Allow for the dispensing of cannabis or cannabis-  
2445 infused products in vending machines.

2446 (i) Transport cannabis to residences or other locations  
2447 where purchasers may be for delivery.

2448 (j) Enter into agreements to allow persons who are not  
2449 dispensing organization agents to deliver cannabis or to

2450 transport cannabis to purchasers.

2451 (k) Operate a dispensary if its video surveillance  
 2452 equipment is inoperative.

2453 (l) Operate a dispensary if the point-of-sale equipment is  
 2454 inoperative.

2455 (m) Operate a dispensary if the state's cannabis  
 2456 electronic verification system is inoperative.

2457 (n) Have fewer than two people working at the dispensary  
 2458 at any time while the dispensary is open.

2459 (o) Be located within 1,500 feet of the property line of a  
 2460 pre-existing dispensing organization.

2461 (p) Sell clones or any other live plant material.

2462 (q) Sell cannabis, cannabis concentrate, or cannabis-  
 2463 infused products in combination or bundled with each other or  
 2464 any other items for one price, and each item of cannabis,  
 2465 concentrate, or cannabis-infused product must be separately  
 2466 identified by quantity and price on the receipt.

2467 (r) Violate any other requirements or prohibitions set by  
 2468 department rules.

2469 (15) It is unlawful for any person having an early  
 2470 approval adult use cannabis dispensing organization license, a  
 2471 conditional adult use cannabis dispensing organization, an adult  
 2472 use dispensing organization license, or is a medical marijuana  
 2473 treatment center or any officer, associate, member,  
 2474 representative, or agent of such licensee to accept, receive, or

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2475 borrow money or anything else of value or accept or receive  
2476 credit, other than merchandising credit in the ordinary course  
2477 of business for a period not to exceed 30 days, directly or  
2478 indirectly, from any adult use cultivation center, craft grower,  
2479 infuser, or transporting organization. This includes anything  
2480 received or borrowed or from any stockholders, officers, agents,  
2481 or persons connected with an adult use cultivation center, craft  
2482 grower, infuser, or transporting organization. This also  
2483 excludes any received or borrowed in exchange for preferential  
2484 placement by the dispensing organization, including preferential  
2485 placement on the dispensing organization's shelves, display  
2486 cases, or website.

2487 (16) It is unlawful for any person having an early  
2488 approval adult use cannabis dispensing organization license, a  
2489 conditional adult use cannabis dispensing organization, an adult  
2490 use dispensing organization license, or is a medical marijuana  
2491 treatment center to enter into any contract with any person  
2492 licensed to cultivate, process, or transport cannabis whereby  
2493 such dispensary organization agrees not to sell any cannabis  
2494 cultivated, processed, transported, manufactured, or distributed  
2495 by any other cultivator, transporter, or infuser, and any  
2496 provision in any contract in violation of this section shall  
2497 render the whole of such contract void and no action shall be  
2498 brought thereon in any court.

2499 566.2043 Inventory control system.-

2500       (1) A dispensing organization agent-in-charge shall have  
2501 primary oversight of the dispensing organization's cannabis  
2502 inventory verification system, and its point-of-sale system. The  
2503 inventory point-of-sale system shall be real-time, web-based,  
2504 and accessible by the department at any time. The point-of-sale  
2505 system shall track, at a minimum the date of sale, amount,  
2506 price, and currency.

2507       (2) A dispensing organization shall establish an account  
2508 with the state's verification system that documents:

2509       (a) Each sales transaction at the time of sale and each  
2510 day's beginning inventory, acquisitions, sales, disposal, and  
2511 ending inventory.

2512       (b) Acquisition of cannabis and cannabis-infused products  
2513 from a licensed adult use cultivation center, craft grower,  
2514 infuser, or transporter, including:

2515       1. A description of the products, including the quantity,  
2516 strain, variety, and batch number of each product received.

2517       2. The name and registry identification number of the  
2518 licensed adult use cultivation center, craft grower, or infuser  
2519 providing the cannabis and cannabis-infused products.

2520       3. The name and registry identification number of the  
2521 licensed adult use cultivation center, craft grower, infuser, or  
2522 transportation agent delivering the cannabis.

2523       4. The name and registry identification number of the  
2524 dispensing organization agent receiving the cannabis.

2525 5. The date of acquisition.

2526 (c) The disposal of cannabis, including:

2527 1. A description of the products, including the quantity,  
2528 strain, variety, batch number, and reason for the cannabis being  
2529 disposed.

2530 2. The method of disposal.

2531 3. The date and time of disposal.

2532 (3) Upon cannabis delivery, a dispensing organization  
2533 shall confirm the product's name, strain name, weight, and  
2534 identification number on the manifest matches the information on  
2535 the cannabis product label and package. The product name listed  
2536 and the weight listed in the state's verification system shall  
2537 match the product packaging.

2538 (a) The agent-in-charge shall conduct daily inventory  
2539 reconciliation documenting and balancing cannabis inventory by  
2540 confirming the state's verification system matches the  
2541 dispensing organization's point-of-sale system and the amount of  
2542 physical product at the dispensary.

2543 (b) A dispensing organization must receive department  
2544 approval before completing an inventory adjustment. It shall  
2545 provide a detailed reason for the adjustment. Inventory  
2546 adjustment documentation shall be kept at the dispensary for 2  
2547 years after the date performed.

2548 (c) If the dispensing organization identifies an imbalance  
2549 in the amount of cannabis after the daily inventory

2550 reconciliation due to mistake, the dispensing organization shall  
2551 determine how the imbalance occurred and immediately upon  
2552 discovery take and document corrective action. If the dispensing  
2553 organization cannot identify the reason for the mistake within 2  
2554 calendar days after first discovery, it shall inform the  
2555 department immediately in writing of the imbalance and the  
2556 corrective action taken to date. The dispensing organization  
2557 shall work diligently to determine the reason for the mistake.

2558 (d) If the dispensing organization identifies an imbalance  
2559 in the amount of cannabis after the daily inventory  
2560 reconciliation or through other means due to theft, criminal  
2561 activity, or suspected criminal activity, the dispensing  
2562 organization shall immediately determine how the reduction  
2563 occurred and take and document corrective action. Within 24  
2564 hours after the first discovery of the reduction due to theft,  
2565 criminal activity, or suspected criminal activity, the  
2566 dispensing organization shall inform the department and the  
2567 Department of Law Enforcement in writing.

2568 (e) The dispensing organization shall file an annual  
2569 compilation report with the department, including a financial  
2570 statement that shall include, but not be limited to, an income  
2571 statement, balance sheet, profit and loss statement, statement  
2572 of cash flow, wholesale cost and sales, and any other  
2573 documentation requested by the department in writing. The  
2574 financial statement shall include any other information the

2575 department deems necessary in order to effectively administer  
2576 this chapter and all rules, orders, and final decisions  
2577 promulgated under this chapter. Statements required by this  
2578 section shall be filed with the department within 60 days after  
2579 the end of the calendar year. The compilation report shall  
2580 include a letter authored by a licensed certified public  
2581 accountant that it has been reviewed and is accurate based on  
2582 the information provided. The dispensing organization, financial  
2583 statement, and accompanying documents are not required to be  
2584 audited unless specifically requested by the department.

2585 (4) A dispensing organization shall:

2586 (a) Maintain the documentation required in this section in  
2587 a secure locked location at the dispensing organization for 5  
2588 years after the date on the document.

2589 (b) Provide any documentation required to be maintained in  
2590 this section to the department for review upon request.

2591 (c) If maintaining a bank account, retain for a period of  
2592 5 years a record of each deposit or withdrawal from the account.

2593 (5) If a dispensing organization chooses to have a return  
2594 policy for cannabis and cannabis products, the dispensing  
2595 organization shall seek prior approval from the department.

2596 566.2044 Storage requirements.—

2597 (1) A dispensing organization must store inventory on its  
2598 premises. All inventory stored on the premises must be secured  
2599 in a restricted access area and tracked consistently with the



2600 inventory tracking rules.

2601 (2) A dispensary shall be of suitable size and  
 2602 construction to facilitate cleaning, maintenance, and proper  
 2603 operations.

2604 (3) A dispensary shall maintain adequate lighting,  
 2605 ventilation, temperature, humidity control, and equipment.

2606 (4) Containers storing cannabis that have been tampered  
 2607 with, damaged, or opened shall be labeled with the date opened  
 2608 and quarantined from other cannabis products in the vault until  
 2609 they are disposed.

2610 (5) Cannabis that was tampered with, expired, or damaged  
 2611 shall not be stored at the premises for more than 7 calendar  
 2612 days.

2613 (6) Cannabis samples shall be in a sealed container.  
 2614 Samples shall be maintained in the restricted access area.

2615 (7) The dispensary storage areas shall be maintained in  
 2616 accordance with the security requirements in this chapter and  
 2617 rules.

2618 (8) Cannabis must be stored at appropriate temperatures  
 2619 and under appropriate conditions to help ensure that its  
 2620 packaging, strength, quality, and purity are not adversely  
 2621 affected.

2622 566.2046 Dispensing cannabis.—

2623 (1) Before a dispensing organization agent dispenses  
 2624 cannabis to a purchaser, the agent shall:

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2625        (a) Verify the age of the purchaser by checking a  
2626 government-issued identification card by use of an electronic  
2627 reader or electronic scanning device to scan a purchaser's  
2628 government-issued identification, if applicable, to determine  
2629 the purchaser's age and the validity of the identification.

2630        (b) Verify the validity of the government-issued  
2631 identification card.

2632        (c) Offer any appropriate purchaser education or support  
2633 materials.

2634        (d) Enter the following information into the state's  
2635 cannabis electronic verification system:

2636            1. The dispensing organization agent's identification  
2637 number.

2638            2. The dispensing organization's identification number.

2639            3. The amount, type, including strain, if applicable, of  
2640 cannabis or cannabis-infused product dispensed.

2641            4. The date and time the cannabis was dispensed.

2642        (2) A dispensing organization shall refuse to sell  
2643 cannabis or cannabis-infused products to any person unless the  
2644 person produces a valid identification showing that the person  
2645 is 21 years of age or older. A medical cannabis dispensing  
2646 organization may sell cannabis or cannabis-infused products to a  
2647 person who is under 21 years of age if the sale complies with  
2648 the provisions of the Compassionate Use of Medical Cannabis  
2649 Pilot Program Act and rules.

2650 (3) For the purposes of this section, valid identification  
 2651 must:

2652 (a) Be valid and unexpired.

2653 (b) Contain a photograph and the date of birth of the  
 2654 person.

2655 566.2047 Destruction and disposal of cannabis.-

2656 (1) Cannabis and cannabis-infused products must be  
 2657 destroyed by rendering them unusable using methods approved by  
 2658 the department that comply with this chapter and rules.

2659 (2) Cannabis waste rendered unusable must be promptly  
 2660 disposed according to this chapter and rules. Disposal of the  
 2661 cannabis waste rendered unusable may be delivered to a permitted  
 2662 solid waste facility for final disposition. Acceptable permitted  
 2663 solid waste facilities include, but are not limited to:

2664 (a) Compostable mixed waste: compost, anaerobic digester,  
 2665 or other facility with approval of the jurisdictional health  
 2666 department.

2667 (b) Noncompostable mixed waste: Landfill, incinerator, or  
 2668 other facility with approval of the jurisdictional health  
 2669 department.

2670 (3) All waste and unusable product shall be weighed,  
 2671 recorded, and entered into the inventory system before rendering  
 2672 it unusable. All waste and unusable cannabis concentrates and  
 2673 cannabis-infused products shall be recorded and entered into the  
 2674 inventory system before rendering it unusable. Verification of

2675 this event shall be performed by an agent-in-charge and  
2676 conducted in an area with video surveillance.

2677 (4) Electronic documentation of destruction and disposal  
2678 shall be maintained for a period of at least 5 years.

2679 566.2048 Agent-in-charge.-

2680 (1) Every dispensing organization shall designate, at a  
2681 minimum, one agent-in-charge for each licensed dispensary. The  
2682 designated agent-in-charge must hold a dispensing organization  
2683 agent identification card. Maintaining an agent-in-charge is a  
2684 continuing requirement for the license, except as provided in  
2685 subsection (6).

2686 (2) The agent-in-charge shall be a principal officer or a  
2687 full-time agent of the dispensing organization and shall manage  
2688 the dispensary. Managing the dispensary includes, but is not  
2689 limited to, responsibility for opening and closing the  
2690 dispensary, delivery acceptance, oversight of sales and  
2691 dispensing organization agents, recordkeeping, inventory,  
2692 dispensing organization agent training, and compliance with this  
2693 chapter and rules. Participation in affairs also includes the  
2694 responsibility for maintaining all files subject to audit or  
2695 inspection by the department at the dispensary.

2696 (3) The agent-in-charge is responsible for promptly  
2697 notifying the department of any change of information required  
2698 to be reported to the department.

2699 (4) In determining whether an agent-in-charge manages the

2700 dispensary, the department may consider the responsibilities  
2701 identified in this section, the number of dispensing  
2702 organization agents under the supervision of the agent-in-  
2703 charge, and the employment relationship between the agent-in-  
2704 charge and the dispensing organization, including the existence  
2705 of a contract for employment and any other relevant fact or  
2706 circumstance.

2707 (5) The agent-in-charge is responsible for notifying the  
2708 department of a change in the employment status of all  
2709 dispensing organization agents within 5 business days after the  
2710 change, including notice to the department if the termination of  
2711 an agent was for diversion of product or theft of currency.

2712 (6) In the event of the separation of an agent-in-charge  
2713 due to death, incapacity, termination, or any other reason and  
2714 if the dispensary does not have an active agent-in-charge, the  
2715 dispensing organization shall immediately contact the department  
2716 and request a temporary certificate of authority allowing the  
2717 continuing operation. The request shall include the name of an  
2718 interim agent-in-charge until a replacement is identified, or  
2719 shall include the name of the replacement. The department shall  
2720 issue the temporary certificate of authority promptly after it  
2721 approves the request. If a dispensing organization fails to  
2722 promptly request a temporary certificate of authority after the  
2723 separation of the agent-in-charge, its registration shall cease  
2724 until the department approves the temporary certificate of

2725 authority or registers a new agent-in-charge. No temporary  
2726 certificate of authority shall be valid for more than 90 days.  
2727 The succeeding agent-in-charge shall register with the  
2728 department in compliance with this chapter. Once the permanent  
2729 succeeding agent-in-charge is registered with the department,  
2730 the temporary certificate of authority is void. No temporary  
2731 certificate of authority shall be issued for the separation of  
2732 an agent-in-charge due to disciplinary action by the department  
2733 related to his or her conduct on behalf of the dispensing  
2734 organization.

2735 (7) The dispensing organization agent-in-charge  
2736 registration shall expire one year after the date it is issued.  
2737 The agent-in-charge's registration shall be renewed annually.  
2738 The department shall review the dispensing organization's  
2739 compliance history when determining whether to grant the request  
2740 to renew.

2741 (8) Upon termination of an agent-in-charge's employment,  
2742 the dispensing organization shall immediately reclaim the  
2743 dispensing agent identification card. The dispensing  
2744 organization shall promptly return the identification card to  
2745 the department.

2746 (9) The department may deny an application or renewal or  
2747 discipline or revoke an agent-in-charge identification card for  
2748 any of the following reasons:

2749 (a) Submission of misleading, incorrect, false, or

2750 fraudulent information in the application or renewal  
2751 application;  
2752 (b) Violation of the requirements of this chapter or  
2753 rules;  
2754 (c) Fraudulent use of the agent-in-charge identification  
2755 card;  
2756 (d) Selling, distributing, transferring in any manner, or  
2757 giving cannabis to any unauthorized person;  
2758 (e) Theft of cannabis, currency, or any other items from a  
2759 dispensary;  
2760 (f) Tampering with, falsifying, altering, modifying, or  
2761 duplicating an agent-in-charge identification card;  
2762 (g) Tampering with, falsifying, altering, or modifying the  
2763 surveillance video footage, point-of-sale system, or the state's  
2764 verification system;  
2765 (h) Failure to notify the department immediately upon  
2766 discovery that the agent-in-charge identification card has been  
2767 lost, stolen, or destroyed;  
2768 (i) Failure to notify the department within 5 business  
2769 days after a change in the information provided in the  
2770 application for an agent-in-charge identification card;  
2771 (j) Conviction of a felony offense in accordance with or  
2772 any incident listed in this chapter or rules following the  
2773 issuance of an agent-in-charge identification card;  
2774 (k) Dispensing to purchasers in amounts above the limits

2775 provided in this chapter; or

2776 (1) Delinquency in filing any required tax returns or  
2777 paying any amounts owed to the state.

2778 566.20485 Security.—

2779 (1) A dispensing organization shall implement security  
2780 measures to deter and prevent entry into and theft of cannabis  
2781 or currency.

2782 (2) A dispensing organization shall submit any changes to  
2783 the floor plan or security plan to the department for pre-  
2784 approval. All cannabis shall be maintained and stored in a  
2785 restricted access area during construction.

2786 (3) The dispensing organization shall implement security  
2787 measures to protect the premises, purchasers, and dispensing  
2788 organization agents, including, but not limited to, the  
2789 following:

2790 (a) Establish a locked door or barrier between the  
2791 facility's entrance and the limited access area.

2792 (b) Prevent individuals from remaining on the premises if  
2793 they are not engaging in activity permitted by this chapter or  
2794 rules.

2795 (c) Develop a policy that addresses the maximum capacity  
2796 and purchaser flow in the waiting rooms and limited access  
2797 areas.

2798 (d) Dispose of cannabis in accordance with this chapter  
2799 and rules.



2800        (e) During the hours of operation, store and dispense all  
2801 cannabis from the restricted access area. During operational  
2802 hours, cannabis shall be stored in an enclosed locked room or  
2803 cabinet and accessible only to specifically authorized  
2804 dispensing organization agents.

2805        (f) When the dispensary is closed, store all cannabis and  
2806 currency in a reinforced vault room in the restricted access  
2807 area and in a manner as to prevent diversion, theft, or loss.

2808        (g) Keep the reinforced vault room and any other equipment  
2809 or cannabis storage areas securely locked and protected from  
2810 unauthorized entry.

2811        (h) Keep an electronic daily log of dispensing  
2812 organization agents with access to the reinforced vault room and  
2813 knowledge of the access code or combination.

2814        (i) Keep all locks and security equipment in good working  
2815 order.

2816        (j) Maintain an operational security and alarm system at  
2817 all times.

2818        (k) Prohibit keys, if applicable, from being left in the  
2819 locks, or stored or placed in a location accessible to persons  
2820 other than specifically authorized personnel.

2821        (l) Prohibit accessibility of security measures, including  
2822 combination numbers, passwords, or electronic or biometric  
2823 security systems to persons other than specifically authorized  
2824 dispensing organization agents.

2825 (m) Ensure that the dispensary interior and exterior  
2826 premises are sufficiently lit to facilitate surveillance.

2827 (n) Ensure that trees, bushes, and other foliage outside  
2828 of the dispensary premises do not allow for a person or persons  
2829 to conceal themselves from sight.

2830 (o) Develop emergency policies and procedures for securing  
2831 all product and currency following any instance of diversion,  
2832 theft, or loss of cannabis, and conduct an assessment to  
2833 determine whether additional safeguards are necessary.

2834 (p) Develop sufficient additional safeguards in response  
2835 to any special security concerns, or as required by the  
2836 department.

2837 (4) The department may request or approve alternative  
2838 security provisions that it determines are an adequate  
2839 substitute for a security requirement specified in this chapter.  
2840 Any additional protections may be considered by the department  
2841 in evaluating overall security measures.

2842 (5) A dispensary organization may share premises with a  
2843 craft grower or an infuser organization, or both, provided each  
2844 licensee stores currency and cannabis or cannabis-infused  
2845 products in a separate secured vault to which the other licensee  
2846 does not have access or all licensees sharing a vault share more  
2847 than 50 percent of the same ownership.

2848 (6) A dispensing organization shall provide additional  
2849 security as needed and in a manner appropriate for the community

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2850 | where it operates.

2851 | (7) All restricted access areas must:

2852 | (a) Be identified by the posting of a sign that is a  
2853 | minimum of 12 inches by 12 inches and that states "Do Not Enter  
2854 | - Restricted Access Area - Authorized Personnel Only" in  
2855 | lettering no smaller than one inch in height.

2856 | (b) Be clearly described in the floor plan of the  
2857 | premises, in the form and manner determined by the department,  
2858 | reflecting walls, partitions, counters, and all areas of entry  
2859 | and exit. The floor plan shall show all storage, disposal, and  
2860 | retail sales areas.

2861 | (c) Be secure, with locking devices that prevent access  
2862 | from the limited access areas.

2863 | (8)(a) A dispensing organization shall have an adequate  
2864 | security plan and security system to prevent and detect  
2865 | diversion, theft, or loss of cannabis, currency, or unauthorized  
2866 | intrusion using commercial grade equipment installed by a  
2867 | licensed private alarm contractor or private alarm contractor  
2868 | agency that shall, at a minimum, include:

2869 | 1. A perimeter alarm on all entry points and glass  
2870 | break protection on perimeter windows.

2871 | 2. Security shatterproof tinted film on exterior windows.

2872 | 3. A failure notification system that provides an audible,  
2873 | text, or visual notification of any failure in the surveillance  
2874 | system, including, but not limited to, panic buttons, alarms,

2875 and video monitoring system. The failure notification system  
2876 shall provide an alert to designated dispensing organization  
2877 agents within 5 minutes after the failure, either by telephone  
2878 or text message.

2879 4. A duress alarm, panic button, and alarm, or holdup  
2880 alarm and after-hours intrusion detection alarm that by design  
2881 and purpose will directly or indirectly notify, by the most  
2882 efficient means, the public safety answering point for the law  
2883 enforcement agency having primary jurisdiction.

2884 5. Security equipment to deter and prevent unauthorized  
2885 entrance into the dispensary, including electronic door locks on  
2886 the limited and restricted access areas that include devices or  
2887 a series of devices to detect unauthorized intrusion that may  
2888 include a signal system interconnected with a radio frequency  
2889 method, cellular, private radio signals or other mechanical or  
2890 electronic device.

2891 (b) All security system equipment and recordings shall be  
2892 maintained in good working order, in a secure location so as to  
2893 prevent theft, loss, destruction, or alterations.

2894 (c) Access to surveillance monitoring recording equipment  
2895 shall be limited to persons who are essential to surveillance  
2896 operations, law enforcement authorities acting within their  
2897 jurisdiction, security system service personnel, and the  
2898 department. A current list of authorized dispensing organization  
2899 agents and service personnel that have access to the

2900 surveillance equipment must be available to the department upon  
2901 request.

2902 (d) All security equipment shall be inspected and tested  
2903 at regular intervals, not to exceed one month from the previous  
2904 inspection, and tested to ensure the systems remain functional.

2905 (e) The security system shall provide protection against  
2906 theft and diversion that is facilitated or hidden by tampering  
2907 with computers or electronic records.

2908 (f) The dispensary shall ensure all access doors are not  
2909 solely controlled by an electronic access panel to ensure that  
2910 locks are not released during a power outage.

2911 (9) To monitor the dispensary, the dispensing organization  
2912 shall incorporate continuous electronic video monitoring  
2913 including the following:

2914 (a) All monitors must be 19 inches or greater.

2915 (b) Unobstructed video surveillance of all enclosed  
2916 dispensary areas, unless prohibited by law, including all points  
2917 of entry and exit that shall be appropriate for the normal  
2918 lighting conditions of the area under surveillance. The cameras  
2919 shall be directed so all areas are captured, including, but not  
2920 limited to, safes, vaults, sales areas, and areas where cannabis  
2921 is stored, handled, dispensed, or destroyed. Cameras shall be  
2922 angled to allow for facial recognition, the capture of clear and  
2923 certain identification of any person entering or exiting the  
2924 dispensary area and in lighting sufficient during all times of

2925 | night or day.

2926 |       (c) Unobstructed video surveillance of outside areas, the  
 2927 | storefront, and the parking lot, that shall be appropriate for  
 2928 | the normal lighting conditions of the area under surveillance.  
 2929 | Cameras shall be angled so as to allow for the capture of facial  
 2930 | recognition, clear and certain identification of any person  
 2931 | entering or exiting the dispensary and the immediate surrounding  
 2932 | area, and license plates of vehicles in the parking lot.

2933 |       (d) Twenty-four hour recordings from all video cameras  
 2934 | available for immediate viewing by the department upon request.  
 2935 | Recordings shall not be destroyed or altered and shall be  
 2936 | retained for at least 90 days. Recordings shall be retained as  
 2937 | long as necessary if the dispensing organization is aware of the  
 2938 | loss or theft of cannabis or a pending criminal, civil, or  
 2939 | administrative investigation or legal proceeding for which the  
 2940 | recording may contain relevant information.

2941 |       (e) The ability to immediately produce a clear, color  
 2942 | still photo from the surveillance video, either live or  
 2943 | recorded.

2944 |       (f) A date and time stamp embedded on all video  
 2945 | surveillance recordings. The date and time shall be synchronized  
 2946 | and set correctly and shall not significantly obscure the  
 2947 | picture.

2948 |       (g) The ability to remain operational during a power  
 2949 | outage and ensure all access doors are not solely controlled by

2950 an electronic access panel to ensure that locks are not released  
2951 during a power outage.

2952 (h) All video surveillance equipment shall allow for the  
2953 exporting of still images in an industry standard image format,  
2954 including .jpg, .bmp, and .gif. Exported video shall have the  
2955 ability to be archived in a proprietary format that ensures  
2956 authentication of the video and guarantees that no alteration of  
2957 the recorded image has taken place. Exported video shall also  
2958 have the ability to be saved in an industry standard file format  
2959 that can be played on a standard computer operating system. All  
2960 recordings shall be erased or destroyed before disposal.

2961 (i) The video surveillance system shall be operational  
2962 during a power outage with a 4-hour minimum battery backup.

2963 (j) A video camera or cameras recording at each point-of-  
2964 sale location allowing for the identification of the dispensing  
2965 organization agent distributing the cannabis and any purchaser.  
2966 The camera or cameras shall capture the sale, the individuals  
2967 and the computer monitors used for the sale.

2968 (k) A failure notification system that provides an audible  
2969 and visual notification of any failure in the electronic video  
2970 monitoring system.

2971 (l) All electronic video surveillance monitoring must  
2972 record at least the equivalent of 8 frames per second and be  
2973 available as recordings to the department and the Department of  
2974 Law Enforcement 24 hours a day via a secure web-based portal

2975 | with reverse functionality.  
 2976 |       (10) The requirements contained in this chapter are  
 2977 | minimum requirements for operating a dispensing organization.  
 2978 | The department may establish additional requirements by rule.  
 2979 |       566.2049 Recordkeeping.—  
 2980 |       (1) Dispensing organization records must be maintained  
 2981 | electronically for 3 years and be available for inspection by  
 2982 | the department upon request. Required written records include,  
 2983 | but are not limited to, the following:  
 2984 |       (a) Operating procedures.  
 2985 |       (b) Inventory records, policies, and procedures.  
 2986 |       (c) Security records.  
 2987 |       (d) Audit records.  
 2988 |       (e) Staff training plans and completion documentation.  
 2989 |       (f) Staffing plan.  
 2990 |       (g) Business records, including, but not limited to:  
 2991 |       1. Assets and liabilities.  
 2992 |       2. Monetary transactions.  
 2993 |       3. Written or electronic accounts, including bank  
 2994 | statements, journals, ledgers, and supporting documents,  
 2995 | agreements, checks, invoices, receipts, and vouchers.  
 2996 |       4. Any other financial accounts reasonably related to the  
 2997 | dispensary operations.  
 2998 |       (2) Storage and transfer of records. If a dispensary  
 2999 | closes due to insolvency, revocation, bankruptcy, or for any



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3000 other reason, all records must be preserved at the expense of  
3001 the dispensing organization for at least 3 years in a form and  
3002 location in this state acceptable to the department. The  
3003 dispensing organization shall keep the records longer if  
3004 requested by the department. The dispensing organization shall  
3005 notify the department of the location where the dispensary  
3006 records are stored or transferred.

3007 566.205 Closure of a dispensary.—

3008 (1) If a dispensing organization decides not to renew its  
3009 license or decides to close its business, it shall promptly  
3010 notify the department not less than 3 months before the  
3011 effective date of the closing date or as otherwise authorized by  
3012 the department.

3013 (2) The dispensing organization shall work with the  
3014 department to develop a closure plan that addresses, at a  
3015 minimum, the transfer of business records, transfer of cannabis  
3016 products, and anything else the department finds necessary.

3017 566.206 Investigations.—

3018 (1) Dispensing organizations are subject to random and  
3019 unannounced dispensary inspections and cannabis testing by the  
3020 department, the Department of Law Enforcement, and local law  
3021 enforcement.

3022 (2) The department and its authorized representatives may  
3023 enter any place, including a vehicle, in which cannabis is held,  
3024 stored, dispensed, sold, produced, delivered, transported,

3025 manufactured, or disposed of and inspect, in a reasonable  
3026 manner, the place and all pertinent equipment, containers and  
3027 labeling, and all things, including records, files, financial  
3028 data, sales data, shipping data, pricing data, personnel data,  
3029 research, papers, processes, controls, and facility, and  
3030 inventory any stock of cannabis and obtain samples of any  
3031 cannabis or cannabis-infused product, any labels or containers  
3032 for cannabis, or paraphernalia.

3033 (3) The department may conduct an investigation of an  
3034 applicant, application, dispensing organization, principal  
3035 officer, dispensary agent, third party vendor, or any other  
3036 party associated with a dispensing organization for an alleged  
3037 violation of this chapter or rules or to determine  
3038 qualifications to be granted a registration by the department.

3039 (4) The department may require an applicant or holder of  
3040 any license issued pursuant to this chapter to produce  
3041 documents, records, or any other material pertinent to the  
3042 investigation of an application or alleged violations of this  
3043 chapter or rules. Failure to provide the required material may  
3044 be grounds for denial or discipline.

3045 (5) Every person charged with preparation, obtaining, or  
3046 keeping records, logs, reports, or other documents in connection  
3047 with this chapter and rules and every person in charge, or  
3048 having custody, of those documents shall, upon request by the  
3049 department, make the documents immediately available for

3050 inspection and copying by the department, the department's  
3051 authorized representative, or others authorized by law to review  
3052 the documents.

3053 566.2065 Citations.-The department may issue  
3054 nondisciplinary citations for minor violations. Any such  
3055 citation issued by the department may be accompanied by a fee.  
3056 The fee shall not exceed \$20,000 per violation. The citation  
3057 shall be issued to the licensee and shall contain the licensee's  
3058 name and address, the licensee's license number, a brief factual  
3059 statement, the sections of the law allegedly violated, and the  
3060 fee, if any, imposed. The citation must clearly state that the  
3061 licensee may choose, in lieu of accepting the citation, to  
3062 request a hearing. If the licensee does not dispute the matter  
3063 in the citation with the department within 30 days after the  
3064 citation is served, then the citation shall become final and not  
3065 subject to appeal. The penalty shall be a fee or other  
3066 conditions as established by rule.

3067 566.2068 Grounds for discipline.-

3068 (1) The department may deny issuance, refuse to renew or  
3069 restore, or may reprimand, place on probation, suspend, revoke,  
3070 or take other disciplinary or nondisciplinary action against any  
3071 license or agent identification card or may impose a fine for  
3072 any of the following:

3073 (a) Material misstatement in furnishing information to the  
3074 department.

- 3075 |       (b) Violations of this chapter or rules.
- 3076 |       (c) Obtaining an authorization or license by fraud or
- 3077 | misrepresentation.
- 3078 |       (d) A pattern of conduct that demonstrates incompetence or
- 3079 | that the applicant has engaged in conduct or actions that would
- 3080 | constitute grounds for discipline under this chapter.
- 3081 |       (e) Aiding or assisting another person in violating any
- 3082 | provision of this chapter or rules.
- 3083 |       (f) Failing to respond to a written request for
- 3084 | information by the department within 30 days.
- 3085 |       (g) Engaging in unprofessional, dishonorable, or unethical
- 3086 | conduct of a character likely to deceive, defraud, or harm the
- 3087 | public.
- 3088 |       (h) Adverse action by another United States jurisdiction
- 3089 | or foreign nation.
- 3090 |       (i) A finding by the department that the licensee, after
- 3091 | having his or her license placed on suspended or probationary
- 3092 | status, has violated the terms of the suspension or probation.
- 3093 |       (j) Conviction, entry of a plea of guilty, nolo
- 3094 | contendere, or the equivalent in a state or federal court of a
- 3095 | principal officer or agent-in-charge of a felony offense.
- 3096 |       (k) Excessive use or addiction to alcohol, narcotics,
- 3097 | stimulants, or any other chemical agent or drug.
- 3098 |       (l) A finding by the department of a discrepancy in a
- 3099 | department audit of cannabis.

3100 (m) A finding by the department of a discrepancy in a  
 3101 department audit of capital or funds.

3102 (n) A finding by the department of acceptance of cannabis  
 3103 from a source other than an adult use cultivation center, craft  
 3104 grower, infuser, or transporting organization licensed by the  
 3105 department, or a dispensing organization licensed by the  
 3106 department.

3107 (o) An inability to operate using reasonable judgment,  
 3108 skill, or safety due to physical or mental illness or other  
 3109 impairment or disability, including, without limitation,  
 3110 deterioration through the aging process or loss of motor skills  
 3111 or mental incompetence.

3112 (p) Failing to report to the department within the time  
 3113 frames established, or if not identified, 14 days, of any  
 3114 adverse action taken against the dispensing organization or an  
 3115 agent by a licensing jurisdiction in any state or any territory  
 3116 of the United States or any foreign jurisdiction, any  
 3117 governmental agency, any law enforcement agency, or any court.

3118 (q) Any violation of the dispensing organization's  
 3119 policies and procedures submitted to the department annually as  
 3120 a condition for licensure.

3121 (r) Failure to inform the department of any change of  
 3122 address within 10 business days.

3123 (s) Disclosing customer names, personal information, or  
 3124 protected health information in violation of any state or

- 3125 federal law.
- 3126 (t) Operating a dispensary before obtaining a license from  
3127 the department.
- 3128 (u) Performing duties authorized by this chapter before  
3129 receiving a license to perform such duties.
- 3130 (v) Dispensing cannabis when prohibited by this chapter or  
3131 rules.
- 3132 (w) Any fact or condition that, if it had existed at the  
3133 time of the original application for the license, would have  
3134 warranted the denial of the license.
- 3135 (x) Permitting a person without a valid agent  
3136 identification card to perform licensed activities under this  
3137 chapter.
- 3138 (y) Failure to assign an agent-in-charge as required by  
3139 this chapter.
- 3140 (z) Failure to provide the responsible vendor training  
3141 required by s. 566.2033(9)(c) within the provided timeframe.
- 3142 (aa) Personnel insufficient in number or unqualified in  
3143 training or experience to properly operate the dispensary  
3144 business.
- 3145 (bb) Any pattern of activity that causes a harmful impact  
3146 on the community.
- 3147 (cc) Failing to prevent diversion, theft, or loss of  
3148 cannabis.
- 3149 (2) All fines and fees imposed under this section shall be

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3150 paid within 60 days after the effective date of the order  
3151 imposing the fine or as otherwise specified in the order.

3152 (3) A circuit court order establishing that an agent-in-  
3153 charge or principal officer holding an agent identification card  
3154 is subject to involuntary admission shall operate as a  
3155 suspension of that card.

3156 566.2069 Temporary suspension.—

3157 (1) The department may temporarily suspend a dispensing  
3158 organization license or an agent registration without a hearing  
3159 if the department finds that public safety or welfare requires  
3160 emergency action. The department shall cause the temporary  
3161 suspension by issuing a suspension notice in connection with the  
3162 institution of proceedings for a hearing.

3163 (2) If the department temporarily suspends a license or  
3164 agent registration without a hearing, the licensee or agent is  
3165 entitled to a hearing within 45 days after the suspension notice  
3166 has been issued. The hearing shall be limited to the issues  
3167 cited in the suspension notice, unless all parties agree  
3168 otherwise.

3169 (3) If the department does not hold a hearing with 45 days  
3170 after the date the suspension notice was issued, then the  
3171 suspended license or registration shall be automatically  
3172 reinstated and the suspension vacated.

3173 (4) The suspended licensee or agent may seek a continuance  
3174 of the hearing date, during which time the suspension remains in

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3175 effect and the license or registration shall not be  
3176 automatically reinstated.

3177 (5) Subsequently discovered causes of action by the  
3178 department after the issuance of the suspension notice may be  
3179 filed as a separate notice of violation. The department is not  
3180 precluded from filing a separate action against the suspended  
3181 licensee or agent.

3182 566.20695 Consent to administrative supervision order.—In  
3183 appropriate cases, the department may resolve a complaint  
3184 against a licensee or agent through the issuance of a consent  
3185 order for administrative supervision. A license or agent subject  
3186 to a consent order shall be considered by the department to hold  
3187 a license or registration in good standing.

3188 566.2072 Notice; hearing.—

3189 (1) The department shall, before disciplining an applicant  
3190 or licensee, at least 30 days before the date set for the  
3191 hearing:

3192 (a) Notify the accused in writing of the charges made and  
3193 the time and place for the hearing on the charges.

3194 (b) Direct him or her to file a written answer to the  
3195 charges under oath within 20 days after service.

3196 (c) Inform the applicant or licensee that failure to  
3197 answer will result in a default being entered against the  
3198 applicant or licensee.

3199 (2) At the time and place fixed in the notice, the hearing



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3200 officer appointed by the department shall proceed to hear the  
3201 charges, and the parties or their counsel shall be accorded  
3202 ample opportunity to present any pertinent statements,  
3203 testimony, evidence, and arguments. The hearing officer may  
3204 continue the hearing from time to time. In case the person,  
3205 after receiving the notice, fails to file an answer, his or her  
3206 license may, in the discretion of the department, having first  
3207 received the recommendation of the hearing officer, be  
3208 suspended, revoked, or placed on probationary status, or be  
3209 subject to whatever disciplinary action the department considers  
3210 proper, including a fine, without hearing, if that act or acts  
3211 charged constitute sufficient grounds for that action under this  
3212 chapter.

3213 (3) The written notice and any notice in the subsequent  
3214 proceeding may be served by regular mail or email to the  
3215 licensee's or applicant's address of record.

3216 566.2073 Subpoenas; oaths.—The department may subpoena and  
3217 bring before it any person and to take testimony either orally  
3218 or by deposition, or both, with the same fees and mileage and in  
3219 the same manner as prescribed by law in judicial proceedings in  
3220 civil cases in courts in this state. The department or the  
3221 hearing officer shall each have the power to administer oaths to  
3222 witnesses at any hearings that the department is authorized to  
3223 conduct.

3224 566.2074 Hearing; motion for rehearing.—

3225       (1) The hearing officer shall hear evidence in support of  
3226 the formal charges and evidence produced by the licensee. At the  
3227 conclusion of the hearing, the hearing officer shall present to  
3228 the department a written report of his or her findings of fact,  
3229 conclusions of law, and recommendations.

3230       (2) At the conclusion of the hearing, a copy of the  
3231 hearing officer's report shall be served upon the applicant or  
3232 licensee by the department, either personally or as provided in  
3233 this chapter for the service of a notice of hearing. Within 20  
3234 calendar days after service, the applicant or licensee may  
3235 present to the department a motion in writing for rehearing,  
3236 which shall specify the particular grounds for rehearing. The  
3237 department may respond to the motion for rehearing within 20  
3238 calendar days after its service on the department. If no motion  
3239 for rehearing is filed, then, upon the expiration of the time  
3240 specified for filing such motion or upon denial of a motion for  
3241 rehearing, the department may enter an order in accordance with  
3242 the recommendation of the hearing officer. If the applicant or  
3243 licensee orders from the reporting service and pays for a  
3244 transcript of the record within the time for filing a motion for  
3245 rehearing, the 20-day period within which a motion may be filed  
3246 shall commence upon the delivery of the transcript to the  
3247 applicant or licensee.

3248       (3) If the department disagrees in any regard with the  
3249 report of the hearing officer, the department may issue an order

3250 contrary to the report.

3251 (4) Whenever the department is not satisfied that  
 3252 substantial justice has been done, the department may order a  
 3253 rehearing by the same or another hearing officer.

3254 (5) At any point in any investigation or disciplinary  
 3255 proceeding under in this chapter, both parties may agree to a  
 3256 negotiated consent order. The consent order shall be final upon  
 3257 signature of the secretary.

3258 566.301 Issuance of adult use cultivation center  
 3259 licenses.—On or after July 1, 2022, the department by rule may:

3260 (1) Modify or change the number of cultivation center  
 3261 licenses available, which shall at no time exceed 30 cultivation  
 3262 center licenses. In determining whether to exercise the  
 3263 authority granted by this subsection, the department must  
 3264 consider the following factors:

3265 (a) The percentage of cannabis sales occurring in this  
 3266 state using the best available data to ascertain total cannabis  
 3267 consumption in this state compared to the amount of sales in  
 3268 licensed dispensing organizations;

3269 (b) Whether there is an adequate supply of cannabis and  
 3270 cannabis-infused products to serve registered medical cannabis  
 3271 patients;

3272 (c) Whether there is an adequate supply of cannabis  
 3273 and cannabis-infused products to serve purchasers;

3274 (d) Whether there is an oversupply of cannabis in this

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3275 state leading to trafficking of cannabis to any other state;  
3276 (e) Population increases or shifts;  
3277 (f) Changes to federal law;  
3278 (g) The past security records of cultivation centers;  
3279 (h) The department's capacity to appropriately regulate  
3280 additional licensees; and  
3281 (j) Any other criteria the department deems relevant.  
3282 (2) Modify or change the licensing application process to  
3283 reduce or eliminate the barriers to entry and remedy evidence of  
3284 discrimination.  
3285 566.3011 Early approval of adult use cultivation center  
3286 license.—  
3287 (1) Any medical marijuana treatment center licensed and in  
3288 good standing as of July 1, 2022, may, after September 1, 2022,  
3289 but no later than December 31, 2022, apply to the department  
3290 for an early approval adult use cultivation center license to  
3291 produce cannabis and cannabis-infused products at its existing  
3292 facilities as of July 1, 2022.  
3293 (2) A medical cannabis cultivation center seeking issuance  
3294 of an early approval adult use cultivation center license shall  
3295 submit an application on forms provided by the department. The  
3296 application must meet or include the following qualifications:  
3297 (a) Payment of a nonrefundable application fee as provided  
3298 in s. 566.801 to be deposited into the Alcoholic Beverage,  
3299 Marijuana, and Tobacco Trust Fund.

3300        (b) Proof of registration as a medical cannabis  
 3301 cultivation center that is in good standing.

3302        (c) Submission of the application by the same person or  
 3303 entity that holds the medical cannabis cultivation center  
 3304 registration.

3305        (d) Certification that the applicant will comply with the  
 3306 requirements of s. 566.2016.

3307        (e) The legal name of the cultivation center.

3308        (f) The physical address of the cultivation center.

3309        (g) The name, address, social security number, and date of  
 3310 birth of each principal officer and board member of the  
 3311 cultivation center, each of those individuals shall be at least  
 3312 21 years of age.

3313        (h) A nonrefundable cannabis business development fee as  
 3314 provided in s. 566.801, to be deposited into the Cannabis  
 3315 Business Development Fund.

3316        (i) A commitment to completing one of the following Social  
 3317 Equity Inclusion Plans provided for in this subsection before  
 3318 the expiration of the early approval adult use cultivation  
 3319 center license:

3320            1. A contribution as provided in s. 566.801 to one of the  
 3321 following:

3322            a. The Cannabis Business Development Fund. This is in  
 3323 addition to the fee required by paragraph (h).

3324            b. A cannabis industry training or education program at

3325 school in the Florida College System.

3326 c. A program that provides job training services to  
3327 persons recently incarcerated or that operates in a  
3328 disproportionately impacted area.

3329 2. Participate as a host in a cannabis business incubator  
3330 program for at least 1 year approved by the Department of  
3331 Commerce and Economic Opportunity, and in which an early  
3332 approval adult use cultivation center licenseholder agrees to  
3333 provide a loan of at least \$100,000 and mentorship to incubate a  
3334 licensee that qualifies as a social equity applicant. As used in  
3335 this section, the term "incubate" means providing direct  
3336 financial assistance and training necessary to engage in  
3337 licensed cannabis industry activity similar to that of the host  
3338 licensee. The early approval adult use cultivation center  
3339 licenseholder or the same entity holding any other licenses  
3340 issued pursuant to this chapter shall not take an ownership  
3341 stake of greater than 10 percent in any business receiving  
3342 incubation services to comply with this subsection. If an early  
3343 approval adult use cultivation center licenseholder fails to  
3344 find a business to incubate to comply with this subsection  
3345 before its early approval adult use cultivation center license  
3346 expires, it may opt to meet the requirement of this subsection  
3347 by completing another item from this subsection before the  
3348 expiration of its early approval adult use cultivation center  
3349 license to avoid a penalty.

3350       (3) An early approval adult use cultivation center license  
3351 is valid until March 31, 2024. A cultivation center that obtains  
3352 an early approval adult use cultivation center license shall  
3353 receive written or electronic notice 90 days before the  
3354 expiration of the license that the license will expire, and  
3355 inform the licenseholder that it may renew its early approval  
3356 adult use cultivation center license. The department shall grant  
3357 a renewal of an early approval adult use cultivation center  
3358 license within 60 days of submission of an application if:  
3359       (a) The cultivation center submits an application and the  
3360 required renewal fee as provided in s. 566.801 for an early  
3361 approval adult use cultivation center license.  
3362       (b) The department has not suspended the license of the  
3363 cultivation center or suspended or revoked the license for  
3364 violating this chapter or rules adopted under this chapter.  
3365       (c) The cultivation center has completed a Social Equity  
3366 Inclusion Plan as required by paragraph (2) (i).  
3367       (d) The early approval adult use cultivation center  
3368 license renewed pursuant to this subsection shall expire March  
3369 31, 2023. The early approval adult use cultivation center  
3370 licensee shall receive written or electronic notice 90 days  
3371 before the expiration of the license that the license will  
3372 expire, and inform the licenseholder that it may apply for an  
3373 adult use cultivation center license. The department shall grant  
3374 an adult use dispensing organization license within 60 days of

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3375 an application being deemed complete if the applicant meets all  
3376 of the criteria in s. 566.3014.

3377 (4) The license fee required by paragraph (3)(a) shall be  
3378 in addition to any license fee required for the renewal of a  
3379 registered medical cannabis cultivation center license that  
3380 expires during the effective period of the early approval adult  
3381 use cultivation center license.

3382 (5) Applicants must submit all required information,  
3383 including the requirements in subsection (2), to the department.  
3384 Failure by an applicant to submit all required information may  
3385 result in the application being disqualified.

3386 (6) If the department receives an application with missing  
3387 information, the department may issue a deficiency notice to the  
3388 applicant. The applicant shall have 10 calendar days after the  
3389 date of the deficiency notice to submit complete information.  
3390 Applications that are still incomplete after this opportunity to  
3391 cure may be disqualified.

3392 (7) If an applicant meets all the requirements of  
3393 subsection (2), the department shall issue the early approval  
3394 adult use cultivation center license within 14 days after  
3395 receiving the application unless:

3396 (a) The licensee; principal officer, board member, or  
3397 person having a financial or voting interest of 5 percent or  
3398 greater in the licensee; or agent is delinquent in filing any  
3399 required tax returns or paying any amounts owed to the state;



3400        (b) The department determines there is reason, based on an  
3401 inordinate number of documented compliance violations, the  
3402 licensee is not entitled to an early approval adult use  
3403 cultivation center license; or

3404        (c) The licensee fails to commit to the Social Equity  
3405 Inclusion Plan.

3406        (8) A cultivation center may begin producing cannabis and  
3407 cannabis-infused products once the early approval adult use  
3408 cultivation center license is approved. A cultivation center  
3409 that obtains an early approval adult use cultivation center  
3410 license may begin selling cannabis and cannabis-infused products  
3411 on December 1, 2022.

3412        (9) An early approval adult use cultivation center license  
3413 older must continue to produce and provide an adequate supply of  
3414 cannabis and cannabis-infused products for purchase by  
3415 qualifying patients and caregivers. For the purposes of this  
3416 subsection, the term "adequate supply" means a monthly  
3417 production level that is comparable in type and quantity to  
3418 those medical cannabis products produced for patients and  
3419 caregivers on an average monthly basis for the 6 months before  
3420 July 1, 2022.

3421        (10) If there is a shortage of cannabis or cannabis-  
3422 infused products, a licenseholder shall prioritize s. 316.986  
3423 over adult use purchasers.

3424        (11) If an early approval adult use cultivation center

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3425 licensee fails to submit an application for an adult use  
3426 cultivation center license before the expiration of the early  
3427 approval adult use cultivation center license pursuant to  
3428 subsection (3), the cultivation center shall cease adult use  
3429 cultivation until it receives an adult use cultivation center  
3430 license.

3431 (12) If the license of a cultivation center that also  
3432 holds a medical cannabis cultivation center license issued under  
3433 the s. 381.986, the department may suspend or revoke the medical  
3434 cannabis cultivation center license concurrently with the early  
3435 approval adult use cultivation center license.

3436 (13) All fees or fines collected from an early approval  
3437 adult use cultivation center licenseholder as a result of a  
3438 disciplinary action in the enforcement of this chapter shall be  
3439 deposited into the Alcoholic Beverage, Marijuana, and Tobacco  
3440 Trust Fund.

3441 566.3012 Conditional adult use cultivation center  
3442 application.-

3443 (1) If the department makes available additional  
3444 cultivation center licenses, applicants for a conditional adult  
3445 use cultivation center license shall electronically submit the  
3446 following in such form as the department may direct:

3447 (a) The nonrefundable application fee set by rule by the  
3448 department, to be deposited into the Alcoholic Beverage,  
3449 Marijuana, and Tobacco Trust Fund.

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3450 (b) The legal name of the cultivation center.

3451 (c) The proposed physical address of the cultivation  
3452 center.

3453 (d) The name, address, social security number, and date of  
3454 birth of each principal officer and board member of the  
3455 cultivation center, each principal officer and board member  
3456 shall be at least 21 years of age.

3457 (e) The details of any administrative or judicial  
3458 proceeding in which any of the principal officers or board  
3459 members of the cultivation center pled guilty, were convicted,  
3460 fined, or had a registration or license suspended or revoked, or  
3461 managed or served on the board of a business or nonprofit  
3462 organization that pled guilty, was convicted, fined, or had a  
3463 registration or license suspended or revoked.

3464 (f) Proposed operating bylaws that include procedures for  
3465 the oversight of the cultivation center, including the  
3466 development and implementation of a plant monitoring system,  
3467 accurate recordkeeping, staffing plan, and security plan  
3468 approved by the Department of Law Enforcement that are in  
3469 accordance with the rules issued by the department under this  
3470 chapter. A physical inventory shall be performed of all plants  
3471 and cannabis on a weekly basis by the cultivation center.

3472 (g) Verification from the Department of Law Enforcement  
3473 that all background checks of the prospective principal  
3474 officers, board members, and agents of the cannabis business

3475 | establishment have been conducted.

3476 |       (h) A copy of the current local zoning ordinance or permit  
 3477 | and verification that the proposed cultivation center is in  
 3478 | compliance with the local zoning rules and distance limitations  
 3479 | established by the local jurisdiction.

3480 |       (i) Proposed employment practices, in which the applicant  
 3481 | must demonstrate a plan of action to inform, hire, and educate  
 3482 | minorities, women, veterans, and persons with disabilities,  
 3483 | engage in fair labor practices, and provide worker protections.

3484 |       (j) Whether an applicant can demonstrate experience in or  
 3485 | business practices that promote economic empowerment in  
 3486 | disproportionately impacted areas.

3487 |       (k) Experience with the cultivation of agricultural or  
 3488 | horticultural products, operating an agriculturally related  
 3489 | business, or operating a horticultural business.

3490 |       (l) A description of the enclosed, locked facility where  
 3491 | cannabis will be grown, harvested, manufactured, processed,  
 3492 | packaged, or otherwise prepared for distribution to a dispensing  
 3493 | organization.

3494 |       (m) A survey of the enclosed, locked facility, including  
 3495 | the space used for cultivation.

3496 |       (n) Cultivation, processing, inventory, and packaging  
 3497 | plans.

3498 |       (o) A description of the applicant's experience with  
 3499 | agricultural cultivation techniques and industry standards.

3500       (p) A list of any academic degrees, certifications, or  
3501 relevant experience of all prospective principal officers, board  
3502 members, and agents of the related business.

3503       (q) The identity of every person having a financial or  
3504 voting interest of 5 percent or greater in the cultivation  
3505 center operation with respect to which the license is sought,  
3506 whether a trust, corporation, partnership, limited liability  
3507 company, or sole proprietorship, including the name and address  
3508 of each person.

3509       (r) A plan describing how the cultivation center will  
3510 address each of the following:

3511       1. Energy needs, including estimates of monthly  
3512 electricity and gas usage, to what extent it will procure energy  
3513 from a local utility or from on-site generation, and if it has  
3514 or will adopt a sustainable energy use and energy conservation  
3515 policy.

3516       2. Water needs, including estimated water draw and if it  
3517 has or will adopt a sustainable water use and water conservation  
3518 policy.

3519       3. Waste management, including if it has or will adopt a  
3520 waste reduction policy.

3521       (s) A diversity plan that includes a narrative of not more  
3522 than 2,500 words that establishes a goal of diversity in  
3523 ownership, management, employment, and contracting to ensure  
3524 that diverse participants and groups are afforded equality of

3525 opportunity.

3526 (t) Any other information required by rule.

3527 (u) A recycling plan that includes requirements that:

3528 1. Purchaser packaging, including cartridges, shall be

3529 accepted by the applicant and recycled.

3530 2. Any recyclable waste generated by the cannabis

3531 cultivation facility shall be recycled per applicable state and

3532 local laws, ordinances, and rules.

3533 3. Any cannabis waste, liquid waste, or hazardous waste

3534 shall be disposed of in a way that, to the greatest extent

3535 feasible, all cannabis plant waste will be rendered unusable by

3536 grinding and incorporating the cannabis plant waste with

3537 compostable mixed waste.

3538 (v) A cultivation facility must remain in compliance with

3539 applicable state and federal environmental requirements,

3540 including:

3541 1. Storing, securing, and managing all recyclables and

3542 waste, including organic waste composed of or containing

3543 finished cannabis and cannabis products, in accordance with

3544 applicable state and local laws, ordinances, and rules.

3545 2. Disposing liquid waste containing cannabis or

3546 byproducts of cannabis processing in compliance with all

3547 applicable state and federal requirements, including the

3548 cannabis cultivation facility's permits under the Environmental

3549 Protection Act.

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3550 (w) A commitment to a technology standard for resource  
3551 efficiency of the cultivation center facility.

3552 1. A cannabis cultivation facility commits to use  
3553 resources efficiently, including energy and water. For the  
3554 following, a cannabis cultivation facility commits to meet or  
3555 exceed the technology standard identified in the following,  
3556 which may be modified by rule:

3557 a. Lighting systems, including light bulbs.

3558 b. HVAC system.

3559 c. Water application system to the crop.

3560 d. Filtration system for removing contaminants from  
3561 wastewater.

3562 2. The Lighting Power Densities (LPD) for cultivation  
3563 space commits to not exceed an average of 36 watts per gross  
3564 square foot of active and growing space canopy, or all installed  
3565 lighting technology shall meet a photosynthetic photon efficacy  
3566 (PPE) of no less than 2.2 micromoles per joule fixture and shall  
3567 be featured on the DesignLights Consortium (DLC) Horticultural  
3568 Specification Qualified Products List (QPL). In the event that  
3569 DLC requirement for minimum efficacy exceeds 2.2 micromoles per  
3570 joule fixture, that PPE shall become the new standard.

3571 3. HVAC requirements that:

3572 a. For cannabis grow operations with less than 6,000  
3573 square feet of canopy, the licensee commits that all HVAC units  
3574 will be high-efficiency ductless split HVAC units, or other more

3575 energy efficient equipment.

3576 b. For cannabis grow operations with 6,000 square feet of  
3577 canopy or more, the licensee commits that all HVAC units will be  
3578 variable refrigerant flow HVAC units, or other more energy  
3579 efficient equipment.

3580 4. Water application requirements that:

3581 a. The cannabis cultivation facility commits to use  
3582 automated watering systems, including drip irrigation and flood  
3583 tables, to irrigate cannabis crop.

3584 b. The cannabis cultivation facility commits to measure  
3585 runoff from watering events and report this volume in its water  
3586 usage plan, and that on average, watering events shall have no  
3587 more than 20 percent of runoff of water.

3588 5. The cultivator commits that HVAC condensate,  
3589 dehumidification water, excess runoff, and other wastewater  
3590 produced by the cannabis cultivation facility shall be captured  
3591 and filtered to the best of the facility's ability to achieve  
3592 the quality needed to be reused in subsequent watering rounds.

3593 6. Reporting energy use and efficiency as required by  
3594 rule.

3595 (2) Applicants must submit all required information, to  
3596 the department. Failure by an applicant to submit all required  
3597 information may result in the application being disqualified.

3598 (3) If the department receives an application with missing  
3599 information, the department may issue a deficiency notice to the



3600 applicant. The applicant shall have 10 calendar days after the  
3601 date of the deficiency notice to resubmit the incomplete  
3602 information. Applications that are still incomplete after this  
3603 opportunity to cure will not be scored and will be disqualified.

3604 (4) A cultivation center that is awarded a conditional  
3605 adult use cultivation center license shall not grow, purchase,  
3606 possess, or sell cannabis or cannabis-infused products until the  
3607 person has received an adult use cultivation center license  
3608 issued by the department.

3609 566.3013 Conditional adult use license; scoring  
3610 applications.—

3611 (1) The department shall by rule develop a system to score  
3612 cultivation center applications to administratively rank  
3613 applications based on the clarity, organization, and quality of  
3614 the applicant's responses to required information. Applicants  
3615 shall be awarded points based on the following categories:

3616 (a) Suitability of the proposed facility.

3617 (b) Suitability of employee training plan.

3618 (c) Security and recordkeeping.

3619 (d) Cultivation plan.

3620 (e) Product safety and labeling plan.

3621 (f) Business plan.

3622 (g) The applicant's status as a social equity applicant,  
3623 which shall constitute no less than 20 percent of total  
3624 available points.

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3625 (h) Labor and employment practices, which shall constitute  
3626 no less than 2 percent of total available points.

3627 (i) Environmental plan as described in s. 566.3012(1)(u),  
3628 (v), and (w).

3629 (j) The applicant is 51 percent or more owned and  
3630 controlled by an individual or individuals who have been  
3631 resident of this state for the past 5 years as proved by tax  
3632 records.

3633 (k) The applicant is 51 percent or more controlled and  
3634 owned by an individual or individuals who meet the  
3635 qualifications of a veteran as defined s. 1.01(14).

3636 (l) A diversity plan that includes a narrative of not more  
3637 than 2,500 words that establishes a goal of diversity in  
3638 ownership, management, employment, and contracting to ensure  
3639 that diverse participants and groups are afforded equality of  
3640 opportunity.

3641 (m) Any other criteria the department may set by rule for  
3642 points.

3643 (2) The department may also award bonus points for the  
3644 applicant's plan to engage with the community. Bonus points will  
3645 only be awarded if the department receives applications that  
3646 receive an equal score for a particular region.

3647 (3) Should the applicant be awarded a cultivation center  
3648 license, the information and plans that an applicant provided in  
3649 its application, including any plans submitted for the acquiring

3650 of bonus points, becomes a mandatory condition of the permit.  
3651 Any variation from or failure to perform such plans may result  
3652 in discipline, including the revocation or nonrenewal of a  
3653 license.

3654 (4) Should the applicant be awarded a cultivation center  
3655 license, it shall pay a fee as provided in s. 566.801 before  
3656 receiving the license, to be deposited into the Alcoholic  
3657 Beverage, Marijuana, and Tobacco Trust Fund.

3658 566.3014 Adult use cultivation center license.—

3659 (1) A person or entity is only eligible to receive an  
3660 adult use cultivation center license if the person or entity has  
3661 first been awarded a conditional adult use cultivation center  
3662 license pursuant to this chapter or the person or entity has  
3663 renewed its early approval cultivation center license.

3664 (2) The department shall not issue an adult use  
3665 cultivation center license until:

3666 (a) The department has inspected the cultivation center  
3667 site and proposed operations and verified that they are in  
3668 compliance with this chapter and local zoning laws.

3669 (b) The conditional adult use cultivation center  
3670 licenseholder has paid a registration fee as provided in s.  
3671 566.801 or a prorated amount accounting for the difference of  
3672 time between when the adult use cultivation center license is  
3673 issued and March 31 of the next even-numbered year.

3674 (c) The conditional adult use cultivation center

3675 | licenseholder has met all the requirements in the act and rules.

3676 |       566.3015 Denial of application.—An application for a  
3677 | cultivation center license must be denied if any of the  
3678 | following conditions are met:

3679 |       (1) The applicant failed to submit the materials  
3680 | required by this chapter;

3681 |       (2) The applicant would not be in compliance with local  
3682 | zoning rules;

3683 |       (3) One or more of the prospective principal officers or  
3684 | board members causes a violation of s. 566.2016;

3685 |       (4) One or more of the principal officers or board members  
3686 | is under 21 years of age;

3687 |       (5) The person has submitted an application for a permit  
3688 | under this chapter that contains false information; or

3689 |       (6) The licensee, principal officer, board member, or  
3690 | person having a financial or voting interest of 5 percent or  
3691 | greater in the licensee, or the agent is delinquent in filing  
3692 | any required tax returns or paying any amounts owed to the  
3693 | state.

3694 |       566.3016 Cultivation center requirements;  
3695 | prohibitions.—

3696 |       (1) The operating documents of a cultivation center shall  
3697 | include procedures for the oversight of the cultivation center a  
3698 | cannabis plant monitoring system, including a physical inventory  
3699 | recorded weekly, accurate recordkeeping, and a staffing plan.

3700       (2) A cultivation center shall implement a security plan  
3701 reviewed by the Department of Law Enforcement that includes  
3702 facility access controls, perimeter intrusion detection systems,  
3703 personnel identification systems, 24-hour surveillance system to  
3704 monitor the interior and exterior of the cultivation center  
3705 facility and accessibility to authorized law enforcement, the  
3706 Department of Health where processing takes place, and the  
3707 department in real time.

3708       (3) All cultivation of cannabis by a cultivation center  
3709 must take place in an enclosed, locked facility at the physical  
3710 address provided to the department during the licensing process.  
3711 The cultivation center location shall only be accessed by the  
3712 agents working for the cultivation center, the department staff  
3713 performing inspections, the Department of Health staff  
3714 performing inspections, local and state law enforcement or other  
3715 emergency personnel, contractors working on jobs unrelated to  
3716 cannabis, such as installing or maintaining security devices or  
3717 performing electrical wiring, transporting organization agents  
3718 as provided in this chapter, individuals in a mentoring or  
3719 educational program approved by the state, or other individuals  
3720 as provided by rule.

3721       (4) A cultivation center may not sell or distribute any  
3722 cannabis or cannabis-infused products to any person other than a  
3723 dispensing organization, craft grower, infusing organization,  
3724 transporter, or as otherwise authorized by rule.

3725       (5) A cultivation center may not either directly or  
3726 indirectly discriminate in price between different dispensing  
3727 organizations, craft growers, or infuser organizations that are  
3728 purchasing a like grade, strain, brand, and quality of cannabis  
3729 or cannabis-infused product. This subsection does not prevent a  
3730 cultivation center from pricing cannabis differently based on  
3731 differences in the cost of manufacturing or processing, the  
3732 quantities sold, such as volume discounts, or the way the  
3733 products are delivered.

3734       (6) All cannabis harvested by a cultivation center and  
3735 intended for distribution to a dispensing organization must be  
3736 entered into a data collection system, packaged and labeled  
3737 under as required by this chapter, and placed into a cannabis  
3738 container for transport. All cannabis harvested by a cultivation  
3739 center and intended for distribution to a craft grower or  
3740 infuser organization must be packaged in a labeled cannabis  
3741 container and entered into a data collection system before  
3742 transport.

3743       (7) Cultivation centers are subject to random inspections  
3744 by the department, the Department of Health, local safety or  
3745 health inspectors, and the Department of Law Enforcement.

3746       (8) A cultivation center agent shall notify local law  
3747 enforcement, the Department of Law Enforcement, and the  
3748 department within 24 hours of the discovery of any loss or  
3749 theft. Notification shall be made by phone or in person, or by

3750 written or electronic communication.

3751 (9) A cultivation center shall comply with all state and  
 3752 any applicable federal rules and regulations regarding the use  
 3753 of pesticides on cannabis plants.

3754 (10) A person or entity shall not hold any legal,  
 3755 equitable, ownership, or beneficial interest, directly or  
 3756 indirectly, of more than three cultivation centers licensed  
 3757 under this chapter. Further, no person or entity that is  
 3758 employed by, an agent of, has a contract to receive payment in  
 3759 any form from a cultivation center, is a principal officer of a  
 3760 cultivation center, or entity controlled by or affiliated with a  
 3761 principal officer of a cultivation shall hold any legal,  
 3762 equitable, ownership, or beneficial interest, directly or  
 3763 indirectly, in a cultivation that would result in the person or  
 3764 entity owning or controlling in combination with any cultivation  
 3765 center, principal officer of a cultivation center, or entity  
 3766 controlled or affiliated with a principal officer of a  
 3767 cultivation center by which he, she, or it is employed, is an  
 3768 agent of, or participates in the management of, more than three  
 3769 cultivation center licenses.

3770 (11) A cultivation center may not contain more than  
 3771 210,000 square feet of canopy space for plants in the flowering  
 3772 stage for cultivation of adult use cannabis as provided in this  
 3773 chapter.

3774 (12) A cultivation center may process cannabis, cannabis

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3775 concentrates, and cannabis-infused products. Cannabis  
3776 concentrate may be made with propylene glycol, glycerin, butter,  
3777 olive oil or other typical cooking fats; water, ice, or dry ice;  
3778 or butane, propane, CO2, ethanol, or isopropanol. The use of any  
3779 other solvent is expressly prohibited unless it is approved by  
3780 the department.

3781 (13) Beginning July 1, 2023, a cultivation center shall  
3782 not transport cannabis to a craft grower, dispensing  
3783 organization, infuser organization, or laboratory licensed under  
3784 this chapter, unless it has obtained a transporting organization  
3785 license.

3786 (14) It is unlawful for any person having a cultivation  
3787 center license or any officer, associate, member,  
3788 representative, or agent of such licensee to offer or deliver  
3789 money, or anything else of value, directly or indirectly to any  
3790 person having an early approval adult use dispensing  
3791 organization license, a conditional adult use dispensing  
3792 organization license, an adult use dispensing organization  
3793 license, or a medical marijuana treatment center, or to any  
3794 person connected with or in any way representing, or to any  
3795 member of the family of, such person holding an early approval  
3796 adult use dispensing organization license, a conditional adult  
3797 use dispensing organization license, an adult use dispensing  
3798 organization license, or a medical marijuana treatment center,  
3799 or to any stockholders in any corporation engaged in the retail



3800 sale of cannabis, or to any officer, manager, agent, or  
 3801 representative of the early approval adult use dispensing  
 3802 organization license, a conditional adult use dispensing  
 3803 organization license, an adult use dispensing organization  
 3804 license, or a medical marijuana treatment center to obtain  
 3805 preferential placement within the dispensing organization,  
 3806 including, without limitation, on shelves and in display cases  
 3807 where purchasers can view products, or on the dispensing  
 3808 organization's website.

3809 (15) A cultivation center must comply with any other  
 3810 requirements or prohibitions set by administrative rule of the  
 3811 department.

3812 566.3017 Cultivation center agent identification card.—

3813 (1) The department shall:

3814 (a) Establish by rule the information required in an  
 3815 initial application or renewal application for an agent  
 3816 identification card submitted under this chapter and the  
 3817 nonrefundable fee to accompany the initial application or  
 3818 renewal application.

3819 (b) Verify the information contained in an initial  
 3820 application or renewal application for an agent identification  
 3821 card submitted under this chapter, and approve or deny an  
 3822 application within 30 days after receiving a completed initial  
 3823 application or renewal application and all supporting  
 3824 documentation required by rule.

3825 (c) Issue an agent identification card to a qualifying  
 3826 agent within 15 business days of approving the initial  
 3827 application or renewal application.

3828 (d) Enter the license number of the cultivation center  
 3829 where the agent works.

3830 (e) Allow for an electronic initial application and  
 3831 renewal application process, and provide a confirmation by  
 3832 electronic or other methods that an application has been  
 3833 submitted. The department may by rule require prospective agents  
 3834 to file their applications by electronic means and provide  
 3835 notices to the agents by electronic means.

3836 (2) An agent must keep his or her identification card  
 3837 visible at all times when on the property of the cultivation  
 3838 center at which the agent is employed.

3839 (3) The agent identification cards shall contain the  
 3840 following:

3841 (a) The name of the cardholder.

3842 (b) The date of issuance and expiration date of the  
 3843 identification card.

3844 (c) A random 10-digit alphanumeric identification number  
 3845 containing at least 4 numbers and at least 4 letters that is  
 3846 unique to the holder.

3847 (d) A photograph of the cardholder.

3848 (e) The legal name of the cultivation center employing  
 3849 the agent.

3850           (4) An agent identification card shall be immediately  
 3851 returned to the cultivation center of the agent upon termination  
 3852 of his or her employment.

3853           (5) Any agent identification card lost by a cultivation  
 3854 center agent shall be reported to the Department of Law  
 3855 Enforcement and the department immediately upon discovery of the  
 3856 loss.

3857           (6) The department shall not issue an agent identification  
 3858 card if the applicant is delinquent in filing any required tax  
 3859 returns or paying any amounts owed to the state.

3860           566.3018 Cultivation center background checks.-

3861           (1) Through the Department of Law Enforcement, the  
 3862 department shall conduct a background check of the prospective  
 3863 principal officers, board members, and agents of a cultivation  
 3864 center applying for a license or identification card under this  
 3865 chapter. The Department of Law Enforcement may charge a fee as  
 3866 provided in s. 943.053. In order to carry out this section, each  
 3867 cultivation center prospective principal officer, board member,  
 3868 or agent shall submit a full set of fingerprints to the  
 3869 Department of Law Enforcement for the purpose of obtaining a  
 3870 state and federal criminal records check. These fingerprints  
 3871 shall be checked against the fingerprint records now and  
 3872 hereafter, to the extent allowed by law, filed in the Department  
 3873 of Law Enforcement and Federal Bureau of Investigation criminal  
 3874 history records databases. The Department of Law Enforcement

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3875 shall furnish, following positive identification, all conviction  
3876 information to the department.

3877 (2) When applying for the initial license or  
3878 identification card, the background checks for all prospective  
3879 principal officers, board members, and agents shall be completed  
3880 before submitting the application to the licensing or issuing  
3881 agency.

3882 566.3019 Renewal of cultivation center licenses and agent  
3883 identification cards.—

3884 (1) Cultivation center licenses and identification cards  
3885 issued under this chapter shall be renewed annually. A  
3886 cultivation center shall receive written or electronic notice 90  
3887 days before the expiration of its current license that the  
3888 license will expire. The department shall grant a renewal within  
3889 45 days of submission of a renewal application if:

3890 (a) The cultivation center submits a renewal application  
3891 and the required nonrefundable renewal a provided in s. 566.801,  
3892 or another amount as the department may set by rule after  
3893 January 1, 2024, to be deposited into the Alcoholic Beverage,  
3894 Marijuana, and Tobacco Trust Fund.

3895 (b) The department has not suspended the license of the  
3896 cultivation center or suspended or revoked the license for  
3897 violating this chapter or rules adopted under this chapter.

3898 (c) The cultivation center has continued to operate in  
3899 accordance with all plans submitted as part of its application

3900 and approved by the department or any amendments thereto that  
 3901 have been approved by the department.

3902 (d) The cultivation center has submitted an agent,  
 3903 employee, contracting, and subcontracting diversity report as  
 3904 required by the department.

3905 (e) the cultivation center has submitted an environmental  
 3906 impact report.

3907 (2) If a cultivation center fails to renew its license  
 3908 before expiration, it shall cease operations until its license  
 3909 is renewed.

3910 (3) If a cultivation center agent fails to renew his or  
 3911 her identification card before its expiration, he or she shall  
 3912 cease to work as an agent of the cultivation center until his or  
 3913 her identification card is renewed.

3914 (4) Any cultivation center that continues to operate, or  
 3915 any cultivation center agent who continues to work as an agent,  
 3916 after the applicable license or identification card has expired  
 3917 without renewal is subject to the penalties provided under s.  
 3918 566.4701.

3919 566.401 Craft growers.-

3920 (1) ISSUANCE OF LICENSES.-

3921 (a) The department shall issue up to 40 craft grower  
 3922 licenses by July 1, 2023. Any person or entity awarded a license  
 3923 pursuant to this subsection shall only hold one craft grower  
 3924 license and may not sell that license until after December 21,

3925 2022.

3926 (b) By December 21, 2024, the department shall issue up to  
 3927 60 additional craft grower licenses. Any person or entity  
 3928 awarded a license pursuant to this paragraph may not hold more  
 3929 than two craft grower licenses. The person or entity awarded a  
 3930 license pursuant to this paragraph or paragraph (a) may sell its  
 3931 craft grower license subject to the restrictions of this chapter  
 3932 or as determined by administrative rule. Before issuing such  
 3933 licenses, the department may adopt rules through emergency  
 3934 rulemaking to modify or raise the number of craft grower  
 3935 licenses assigned to each region and modify or change the  
 3936 licensing application process to reduce or eliminate barriers.  
 3937 In determining whether to exercise the authority granted by this  
 3938 subsection, the department must consider the following factors:

3939 1. The percentage of cannabis sales occurring in this  
 3940 state not in the regulated market using the best available data  
 3941 to ascertain total cannabis consumption in this state compared  
 3942 to the amount of sales in licensed dispensing organizations.

3943 2. Whether there is an adequate supply of cannabis and  
 3944 cannabis-infused products to serve registered medical cannabis  
 3945 patients.

3946 3. Whether there is an adequate supply of cannabis and  
 3947 cannabis-infused products to serve purchasers.

3948 4. Whether there is an oversupply of cannabis in this  
 3949 state leading to trafficking of cannabis to states where the

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3950 sale of cannabis is not permitted by law.

3951 5. Population increases or shifts.

3952 6. The density of craft growers in any area of the state.

3953 7. Perceived security risks of increasing the number or

3954 location of craft growers.

3955 8. The past safety record of craft growers.

3956 9. The department's capacity to appropriately regulate

3957 additional licensees.

3958 10. The reduction or elimination of any identified

3959 barriers to entry in the cannabis industry.

3960 11. Any other criteria the department deems relevant.

3961 (c) After January 1, 2023, the department may by rule

3962 modify or raise the number of craft grower licenses assigned to

3963 each region, and modify or change the licensing application

3964 process to reduce or eliminate barriers based on the criteria in

3965 paragraph (b). At no time may the number of craft grower

3966 licenses exceed 150. Any person or entity awarded a license

3967 pursuant to this subsection shall not hold more than three craft

3968 grower licenses. A person or entity awarded a license pursuant

3969 to this subsection or paragraph (a) or paragraph (b) may sell

3970 its craft grower license or licenses subject to the restrictions

3971 of this chapter or as determined by administrative rule.

3972 (2) APPLICATION.—

3973 (a) When applying for a license, the applicant shall

3974 electronically submit the following in such form as the

3975 department may direct:

3976 1. The nonrefundable application fee a provided in s.  
3977 566.801 to be deposited into the Alcoholic Beverage, Marijuana,  
3978 and Tobacco Trust Fund.

3979 2. The legal name of the craft grower.

3980 3. The proposed physical address of the craft grower.

3981 4. The name, address, social security number, and date of  
3982 birth of each principal officer and board member of the craft  
3983 grower, each principal officer and board member shall be at  
3984 least 21 years of age.

3985 5. The details of any administrative or judicial  
3986 proceeding in which any of the principal officers or board  
3987 members of the craft grower, including whether any of them:

3988 a. Pled guilty, were convicted, fined, or had a  
3989 registration or license suspended or revoked; or

3990 b. Managed or served on the board of a business or  
3991 nonprofit organization that pled guilty, was convicted, fined,  
3992 or had a registration or license suspended or revoked.

3993 6. Proposed operating bylaws that include procedures for  
3994 the oversight of the craft grower, including the development and  
3995 implementation of a plant monitoring system, accurate  
3996 recordkeeping, staffing plan, and security plan approved by the  
3997 Department of Law Enforcement that are in accordance with the  
3998 rules issued by the department under this chapter; a physical  
3999 inventory shall be performed of all plants and on a weekly basis



4000 by the craft grower.

4001 7. Verification from the Department of Law Enforcement  
4002 that all background checks of the prospective principal  
4003 officers, board members, and agents of the cannabis business  
4004 establishment have been conducted.

4005 8. A copy of the current local zoning ordinance or permit  
4006 and verification that the proposed craft grower is in compliance  
4007 with the local zoning rules and distance limitations established  
4008 by the local jurisdiction.

4009 9. Proposed employment practices, in which the applicant  
4010 must demonstrate a plan of action to inform, hire, and educate  
4011 minorities, women, veterans, and persons with disabilities,  
4012 engage in fair labor practices, and provide worker protections.

4013 10. Whether an applicant can demonstrate experience in or  
4014 business practices that promote economic empowerment in  
4015 disproportionately impacted areas.

4016 11. Experience with the cultivation of agricultural or  
4017 horticultural products, operating an agriculturally related  
4018 business, or operating a horticultural business.

4019 12. A description of the enclosed, locked facility where  
4020 cannabis will be grown, harvested, manufactured, packaged, or  
4021 otherwise prepared for distribution to a dispensing organization  
4022 or other cannabis business establishment.

4023 13. A survey of the enclosed, locked facility, including  
4024 the space used for cultivation.

4025 14. Cultivation, processing, inventory, and packaging  
4026 plans.

4027 15. A description of the applicant's experience with  
4028 agricultural cultivation techniques and industry standards.

4029 16. A list of any academic degrees, certifications, or  
4030 relevant experience of all prospective principal officers, board  
4031 members, and agents of the related business.

4032 17. The identity of every person having a financial or  
4033 voting interest of 5 percent or greater in the craft grower  
4034 operation, whether a trust, corporation, partnership, limited  
4035 liability company, or sole proprietorship, including the name  
4036 and address of each person.

4037 18. A plan describing how the craft grower will address  
4038 each of the following:

4039 a. Energy needs, including estimates of monthly  
4040 electricity and gas usage, to what extent it will procure energy  
4041 from a local utility or from on-site generation, and if it has  
4042 or will adopt a sustainable energy use and energy conservation  
4043 policy; water needs, including estimated water draw and if it  
4044 has or will adopt a sustainable water use and water conservation  
4045 policy.

4046 b. Waste management, including if it has or will adopt a  
4047 waste reduction policy.

4048 19. A recycling plan, including provisions requiring that

4049 a. Purchaser packaging, including cartridges, shall be

4050 accepted by the applicant and recycled.

4051 b. Any recyclable waste generated by the craft grower  
 4052 facility shall be recycled per applicable state and local laws,  
 4053 ordinances, and rules.

4054 c. All cannabis plant waste will be rendered unusable by  
 4055 grinding and incorporating the cannabis plant waste with  
 4056 compostable mixed waste to be disposed or composted in  
 4057 accordance with applicable solid waste laws.

4058 20. A commitment to comply with local waste provisions, a  
 4059 craft grower facility must remain in compliance with applicable  
 4060 state and federal environmental requirements, including:

4061 a. Storing, securing, and managing all recyclables and  
 4062 waste, including organic waste composed of or containing  
 4063 finished cannabis and cannabis products, in accordance with  
 4064 applicable state and local laws, ordinances, and rules; and

4065 b. Disposing liquid waste containing cannabis or  
 4066 byproducts of cannabis processing in compliance with all  
 4067 applicable state and federal requirements, including, but not  
 4068 limited to, the cannabis cultivation facility's permits under  
 4069 the Environmental Protection Act.

4070 21. a commitment to a technology standard for resource  
 4071 efficiency of the craft grower facility.

4072 a. A craft grower facility commits to use resources  
 4073 efficiently, including energy and water. For the following, a  
 4074 cannabis cultivation facility commits to meet or exceed the

4075 following technology standards which may be modified by rule:

4076 (I) Lighting systems, including light bulbs.

4077 (II) HVAC system.

4078 (III) Water application system to the crop.

4079 (IV) Filtration system for removing contaminants from  
4080 wastewater.

4081 b. Lighting systems. The Lighting Power Densities (LPD)  
4082 for cultivation space commits to not exceed an average of 36  
4083 watts per gross square foot of active and growing space canopy,  
4084 or all installed lighting technology shall meet a photosynthetic  
4085 photon efficacy (PPE) of no less than 2.2 micromoles per joule  
4086 fixture and shall be featured on the DesignLights Consortium  
4087 (DLC) Horticultural Specification Qualified Products List (QPL).  
4088 In the event that DLC requirement for minimum efficacy exceeds  
4089 2.2 micromoles per joule fixture, that PPE shall become the new  
4090 standard.

4091 c.(I) For cannabis grow operations with less than 6,000  
4092 square feet of canopy, the licensee commits that all HVAC units  
4093 will be high-efficiency ductless split HVAC units, or other more  
4094 energy efficient equipment.

4095 (II) For cannabis grow operations with 6,000 square feet  
4096 of canopy or more, the licensee commits that all HVAC units will  
4097 be variable refrigerant flow HVAC units, or other more energy  
4098 efficient equipment.

4099 d. Water. The craft grower facility commits to use

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4100 automated watering systems, including, but not limited to, drip  
4101 irrigation and flood tables, to irrigate cannabis crop and to  
4102 measure runoff from watering events and report this volume in  
4103 its water usage plan, and that on average, watering events shall  
4104 have no more than 20 percent of runoff of water.

4105 e. The craft grower commits that HVAC condensate,  
4106 dehumidification water, excess runoff, and other wastewater  
4107 produced by the craft grower facility shall be captured and  
4108 filtered to the best of the facility's ability to achieve the  
4109 quality needed to be reused in subsequent watering rounds.

4110 f. Reporting energy use and efficiency as required by  
4111 rule; and

4112 22. Any other information required by rule.

4113 (b) Applicants must submit all required information,  
4114 including the information required in subsection (3), to the  
4115 department. Failure by an applicant to submit all required  
4116 information may result in the application being disqualified.

4117 (c) If the department receives an application with missing  
4118 information, the department may issue a deficiency notice to the  
4119 applicant. The applicant shall have 10 calendar days after the  
4120 date of the deficiency notice to resubmit the incomplete  
4121 information. Applications that are still incomplete after this  
4122 opportunity to cure will not be scored and will be disqualified.

4123 (3) SCORING APPLICATIONS.—

4124 (a) The department shall by rule develop a system to score

4125 craft grower applications to administratively rank applications  
4126 based on the clarity, organization, and quality of the  
4127 applicant's responses to required information. Applicants shall  
4128 be awarded points based on the following categories:

- 4129 1. Suitability of the proposed facility.
- 4130 2. Suitability of the employee training plan.
- 4131 3. Security and recordkeeping.
- 4132 4. Cultivation plan.
- 4133 5. Product safety and labeling plan.
- 4134 6. Business plan.
- 4135 7. The applicant's status as a social equity applicant,  
4136 which shall constitute no less than 20 percent of total  
4137 available points.
- 4138 8. Labor and employment practices, which shall constitute  
4139 no less than 2 percent of total available points.
- 4140 9. The plan described in subparagraphs(2) (a)18. and 19.
- 4141 10. The applicant is 51 percent or more owned and  
4142 controlled by an individual or individuals who have been a  
4143 resident of this state for the past 5 years as proved by tax  
4144 records.
- 4145 11. The applicant is 51 percent or more controlled and  
4146 owned by an individual or individuals who meet the  
4147 qualifications of a veteran as defined in s. 1.01(14).
- 4148 12. A diversity plan that includes a narrative of not more  
4149 than 2,500 words that establishes a goal of diversity in

4150 ownership, management, employment, and contracting to ensure  
4151 that diverse participants and groups are afforded equality of  
4152 opportunity.

4153 13. Any other criteria the department may set by rule for  
4154 points.

4155 (b) The department may also award up to two bonus points  
4156 for the applicant's plan to engage with the community. The  
4157 applicant may demonstrate a desire to engage with its community  
4158 by participating in one or more of, but not limited to, the  
4159 following actions:

4160 1. Establishment of an incubator program designed to  
4161 increase participation in the cannabis industry by persons who  
4162 would qualify as social equity applicants;

4163 2. Providing financial assistance to substance abuse  
4164 treatment centers;

4165 3. Educating children and teens about the potential harms  
4166 of cannabis use; or

4167 4. Other measures demonstrating a commitment to the  
4168 applicant's community. Bonus points will only be awarded if the  
4169 department receives applications that receive an equal score for  
4170 a particular region.

4171 (c) Should the applicant be awarded a craft grower  
4172 license, the information and plans that an applicant provided in  
4173 its application, including any plans submitted for the acquiring  
4174 of bonus points, shall be a mandatory condition of the license.

4175 Any variation from or failure to perform such plans may result  
4176 in discipline, including the revocation or nonrenewal of a  
4177 license.

4178 (d) Should the applicant be awarded a craft grower  
4179 license, the applicant shall pay the provided in s. 566.801,  
4180 prorated, before receiving the license, to be deposited into the  
4181 Alcoholic Beverage, Marijuana, and Tobacco Trust Fund.

4182 (4) ISSUANCE OF LICENSE TO CERTAIN PERSONS PROHIBITED.—

4183 (a) A craft grower license issued by the department may  
4184 not be issued to a person who is licensed by any licensing  
4185 authority as a cultivation center, or to any partnership,  
4186 corporation, limited liability company, or trust or any  
4187 subsidiary, affiliate, or any other form of business enterprise  
4188 having more than 10 percent legal, equitable, or beneficial  
4189 interest, directly or indirectly, in a person licensed in this  
4190 state as a cultivation center, or to any principal officer,  
4191 agent, employee, or human being with any form of ownership or  
4192 control over a cultivation center except for a person who owns  
4193 no more than 5 percent of the outstanding shares of a  
4194 cultivation center whose shares are publicly traded on an  
4195 exchange within the meaning of the Securities Exchange Act of  
4196 1934.

4197 (b) A person who is licensed in this state as a craft  
4198 grower, or any partnership, corporation, limited liability  
4199 company, or trust or any subsidiary, affiliate, or agent



4200 thereof, or any other form of business enterprise licensed in  
 4201 this state as a craft grower shall not have more than 10 percent  
 4202 legal, equitable, or beneficial interest, directly or  
 4203 indirectly, in a person licensed as a cultivation center, nor  
 4204 shall any partnership, corporation, limited liability company,  
 4205 or trust or any subsidiary, affiliate, or any other form of  
 4206 business enterprise having any legal, equitable, or beneficial  
 4207 interest, directly or indirectly, in a person licensed in this  
 4208 state as a craft grower or a craft grower agent be a principal  
 4209 officer, agent, employee, or human being with any form of  
 4210 ownership or control over a cultivation center except for a  
 4211 person who owns no more than 5 percent of the outstanding shares  
 4212 of a cultivation center whose shares are publicly traded on an  
 4213 exchange within the meaning of the Securities Exchange Act of  
 4214 1934.

4215 (5) DENIAL OF APPLICATION.—An application for a craft  
 4216 grower license must be denied if any of the following conditions  
 4217 are met:

4218 (a) The applicant failed to submit the materials required  
 4219 by this section;

4220 (b) The applicant would not be in compliance with local  
 4221 zoning rules;

4222 (c) One or more of the prospective principal officers or  
 4223 board members causes a violation of subsection (4);

4224 (d) One or more of the principal officers or board members

4225 is under 21 years of age;

4226 (e) The person has submitted an application for a license  
 4227 under this chapter that contains false information; or

4228 (f) The licensee; principal officer, board member, or  
 4229 person having a financial or voting interest of 5 percent or  
 4230 greater in the licensee; or agent is delinquent in filing any  
 4231 required tax returns or paying any amounts owed to this state.

4232 (6) CRAFT GROWER REQUIREMENTS; PROHIBITIONS.—

4233 (a) The operating documents of a craft grower shall  
 4234 include procedures for the oversight of the craft grower, a  
 4235 cannabis plant monitoring system, including a physical inventory  
 4236 recorded weekly, accurate recordkeeping, and a staffing plan.

4237 (b) A craft grower shall implement a security plan  
 4238 reviewed by the Department of Law Enforcement that includes, but  
 4239 is not limited to, facility access controls, perimeter intrusion  
 4240 detection systems, personnel identification systems, and a 24-  
 4241 hour surveillance system to monitor the interior and exterior of  
 4242 the craft grower facility and that is accessible to authorized  
 4243 law enforcement and the department in real time.

4244 (c) All cultivation of cannabis by a craft grower must  
 4245 take place in an enclosed, locked facility at the physical  
 4246 address provided to the department during the licensing process.  
 4247 The craft grower location shall only be accessed by the agents  
 4248 working for the craft grower, the department staff performing  
 4249 inspections, the Department of Health staff performing

4250 inspections, state and local law enforcement or other emergency  
4251 personnel, contractors working on jobs unrelated to cannabis,  
4252 such as installing or maintaining security devices or performing  
4253 electrical wiring, transporting organization agents as provided  
4254 in this chapter, or participants in the incubator program,  
4255 individuals in a mentoring or educational program approved by  
4256 the state, or other individuals as provided by rule. However, if  
4257 a craft grower shares a premises with an infuser or dispensing  
4258 organization, agents from those other licensees may access the  
4259 craft grower portion of the premises if that is the location of  
4260 common bathrooms, lunchrooms, locker rooms, or other areas of  
4261 the building where work or cultivation of cannabis is not  
4262 performed. At no time may an infuser or dispensing organization  
4263 agent perform work at a craft grower without being a registered  
4264 agent of the craft grower.

4265 (d) A craft grower may not sell or distribute any cannabis  
4266 to any person other than a cultivation center, a craft grower,  
4267 an infuser organization, a dispensing organization, or as  
4268 otherwise authorized by rule.

4269 (e) A craft grower may not be located in an area zoned for  
4270 residential use.

4271 (f) A craft grower may not either directly or indirectly  
4272 discriminate in price between different cannabis business  
4273 establishments that are purchasing a like grade, strain, brand,  
4274 and quality of cannabis or cannabis-infused product. Nothing in

4275 this paragraph prevents a craft grower from pricing cannabis  
4276 differently based on differences in the cost of manufacturing or  
4277 processing, the quantities sold, such as volume discounts, or  
4278 the way the products are delivered.

4279 (g) All cannabis harvested by a craft grower and intended  
4280 for distribution to a dispensing organization must be entered  
4281 into a data collection system, packaged and labeled as required  
4282 by law, and, if distribution is to a dispensing organization  
4283 that does not share a premises with the dispensing organization  
4284 receiving the cannabis, placed into a cannabis container for  
4285 transport. All cannabis harvested by a craft grower and intended  
4286 for distribution to a cultivation center, to an infuser  
4287 organization, or to a craft grower with which it does not share  
4288 a premises, must be packaged in a labeled cannabis container and  
4289 entered into a data collection system before transport.

4290 (h) Craft growers are subject to random inspections by the  
4291 department, local safety or health inspectors, and the  
4292 Department of Law Enforcement.

4293 (i) A craft grower agent shall notify local law  
4294 enforcement, the Department of Law Enforcement, and the  
4295 department within 24 hours of the discovery of any loss or  
4296 theft. Notification shall be made by phone, in person, or  
4297 written or electronic communication.

4298 (j) A craft grower shall comply with all state and any  
4299 applicable federal rules and regulations regarding the use of

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4300 pesticides.

4301 (k) A craft grower or craft grower agent shall not  
4302 transport cannabis or cannabis-infused products to any other  
4303 cannabis business establishment without a transport organization  
4304 license unless:

4305 1. The craft grower is located in a county with a  
4306 population of 3,000,000 or more, the cannabis business  
4307 establishment receiving the cannabis is within 2,000 feet of the  
4308 property line of the craft grower;

4309 2. The craft grower is located in a county with a  
4310 population of more than 700,000 but fewer than 3,000,000, the  
4311 cannabis business establishment receiving the cannabis is within  
4312 2 miles of the craft grower; or

4313 3. The craft grower is located in a county with a  
4314 population of fewer the 700,000, the cannabis business  
4315 establishment receiving the cannabis is within 15 miles of the  
4316 craft grower.

4317 (l) A craft grower may enter into a contract with a  
4318 transporting organization to transport cannabis to a cultivation  
4319 center, a craft grower, an infuser organization, a dispensing  
4320 organization, or a laboratory.

4321 (m) No person or entity shall hold any legal, equitable,  
4322 ownership, or beneficial interest, directly or indirectly, of  
4323 more than three craft grower licenses. Further, no person or  
4324 entity that is employed by, an agent of, or has a contract to

4325 receive payment from or participate in the management of a craft  
4326 grower, is a principal officer of a craft grower, or entity  
4327 controlled by or affiliated with a principal officer of a craft  
4328 grower shall hold any legal, equitable, ownership, or beneficial  
4329 interest, directly or indirectly, in a craft grower license that  
4330 would result in the person or entity owning or controlling in  
4331 combination with any craft grower, principal officer of a craft  
4332 grower, or entity controlled or affiliated with a principal  
4333 officer of a craft grower by which he, she, or it is employed,  
4334 is an agent of, or participates in the management of more than  
4335 three craft grower licenses.

4336 (n) It is unlawful for any person having a craft grower  
4337 license or any officer, associate, member, representative, or  
4338 agent of the licensee to offer or deliver money, or anything  
4339 else of value, directly or indirectly, to any person having an  
4340 early approval adult use dispensing organization license, a  
4341 conditional adult use dispensing organization license, an adult  
4342 use dispensing organization license, or a medical marijuana  
4343 treatment center, or to any person connected with or in any way  
4344 representing, or to any member of the family of, the person  
4345 holding an early approval adult use dispensing organization  
4346 license, a conditional adult use dispensing organization  
4347 license, an adult use dispensing organization license, or a  
4348 medical marijuana treatment center, or to any stockholders in  
4349 any corporation engaged in the retail sale of cannabis, or to

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4350 any officer, manager, agent, or representative of the early  
4351 approval adult use dispensing organization license, a  
4352 conditional adult use dispensing organization license, an adult  
4353 use dispensing organization license, or a medical marijuana  
4354 treatment center to obtain preferential placement within the  
4355 dispensing organization, including, without limitation, on  
4356 shelves and in display cases where purchasers can view products,  
4357 or on the dispensing organization's website.

4358 (o) A craft grower shall not be located within 1,500 feet  
4359 of another craft grower or a cultivation center.

4360 (p) A graft grower may process cannabis, cannabis  
4361 concentrates, and cannabis-infused products. Cannabis  
4362 concentrate may be made with propylene glycol, glycerin, butter,  
4363 olive oil or other typical cooking fats; water, ice, or dry ice;  
4364 or butane, propane, CO2, ethanol, or isopropanol. The use of any  
4365 other solvent is expressly prohibited unless it is approved by  
4366 the department.

4367 (q) A craft grower must comply with any other requirements  
4368 or prohibitions set by administrative rule of the department.

4369 (7) IDENTIFICATION CARD.—

4370 (a) The department shall:

4371 1. Establish by rule the information required in an  
4372 initial application or renewal application for an agent  
4373 identification card submitted under this section and the  
4374 nonrefundable fee to accompany the initial application or

4375 renewal application.

4376 2. Verify the information contained in an initial  
4377 application or renewal application for an agent identification  
4378 card submitted under this section and approve or deny an  
4379 application within 30 days after receiving a completed initial  
4380 application or renewal application and all supporting  
4381 documentation required by rule.

4382 3. Issue an agent identification card to a qualifying  
4383 agent within 15 business days of approving the initial  
4384 application or renewal application.

4385 4. Enter the license number of the craft grower where the  
4386 agent works, allow for an electronic initial application and  
4387 renewal application process, and provide a confirmation by  
4388 electronic or other methods that an application has been  
4389 submitted. The department may by rule require prospective agents  
4390 to file their applications by electronic means and provide  
4391 notices to the agents by electronic means.

4392 (b) An agent must keep his or her identification card  
4393 visible at all times when on the property of a cannabis business  
4394 establishment, including the craft grower organization for which  
4395 he or she is an agent.

4396 (c) The agent identification cards shall contain the  
4397 following:

4398 1. The name of the cardholder.

4399 2. The date of issuance and expiration date of the



4400 identification card.

4401 3. A random 10-digit alphanumeric identification number

4402 containing at least four numbers and at least four letters that

4403 is unique to the holder.

4404 4. A photograph of the cardholder.

4405 5. The legal name of the craft grower organization

4406 employing the agent.

4407 (d) An agent identification card shall be immediately

4408 returned to the cannabis business establishment of the agent

4409 upon termination of his or her employment.

4410 (e) Any agent identification card lost by a craft grower

4411 agent shall be reported to the Department of Law Enforcement and

4412 the department immediately upon discovery of the loss.

4413 (8) BACKGROUND CHECKS.—

4414 (a) Through the Department of Law Enforcement, the

4415 department shall conduct a background check of the prospective

4416 principal officers, board members, and agents of a craft grower

4417 applying for a license or identification card under this

4418 section. The Department of Law Enforcement may charge a fee as

4419 provided in s. 943.053. In order to carry out this section, each

4420 craft grower organization's prospective principal officer, board

4421 member, or agent shall submit a full set of fingerprints to the

4422 Department of Law Enforcement for the purpose of obtaining a

4423 state and federal criminal records check. These fingerprints

4424 shall be checked against the fingerprint records now and

4425 hereafter, to the extent allowed by law, filed in the Department  
4426 of Law Enforcement and Federal Bureau of Investigation criminal  
4427 history records databases. The Department of Law Enforcement  
4428 shall furnish, following positive identification, all conviction  
4429 information to the department.

4430 (b) When applying for the initial license or  
4431 identification card, the background checks for all prospective  
4432 principal officers, board members, and agents shall be completed  
4433 before submitting the application to the licensing or issuing  
4434 agency.

4435 (9) RENEWAL OF LICENSES AND IDENTIFICATION CARDS.—

4436 (a) Licenses and identification cards issued under this  
4437 section shall be renewed annually. A craft grower shall receive  
4438 written or electronic notice 90 days before the expiration of  
4439 its current license that the license will expire. The department  
4440 shall grant a renewal within 45 days of submission of a renewal  
4441 application if:

4442 1. The craft grower submits a renewal application and the  
4443 required nonrefundable renewal fee as provided in s. 566.801.

4444 2. The department has not suspended the license of the  
4445 craft grower or suspended or revoked the license for violating  
4446 this section or rules adopted under this section.

4447 3. The craft grower has continued to operate in accordance  
4448 with all plans submitted as part of its application and approved  
4449 by the department or any amendments thereto that have been

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4450 approved by the department.

4451 4. The craft grower has submitted an agent, employee,  
4452 contracting, and subcontracting diversity report as required by  
4453 the department.

4454 5. The craft grower has submitted an environmental impact  
4455 report.

4456 (b) If a craft grower fails to renew its license before  
4457 expiration, it shall cease operations until its license is  
4458 renewed.

4459 (c) If a craft grower agent fails to renew his or her  
4460 identification card before its expiration, he or she shall cease  
4461 to work as an agent of the craft grower organization until his  
4462 or her identification card is renewed.

4463 (d) Any craft grower that continues to operate, or any  
4464 craft grower agent who continues to work as an agent, after the  
4465 applicable license or identification card has expired without  
4466 renewal is subject to the penalties provided under s. 566.4701.

4467 (e) All fees or fines collected from the renewal of a  
4468 craft grower license shall be deposited into the Alcoholic  
4469 Beverage, Marijuana, and Tobacco Trust Fund.

4470 566.405 Infuser organizations.—

4471 (1) ISSUANCE OF LICENSES.—

4472 (a) The department shall issue up to 40 infuser licenses  
4473 through a process provided for in this section no later than  
4474 July 1, 2023.

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4475 (b) The department shall make the application for infuser  
4476 licenses available on January 7, 2023, or if that date falls on  
4477 a weekend or holiday, the business day immediately succeeding  
4478 the weekend or holiday and every January or succeeding business  
4479 day thereafter, and shall receive such applications no later  
4480 than March 15, 2023, or, if that date falls on a weekend or  
4481 holiday, the business day immediately succeeding the weekend or  
4482 holiday and every March 15, or succeeding business day  
4483 thereafter.

4484 (c) By December 21, 2024, the department may issue up to  
4485 60 additional infuser licenses. Before issuing such licenses,  
4486 the department may adopt rules through emergency rulemaking to  
4487 modify or raise the number of infuser licenses and modify or  
4488 change the licensing application process to reduce or eliminate  
4489 barriers. In determining whether to exercise the authority  
4490 granted by this subsection, the department must consider the  
4491 following factors:

4492 1. The percentage of cannabis sales occurring in this  
4493 states not in the regulated market using the best available data  
4494 to ascertain total cannabis consumption in this state compared  
4495 to the amount of sales in licensed dispensing organizations.

4496 2. Whether there is an adequate supply of cannabis and  
4497 cannabis-infused products to serve registered medical cannabis  
4498 patients.

4499 3. Whether there is an adequate supply of cannabis and

4500 cannabis-infused products to serve purchasers.

4501 4. Whether there is an oversupply of cannabis in this

4502 state leading to trafficking of cannabis to states where the

4503 sale of cannabis is not permitted by law.

4504 5. Population increases or shifts.

4505 6. Changes to federal law.

4506 7. Perceived security risks of increasing the number or

4507 location of infuser organizations.

4508 8. The past security record of infuser organizations.

4509 9. The department's capacity to appropriately regulate

4510 additional licensees.

4511 10. The reduction or elimination of any identified

4512 barriers to entry in the cannabis industry.

4513 11. Any other criteria the department deems relevant.

4514 (d) After January 1, 2023, the department may by rule

4515 modify or raise the number of infuser licenses, and modify or

4516 change the licensing application process to reduce or eliminate

4517 barriers based on the criteria in paragraph (c).

4518 (2) APPLICATION.—

4519 (a) When applying for a license, the applicant shall

4520 electronically submit the following in such form as the

4521 department may direct:

4522 1. The nonrefundable application fee as provided in s.

4523 566.801 to be deposited into the Alcoholic Beverage, Marijuana,

4524 and Tobacco Trust Fund.

- 4525        2. The legal name of the infuser.
- 4526        3. The proposed physical address of the infuser.
- 4527        4. The name, address, social security number, and date of  
 4528 birth of each principal officer and board member of the infuser;  
 4529 each principal officer and board member shall be at least 21  
 4530 years of age.
- 4531        5. The details of any administrative or judicial  
 4532 proceeding in which any of the principal officers or board  
 4533 members of the infuser:
- 4534            a. Pled guilty, were convicted, fined, or had a  
 4535 registration or license suspended or revoked; or
- 4536            b. Managed or served on the board of a business or  
 4537 nonprofit organization that pled guilty, was convicted, fined,  
 4538 or had a registration or license suspended or revoked.
- 4539        6. Proposed operating bylaws that include procedures for  
 4540 the oversight of the infuser, including the development and  
 4541 implementation of a plant monitoring system, accurate  
 4542 recordkeeping, staffing plan, and security plan approved by the  
 4543 Department of Law Enforcement that are in accordance with the  
 4544 rules issued by the department under this section. A physical  
 4545 inventory of all cannabis shall be performed on a weekly basis  
 4546 by the infuser.
- 4547        7. Verification from the Department of Law Enforcement  
 4548 that all background checks of the prospective principal  
 4549 officers, board members, and agents of the infuser organization

4550 have been conducted.

4551 8. A copy of the current local zoning ordinance and  
4552 verification that the proposed infuser is in compliance with the  
4553 local zoning rules and distance limitations established by the  
4554 local jurisdiction.

4555 9. Proposed employment practices, in which the applicant  
4556 must demonstrate a plan of action to inform, hire, and educate  
4557 minorities, women, veterans, and persons with disabilities,  
4558 engage in fair labor practices, and provide worker protections.

4559 10. Whether an applicant can demonstrate experience in or  
4560 business practices that promote economic empowerment in  
4561 disproportionately impacted areas.

4562 11. Experience with infusing products with cannabis  
4563 concentrate.

4564 12. A description of the enclosed, locked facility where  
4565 cannabis will be infused, packaged, or otherwise prepared for  
4566 distribution to a dispensing organization or other infuser.

4567 13. Processing, inventory, and packaging plans.

4568 14. A description of the applicant's experience with  
4569 operating a commercial kitchen or laboratory preparing products  
4570 for human consumption.

4571 15. A list of any academic degrees, certifications, or  
4572 relevant experience of all prospective principal officers, board  
4573 members, and agents of the related business.

4574 16. The identity of every person having a financial or

4575 voting interest of 5 percent or greater in the infuser operation  
4576 with respect to which the license is sought, whether a trust,  
4577 corporation, partnership, limited liability company, or sole  
4578 proprietorship, including the name and address of each person;

4579 17. A plan describing how the infuser will address each of  
4580 the following:

4581 a. Energy needs, including estimates of monthly  
4582 electricity and gas usage, to what extent it will procure energy  
4583 from a local utility or from on-site generation, and if it has  
4584 or will adopt a sustainable energy use and energy conservation  
4585 policy.

4586 b. Water needs, including estimated water draw, and if it  
4587 has or will adopt a sustainable water use and water conservation  
4588 policy.

4589 c. Waste management, including adopt a waste reduction  
4590 policy.

4591 18. A recycling plan that requires:

4592 a. A commitment that any recyclable waste generated by the  
4593 infuser shall be recycled per applicable state and local laws,  
4594 ordinances, and rules; and

4595 b. A commitment to comply with local waste provisions. An  
4596 infuser commits to remain in compliance with applicable state  
4597 and federal environmental requirements, including, but not  
4598 limited to, storing, securing, and managing all recyclables and  
4599 waste, including organic waste composed of or containing



4600 finished cannabis and cannabis products, in accordance with  
4601 applicable state and local laws, ordinances, and rules.

4602 19. Any other information required by rule.

4603 (b) Applicants must submit all required information,  
4604 including the information required in subsection (3), to the  
4605 department. Failure by an applicant to submit all required  
4606 information may result in the application being disqualified.

4607 (c) If the department receives an application with missing  
4608 information, the department may issue a deficiency notice to the  
4609 applicant. The applicant shall have 10 calendar days from the  
4610 date of the deficiency notice to resubmit the incomplete  
4611 information. Applications that are still incomplete after this  
4612 opportunity to cure will not be scored and will be disqualified.

4613 (3) ISSUING LICENSES.—

4614 (a) The department shall by rule develop a system to score  
4615 infuser applications to administratively rank applications based  
4616 on the clarity, organization, and quality of the applicant's  
4617 responses to required information. Applicants shall be awarded  
4618 points based on the following categories:

4619 1. Suitability of the proposed facility.

4620 2. Suitability of the employee training plan.

4621 3. Security and recordkeeping plan.

4622 4. Infusing plan.

4623 5. Product safety and labeling plan.

4624 6. Business plan.

4625 7. The applicant's status as a social equity applicant,  
4626 which shall constitute no less than 20 percent of total  
4627 available points.

4628 8. Labor and employment practices, which shall constitute  
4629 no less than 2 percent of total available points.

4630 9. The plan described in subparagraphs (2) (a) 17. and 18.

4631 10. The applicant is 51 percent or more owned and  
4632 controlled by an individual or individuals who have been a  
4633 resident of this state for the past 5 years as proved by tax  
4634 records.

4635 11. The applicant is 51 percent or more controlled and  
4636 owned by an individual or individuals who meet the  
4637 qualifications of a veteran as defined in s. 1.01(14).

4638 12. A diversity plan that includes a narrative of not more  
4639 than 2,500 words that establishes a goal of diversity in  
4640 ownership, management, employment, and contracting to ensure  
4641 that diverse participants and groups are afforded equality of  
4642 opportunity.

4643 13. Any other criteria the department may set by rule for  
4644 points.

4645 (b) The department may also award up to two bonus points  
4646 for the applicant's plan to engage with the community. The  
4647 applicant may demonstrate a desire to engage with its community  
4648 by participating in one or more of, but not limited to, the  
4649 following actions:

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4650       1. Establishment of an incubator program designed to  
4651 increase participation in the cannabis industry by persons who  
4652 would qualify as social equity applicants;

4653       2. Providing financial assistance to substance abuse  
4654 treatment centers;

4655       3. Educating children and teens about the potential harms  
4656 of cannabis use; or

4657       4. Other measures demonstrating a commitment to the  
4658 applicant's community. Bonus points will only be awarded if the  
4659 department receives applications that receive an equal score for  
4660 a particular region.

4661       (c) Should the applicant be awarded an infuser license,  
4662 the information and plans that an applicant provided in its  
4663 application, including any plans submitted for the acquiring of  
4664 bonus points, becomes a mandatory condition of the permit. Any  
4665 variation from or failure to perform such plans may result in  
4666 discipline, including the revocation or nonrenewal of a license.

4667       (d) Should the applicant be awarded an infuser  
4668 organization license, it shall pay a fee as provided in s.  
4669 566.801 before receiving the license, to be deposited into the  
4670 Alcoholic Beverage, Marijuana, and Tobacco Trust Fund.

4671       (4) DENIAL OF APPLICATION.—An application for an infuser  
4672 license shall be denied if any of the following conditions are  
4673 met:

4674       (a) The applicant failed to submit the materials required

4675 by this section;

4676 (b) The applicant would not be in compliance with local  
 4677 zoning rules or permit requirements;

4678 (c) One or more of the prospective principal officers or  
 4679 board members causes a violation of subsection (5);

4680 (d) One or more of the principal officers or board members  
 4681 is under 21 years of age;

4682 (e) The person has submitted an application for a license  
 4683 under this chapter that contains false information; or

4684 (f) If the licensee; principal officer, board member, or  
 4685 person having a financial or voting interest of 5 percent or  
 4686 greater in the licensee; or agent is delinquent in filing any  
 4687 required tax returns or paying any amounts owed to the state.

4688 (5) INFUSER ORGANIZATION REQUIREMENTS; PROHIBITIONS.—

4689 (a) The operating documents of an infuser shall include  
 4690 procedures for the oversight of the infuser, an inventory  
 4691 monitoring system, including a physical inventory recorded  
 4692 weekly, accurate recordkeeping, and a staffing plan.

4693 (b) An infuser shall implement a security plan reviewed by  
 4694 the Department of Law Enforcement that includes, but is not  
 4695 limited to, facility access controls, perimeter intrusion  
 4696 detection systems, personnel identification systems, and a 24-  
 4697 hour surveillance system to monitor the interior and exterior of  
 4698 the infuser facility and that is accessible to authorized law  
 4699 enforcement, the Department of Health, and the department in

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4700 real time.

4701 (c) All processing of cannabis by an infuser must take  
4702 place in an enclosed, locked facility at the physical address  
4703 provided to the department during the licensing process. The  
4704 infuser location shall only be accessed by the agents working  
4705 for the infuser, the department staff performing inspections,  
4706 the Department of Health staff performing inspections, state and  
4707 local law enforcement or other emergency personnel, contractors  
4708 working on jobs unrelated to cannabis, such as installing or  
4709 maintaining security devices or performing electrical wiring,  
4710 transporting organization agents as provided in this chapter,  
4711 participants in the incubator program, individuals in a  
4712 mentoring or educational program approved by the state, local  
4713 safety or health inspectors, or other individuals as provided by  
4714 rule. However, if an infuser shares a premises with a craft  
4715 grower or dispensing organization, agents from these other  
4716 licensees may access the infuser portion of the premises if that  
4717 is the location of common bathrooms, lunchrooms, locker rooms,  
4718 or other areas of the building where processing of cannabis is  
4719 not performed. At no time may a craft grower or dispensing  
4720 organization agent perform work at an infuser without being a  
4721 registered agent of the infuser.

4722 (d) An infuser may not sell or distribute any cannabis to  
4723 any person other than a dispensing organization, or as otherwise  
4724 authorized by rule.

4725 (e) An infuser may not either directly or indirectly  
4726 discriminate in price between different cannabis business  
4727 establishments that are purchasing a like grade, strain, brand,  
4728 and quality of cannabis or cannabis-infused product. Nothing in  
4729 this paragraph prevents an infuser from pricing cannabis  
4730 differently based on differences in the cost of manufacturing or  
4731 processing, the quantities sold, such volume discounts, or the  
4732 way the products are delivered.

4733 (f) All cannabis infused by an infuser and intended for  
4734 distribution to a dispensing organization must be entered into a  
4735 data collection system, packaged and labeled under s. 566.4805,  
4736 and, if distribution is to a dispensing organization that does  
4737 not share a premises with the infuser, placed into a cannabis  
4738 container for transport. All cannabis produced by an infuser and  
4739 intended for distribution to a cultivation center, infuser  
4740 organization, or craft grower with which it does not share a  
4741 premises, must be packaged in a labeled cannabis container and  
4742 entered into a data collection system before transport.

4743 (g) Infusers are subject to random inspections by the  
4744 department, the Department of Health, the Department of Law  
4745 Enforcement, and local law enforcement.

4746 (h) An infuser agent shall notify local law enforcement,  
4747 the Department of Law Enforcement, and the department within 24  
4748 hours of the discovery of any loss or theft. Notification shall  
4749 be made by phone, in person, or by written or electronic

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4750 communication.

4751 (i) An infuser organization may not be located in an area  
4752 zoned for residential use.

4753 (j) An infuser or infuser agent shall not transport  
4754 cannabis or cannabis-infused products to any other cannabis  
4755 business establishment without a transport organization license  
4756 unless:

4757 1. If the infuser is located in a county with a population  
4758 of 3,000,000 or more, the cannabis business establishment  
4759 receiving the cannabis or cannabis-infused product is within  
4760 2,000 feet of the property line of the infuser;

4761 2. If the infuser is located in a county with a population  
4762 of more than 700,000 but fewer than 3,000,000, the cannabis  
4763 business establishment receiving the cannabis or cannabis-  
4764 infused product is within 2 miles of the infuser; or

4765 3. If the infuser is located in a county with a population  
4766 of fewer than 700,000, the cannabis business establishment  
4767 receiving the cannabis or cannabis-infused product is within 15  
4768 miles of the infuser.

4769 (k) An infuser may enter into a contract with a  
4770 transporting organization to transport cannabis to a dispensing  
4771 organization or a laboratory.

4772 (l) An infuser organization may share premises with a  
4773 craft grower or a dispensing organization, or both, provided  
4774 each licensee stores currency and cannabis or cannabis-infused

4775 products in a separate secured vault to which the other licensee  
4776 does not have access or all licensees sharing a vault share more  
4777 than 50 percent of the same ownership.

4778 (m) It is unlawful for any person or entity having an  
4779 infuser organization license or any officer, associate, member,  
4780 representative or agent of such licensee to offer or deliver  
4781 money, or anything else of value, directly or indirectly to any  
4782 person having an early approval adult use dispensing  
4783 organization license, a conditional adult use dispensing  
4784 organization license, an adult use dispensing organization  
4785 License, or a medical marijuana treatment center, or to any  
4786 person connected with or in any way representing, or to any  
4787 member of the family of, such person holding an early approval  
4788 adult use dispensing organization license, a conditional adult  
4789 use dispensing organization license, an adult use dispensing  
4790 organization license, or a medical marijuana treatment center,  
4791 or to any stockholders in any corporation engaged the retail  
4792 sales of cannabis, or to any officer, manager, agent, or  
4793 representative of the early approval adult use dispensing  
4794 organization license, a conditional adult use dispensing  
4795 organization license, an adult use dispensing organization  
4796 license, or a medical marijuana treatment center to obtain  
4797 preferential placement within the dispensing organization,  
4798 including, without limitation, on shelves and in display cases  
4799 where purchasers can view products, or on the dispensing



4800 organization's website.

4801 (n) At no time shall an infuser organization or an infuser  
4802 agent perform the extraction of cannabis concentrate from  
4803 cannabis flower.

4804 (6) IDENTIFICATION CARD.—

4805 (a) The department shall:

4806 1. Establish by rule the information required in an  
4807 initial application or renewal application for an agent  
4808 identification card submitted under this section and the  
4809 nonrefundable fee to accompany the initial application or  
4810 renewal application.

4811 2. Verify the information contained in an initial  
4812 application or renewal application for an agent identification  
4813 card submitted under this section, and approve or deny an  
4814 application within 30 days after receiving a completed initial  
4815 application or renewal application and all supporting  
4816 documentation required by rule.

4817 3. Issue an agent identification card to a qualifying  
4818 agent within 15 business days of approving the initial  
4819 application or renewal application.

4820 4. Enter the license number of the infuser where the agent  
4821 works.

4822 5. Allow for an electronic initial application and renewal  
4823 application process, and provide a confirmation by electronic or  
4824 other methods that an application has been submitted. The

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4825 department may by rule require prospective agents to file their  
4826 applications by electronic means and provide notices to the  
4827 agents by electronic means.

4828 (b) An agent must keep his or her identification card  
4829 visible at all times when on the property of a cannabis business  
4830 establishment including the cannabis business establishment for  
4831 which he or she is an agent.

4832 (c) The agent identification cards shall contain the  
4833 following:

4834 1. The name of the cardholder.

4835 2. The date of issuance and expiration date of the  
4836 identification card.

4837 3. A random 10-digit alphanumeric identification number  
4838 containing at least four numbers and at least four letters that  
4839 is unique to the holder.

4840 4. A photograph of the cardholder.

4841 5. The legal name of the infuser organization employing  
4842 the agent.

4843 (d) An agent identification card shall be immediately  
4844 returned to the infuser organization of the agent upon  
4845 termination of his or her employment.

4846 (e) Any agent identification card lost by a transporting  
4847 agent shall be reported to the Department of Law Enforcement and  
4848 the department immediately upon discovery of the loss.

4849 (7) ENSURING AN ADEQUATE SUPPLY OF RAW MATERIALS.-

4850 (a) As used in this subsection, the term "raw materials"  
4851 includes, CO2 hash oil, crude, distillate, or any other cannabis  
4852 concentrate extracted from cannabis flower by use of a solvent  
4853 or a mechanical process.

4854 (b) The department may by rule design a method for  
4855 assessing whether licensed infusers have access to an adequate  
4856 supply of reasonably affordable raw materials, which may include  
4857 but not be limited to:

4858 1. A survey of infusers.

4859 2. A market study on the sales trends of cannabis-infused  
4860 products manufactured by infusers.

4861 3. The costs cultivation centers and craft growers assume  
4862 for the raw materials they use in any cannabis-infused products  
4863 they manufacture.

4864 (c) The department shall perform an assessment of whether  
4865 infusers have access to an adequate supply of reasonably  
4866 affordable raw materials that shall start no sooner than January  
4867 1, 2024, and shall conclude no later than April 1, 2025.

4868 (d) The department shall perform an assessment of whether  
4869 infusers have access to an adequate supply of reasonably  
4870 affordable raw materials that shall start no sooner than January  
4871 1, 2024, and shall conclude no later than April 1, 2026.

4872 (e) The department may by rule adopt measures to ensure  
4873 infusers have access to an adequate supply of reasonably  
4874 affordable raw materials necessary for the manufacture of

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4875 cannabis-infused products. Such measures may include, but not be  
4876 limited to requiring cultivation centers and craft growers to  
4877 set aside a minimum amount of raw materials for the wholesale  
4878 market or enabling infusers to apply for a processor license to  
4879 extract raw materials from cannabis flower.

4880 (f) If the department determines processor licenses may be  
4881 available to infusing organizations based upon findings made  
4882 pursuant to paragraph (e), infuser organizations may submit to  
4883 the department on forms provided by the department the following  
4884 information as part of an application to receive a processor  
4885 license:

4886 1. Experience with the extraction, processing, or infusing  
4887 of oils similar to those derived from cannabis, or other  
4888 business practices to be performed by the infuser.

4889 2. A description of the applicant's experience with  
4890 manufacturing equipment and chemicals to be used in processing;

4891 3. Expertise in relevant scientific fields.

4892 4. A commitment that any cannabis waste, liquid waste, or  
4893 hazardous waste shall be disposed of in accordance applicable  
4894 laws and that all cannabis plant waste will be rendered  
4895 unusable by grinding and incorporating the cannabis plant waste  
4896 with compostable mixed waste to be disposed of or composted in  
4897 accordance with applicable laws.

4898 5. Any other information the department deems relevant.

4899 (g) The department may only issue an infusing organization

4900 a processor license if, based on the information pursuant to  
 4901 paragraph (f) and any other criteria set by the department,  
 4902 which may, include, but not be limited to, an inspection of the  
 4903 site where processing would occur, the department is reasonably  
 4904 certain the infusing organization will process cannabis in a  
 4905 safe and compliant manner.

4906 (8) BACKGROUND CHECKS.—

4907 (a) Through the Department of Law Enforcement, the  
 4908 department shall conduct a background check of the prospective  
 4909 principal officers, board members, and agents of an infuser  
 4910 applying for a license or identification card under this  
 4911 section. The Department of Law Enforcement may charge a fee as  
 4912 provided in s. 943.053. In order to carry out this provision,  
 4913 each infuser organization's prospective principal officer, board  
 4914 member, or agent shall submit a full set of fingerprints to the  
 4915 Department of Law Enforcement for the purpose of obtaining a  
 4916 state and federal criminal records check. These fingerprints  
 4917 shall be checked against the fingerprint records now and  
 4918 hereafter, to the extent allowed by law, filed in the Department  
 4919 of Law Enforcement and Federal Bureau of Investigation criminal  
 4920 history records databases. The Department of Law Enforcement  
 4921 shall furnish, following positive identification, all conviction  
 4922 information to the department.

4923 (b) When applying for the initial license or  
 4924 identification card, the background checks for all prospective

4925 principal officers, board members, and agents shall be completed  
4926 before submitting the application to the licensing or issuing  
4927 agency.

4928 (9) RENEWAL OF LICENSES AND IDENTIFICATION CARDS.—

4929 (a) Licenses and identification cards issued under this  
4930 section shall be renewed annually. An infuser organization shall  
4931 receive written or electronic notice 90 days before the  
4932 expiration of its current license that the license will expire.  
4933 The department shall grant a renewal within 45 days of  
4934 submission of a renewal application if:

4935 1. The infuser organization submits a renewal application  
4936 and the required nonrefundable renewal fee as provided in s.  
4937 566.801 to be deposited into the Alcoholic Beverage, Marijuana,  
4938 and Tobacco Trust Fund.

4939 2. The department has not suspended or revoked the license  
4940 of the infuser organization for violating this section or rules  
4941 adopted under this section.

4942 3. The infuser organization has continued to operate in  
4943 accordance with all plans submitted as part of its application  
4944 and approved by the department or any amendments thereto that  
4945 have been approved by the department.

4946 4. The infuser has submitted an agent, employee,  
4947 contracting, and subcontracting diversity report as required by  
4948 the department.

4949 5. The infuser has submitted an environmental impact

4950 report.

4951 (b) If an infuser organization fails to renew its license  
 4952 before expiration, it shall cease operations until its license  
 4953 is renewed.

4954 (c) If an infuser organization agent fails to renew his or  
 4955 her identification card before its expiration, he or she shall  
 4956 cease to work as an agent of the infuser organization until his  
 4957 or her identification card is renewed.

4958 (d) Any infuser organization that continues to operate, or  
 4959 any infuser organization agent who continues to work as an  
 4960 agent, after the applicable license or identification card has  
 4961 expired without renewal is subject to the penalties provided  
 4962 under subsection (5).

4963 (e) The department shall not renew a license or an agent  
 4964 identification card if the applicant is delinquent in filing any  
 4965 required tax returns or paying any amounts owed to the state.

4966 566.4501 Transporting organizations.-

4967 (1) ISSUANCE OF LICENSES

4968 (a) The department shall issue transporting licenses  
 4969 through a process provided for in this section no later than  
 4970 July 1, 2023.

4971 (b) The department shall make the application for  
 4972 transporting organization licenses available on January 7, 2023,  
 4973 and shall receive such applications no later than March 15,  
 4974 2023. Thereafter, the department shall make available such

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4975 applications on every January 7 thereafter or if that date falls  
4976 on a weekend or holiday, the business day immediately succeeding  
4977 the weekend or holiday and shall receive such applications no  
4978 later than March 15 or the succeeding business day thereafter.

4979 (2) APPLICATION.—

4980 (a) When applying for a transporting organization license,  
4981 the applicant shall electronically submit the following in such  
4982 form as the department may direct:

4983 1. The nonrefundable application fee as provided in s.  
4984 566.801 to be deposited into the Alcoholic Beverage, Marijuana,  
4985 and Tobacco Trust Fund.

4986 2. The legal name of the transporting organization.

4987 3. The proposed physical address of the transporting  
4988 organization, if one is proposed.

4989 4. The name, address, social security number, and date of  
4990 birth of each principal officer and board member of the  
4991 transporting organization; each principal officer and board  
4992 member shall be at least 21 years of age.

4993 5. The details of any administrative or judicial  
4994 proceeding in which any of the principal officers or board  
4995 members of the transporting organization:

4996 a. Pled guilty, were convicted, fined, or had a  
4997 registration or license suspended or revoked; or

4998 b. Managed or served on the board of a business or non-  
4999 profit organization that pled guilty, was convicted, fined, or



5000 had a registration or license suspended or revoked.

5001 6. Proposed operating bylaws that include procedures for  
5002 the oversight of the transporting organization, including the  
5003 development and implementation of an accurate recordkeeping  
5004 plan, staffing plan, and security plan approved by the  
5005 Department of Law Enforcement that are in accordance with the  
5006 rules issued by the department under this section; a physical  
5007 inventory shall be performed of all cannabis on a weekly basis  
5008 by the transporting organization.

5009 7. Verification from the Department of Law Enforcement  
5010 that all background checks of the prospective principal  
5011 officers, board members, and agents of the transporting  
5012 organization have been conducted.

5013 8. A copy of the current local zoning ordinance or permit  
5014 and verification that the proposed transporting organization is  
5015 in compliance with the local zoning rules and distance  
5016 limitations established by the local jurisdiction, if the  
5017 transporting organization has a business address.

5018 9. Proposed employment practices, in which the applicant  
5019 must demonstrate a plan of action to inform, hire, and educate  
5020 minorities, women, veterans, and persons with disabilities,  
5021 engage in fair labor practices, and provide worker protections.

5022 10. Whether an applicant can demonstrate experience in or  
5023 business practices that promote economic empowerment in  
5024 Disproportionately Impacted Areas.

5025 11. The number and type of equipment the transporting  
 5026 organization will use to transport cannabis and cannabis-infused  
 5027 products.

5028 12. Loading, transporting, and unloading plans.

5029 13. A description of the applicant's experience in the  
 5030 distribution or security business.

5031 14. The identity of every person having a financial or  
 5032 voting interest of 5 percent or more in the transporting  
 5033 organization with respect to which the license is sought,  
 5034 whether a trust, corporation, partnership, limited liability  
 5035 company, or sole proprietorship, including the name and address  
 5036 of each person.

5037 15. Any other information required by rule.

5038 (b) Applicants must submit all required information,  
 5039 including the information required in subsection (3) to the  
 5040 department. Failure by an applicant to submit all required  
 5041 information may result in the application being disqualified.

5042 (c) If the department receives an application with missing  
 5043 information, the department may issue a deficiency notice to the  
 5044 applicant. The applicant shall have 10 calendar days from the  
 5045 date of the deficiency notice to resubmit the incomplete  
 5046 information. Applications that are still incomplete after this  
 5047 opportunity to cure will not be scored and will be disqualified.

5048 (3) ISSUING LICENSES.—

5049 (a) The department shall by rule develop a system to score

5050 transporter applications to administratively rank applications  
 5051 based on the clarity, organization, and quality of the  
 5052 applicant's responses to required information. Applicants shall  
 5053 be awarded points based on the following categories:

- 5054 1. Suitability of employee training plan.
- 5055 2. Security and recordkeeping plan.
- 5056 3. Business plan.
- 5057 4. The applicant's status as a social equity applicant,  
 5058 which shall constitute no less than 20 percent of total  
 5059 available points.
- 5060 5. Labor and employment practices, which shall constitute  
 5061 no less than 2 percent of total available points.
- 5062 6. Environmental plan that demonstrates an environmental  
 5063 plan of action to minimize the carbon footprint, environmental  
 5064 impact, and resource needs for the transporter, which may  
 5065 include, without limitation, recycling cannabis product  
 5066 packaging.
- 5067 7. The applicant is 51 percent or more owned and  
 5068 controlled by an individual or individuals who have been a  
 5069 resident of this state for the past 5 years as proved by tax  
 5070 records.
- 5071 8. The applicant is 51 percent or more controlled and  
 5072 owned by an individual or individuals who meet the  
 5073 qualifications of a veteran as defined in s. 1.01(14).
- 5074 9. A diversity plan that includes a narrative of not more

5075 than 2,500 words that establishes a goal of diversity in  
 5076 ownership, management, employment, and contracting ensure that  
 5077 diverse participants and groups are afforded equality of  
 5078 opportunity.

5079 10. Any other criteria the department may set by rule for  
 5080 points.

5081 (b) The department may also award up to two bonus points  
 5082 for the applicant's plan to engage with the community. The  
 5083 applicant may demonstrate a desire to engage with its community  
 5084 by participating in one or more of, but not limited to, the  
 5085 following actions:

5086 1. Establishment of an incubator program designed to  
 5087 increase participation in the cannabis industry by persons who  
 5088 would qualify as social equity applicants;

5089 2. Providing financial assistance to substance abuse  
 5090 treatment centers;

5091 3. Educating children and teens about the potential harms  
 5092 of cannabis use; or

5093 4. Other measures demonstrating a commitment to the  
 5094 applicant's community.

5095  
 5096 Bonus points will only be awarded if the department receives  
 5097 applications that receive an equal score for a particular  
 5098 region.

5099 (c) Applicants for transportation organization licenses

5100 that score at least 85 percent of available points according to  
5101 the system developed by rule and meet all other requirements for  
5102 a transporter license shall be issued a license by the  
5103 department within 60 days after receiving the application.  
5104 Applicants that were registered as medical cannabis cultivation  
5105 centers before January 1, 2023, and who meet all other  
5106 requirements for a transporter license shall be issued a license  
5107 by the department within 60 days after receiving the  
5108 application.

5109 (d) Should the applicant be awarded a transportation  
5110 organization license, the information and plans that an  
5111 applicant provided in its application, including any plans  
5112 submitted for the acquiring of bonus points, shall be a  
5113 mandatory condition of the permit. Any variation from or failure  
5114 to perform such plans may result in discipline, including the  
5115 revocation or nonrenewal of a license.

5116 (e) Should the applicant be awarded a transporting  
5117 organization license, the applicant shall pay a prorated fee as  
5118 provided in s. 566.801 before receiving the license, to be  
5119 deposited into the Alcoholic Beverage, Marijuana, and Tobacco  
5120 Trust Fund.

5121 (4) DENIAL OF APPLICATION.—An application for a  
5122 transportation organization license shall be denied if any of  
5123 the following conditions are met:

5124 (a) The applicant failed to submit the materials required

5125 by this section;

5126 (b) The applicant would not be in compliance with local  
5127 zoning rules or permit requirements;

5128 (c) One or more of the prospective principal officers or  
5129 board members causes a violation of subsection (5);

5130 (d) One or more of the principal officers or board members  
5131 is under 21 years of age;

5132 (e) The person has submitted an application for license  
5133 under this chapter that contains false information; or

5134 (f) The licensee, principal officer, board member, or  
5135 person having a financial or voting interest of 5 percent or  
5136 greater in the licensee is delinquent in filing any required tax  
5137 returns or paying any amounts owed to the state.

5138 (5) ORGANIZATION REQUIREMENTS; PROHIBITIONS.—

5139 (a) The operating documents of a transporting organization  
5140 shall include procedures for the oversight of the transporter,  
5141 an inventory monitoring system, including a physical inventory  
5142 recorded weekly, accurate recordkeeping, and a staffing plan.

5143 (b) A transporting organization may not transport cannabis  
5144 or cannabis-infused products to any person other than a  
5145 cultivation center, a craft grower, an infuser organization, a  
5146 dispensing organization, a testing facility, or as otherwise  
5147 authorized by rule.

5148 (c) All cannabis transported by a transporting  
5149 organization must be entered into a data collection system and

5150 placed into a cannabis container for transport.

5151 (d) Transporters are subject to random inspections by the  
5152 department, the Department of Health, and the Department of Law  
5153 Enforcement.

5154 (e) A transporting organization agent shall notify local  
5155 law enforcement, the Department of Law Enforcement, and the  
5156 department within 24 hours of the discovery of any loss or  
5157 theft. Notification shall be made by phone, in person, or by  
5158 written or electronic communication.

5159 (f) No person under the age of 21 years shall be in a  
5160 commercial vehicle or trailer transporting cannabis goods.

5161 (g) No person or individual who is not a transporting  
5162 organization agent shall be in a vehicle while transporting  
5163 cannabis goods.

5164 (h) Transporters may not use commercial motor vehicles  
5165 with a weight rating of over 10,001 pounds.

5166 (i) It is unlawful for any person to offer or deliver  
5167 money, or anything else of value, directly or indirectly, to any  
5168 of the following persons to obtain preferential placement within  
5169 the dispensing organization, including, without limitation, on  
5170 shelves and in display cases where purchasers can view products,  
5171 or on the dispensing organization's website:

5172 1. A person having a transporting organization license, or  
5173 any officer, associate, member, representative, or agent of the  
5174 licensee;

5175 2. A person having an early applicant adult use dispensing  
5176 organization license, an adult use dispensing organization  
5177 license, or a medical marijuana treatment center license;

5178 3. A person connected with or in any way representing, or  
5179 a member of the family of, a person holding an early applicant  
5180 adult use dispensing organization license, an adult use  
5181 dispensing organization license, or a medical marijuana  
5182 treatment center license; or

5183 4. A stockholder, officer, manager, agent, or  
5184 representative of a corporation engaged in the retail sale of  
5185 cannabis, an early applicant adult use dispensing organization  
5186 license, an adult use dispensing organization license, or a  
5187 medical marijuana treatment center license.

5188 (j) A transportation organization agent must keep his or  
5189 her identification card visible at all times when on the  
5190 property of a cannabis business establishment and during the  
5191 transportation of cannabis when acting under his or her duties  
5192 as a transportation organization agent. During these times, the  
5193 transporter organization agent must also provide the  
5194 identification card upon request of any law enforcement officer  
5195 engaged in his or her official duties.

5196 (k) A copy of the transporting organization's registration  
5197 and a manifest for the delivery shall be present in any vehicle  
5198 transporting cannabis.

5199 (l) Cannabis shall be transported so it is not visible or



5200 recognizable from outside the vehicle.

5201 (m) A vehicle transporting cannabis must not bear any  
5202 markings to indicate the vehicle contains cannabis or bear the  
5203 name or logo of the cannabis business establishment.

5204 (n) Cannabis must be transported in an enclosed, locked  
5205 storage compartment that is secured or affixed to the vehicle.

5206 (o) The department may, by rule, impose any other  
5207 requirements or prohibitions on the transportation of cannabis.

5208 (6) IDENTIFICATION CARD.—

5209 (a) The department shall:

5210 1. Establish by rule the information required in an  
5211 initial application or renewal application for an agent  
5212 identification card submitted under this chapter and the  
5213 nonrefundable fee to accompany the initial application or  
5214 renewal application.

5215 2. Verify the information contained in an initial  
5216 application or renewal application for an agent identification  
5217 card submitted under this section and approve or deny an  
5218 application within 30 days after receiving a completed initial  
5219 application or renewal application and all supporting  
5220 documentation required by rule.

5221 3. Issue an agent identification card to a qualifying  
5222 agent within 15 business days of approving the initial  
5223 application or renewal application.

5224 4. Enter the license number of the transporting

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5225 organization where the agent works.

5226 5. Allow for an electronic initial application and renewal  
5227 application process, and provide a confirmation by electronic or  
5228 other methods that an application has been submitted. The  
5229 department may by rule require prospective agents to file their  
5230 applications by electronic means and provide notices to the  
5231 agents by electronic means.

5232 (b) An agent must keep his or her identification card  
5233 visible at all times when on the property of a cannabis business  
5234 establishment, including the cannabis business establishment for  
5235 which he or she is an agent.

5236 (c) The agent identification cards shall contain the  
5237 following:

5238 1. The name of the cardholder.

5239 2. The date of issuance and expiration date of the  
5240 identification card.

5241 3. A random 10-digit alphanumeric identification number  
5242 containing at least 4 numbers and at least 4 letters that is  
5243 unique to the holder.

5244 4. A photograph of the cardholder.

5245 5. The legal name of the transporter organization  
5246 employing the agent.

5247 (d) An agent identification card shall be immediately  
5248 returned to the transporter organization of the agent upon  
5249 termination of his or her employment.

5250        (e) Any agent identification card lost by a transporting  
 5251 agent shall be reported to the Department of Law Enforcement and  
 5252 the department immediately upon discovery of the loss.

5253        (f) An application for an agent identification card shall  
 5254 be denied if the applicant is delinquent in filing any required  
 5255 tax returns or paying any amounts owed to this state.

5256        (7) BACKGROUND CHECKS.—

5257        (a) Through the Department of Law Enforcement, the  
 5258 department shall conduct a background check of the prospective  
 5259 principal officers, board members, and agents of a transporter  
 5260 applying for a license or identification card under this  
 5261 section. The Department of Law Enforcement may charge a fee as  
 5262 provided in s. 943.053. In order to carry out this provision,  
 5263 each transporter organization's prospective principal officer,  
 5264 board member, or agent shall submit a full set of fingerprints  
 5265 to the Department of Law Enforcement for the purpose of  
 5266 obtaining a state and federal criminal records check. These  
 5267 fingerprints shall be checked against the fingerprint records  
 5268 now and hereafter, to the extent allowed by law, filed in the  
 5269 Department of Law Enforcement and Federal Bureau of  
 5270 Investigation criminal history records databases. The Department  
 5271 of Law Enforcement shall furnish, following positive  
 5272 identification, all conviction information to the department.

5273        (b) When applying for the initial license or  
 5274 identification card, the background checks for all prospective

5275 principal officers, board members, and agents shall be completed  
 5276 before submitting the application to the department.

5277 (8) RENEWAL OF LICENSES AND AGENT IDENTIFICATION CARDS.-

5278 (a) Licenses and identification cards issued under this  
 5279 section shall be renewed annually. A transporting organization  
 5280 shall receive written or electronic notice 90 days before the  
 5281 expiration of its current license that the license will expire.  
 5282 The department shall grant a renewal within 45 days of  
 5283 submission of a renewal application if:

5284 1. The transporting organization submits a renewal  
 5285 application and the required nonrefundable renewal fee as  
 5286 provided in s. 566.801 to be deposited into the Alcoholic  
 5287 Beverage, Marijuana, and Tobacco Trust Fund.

5288 2. The department has not suspended or revoked the license  
 5289 of the transporting organization for violating this chapter or  
 5290 rules adopted under this chapter.

5291 3. The transporting organization has continued to operate  
 5292 in accordance with all plans submitted as part of its  
 5293 application and approved by the department or any amendments  
 5294 thereto that have been approved by the department.

5295 4. The transporter has submitted an agent, employee,  
 5296 contracting, and subcontracting diversity report as required by  
 5297 the department.

5298 (b) If a transporting organization fails to renew its  
 5299 license before expiration, it shall cease operations until its

5300 license is renewed.

5301 (c) If a transporting organization agent fails to renew  
 5302 his or her identification card before its expiration, he or she  
 5303 shall cease to work as an agent of the transporter organization  
 5304 until his or her identification card is renewed.

5305 (d) Any transporting organization that continues to  
 5306 operate, or any transporting organization agent who continues to  
 5307 work as an agent, after the applicable license or identification  
 5308 card has expired without renewal is subject to the penalties  
 5309 provided under subsection (5).

5310 (e) The department shall not renew a license or an agent  
 5311 identification card if the applicant is delinquent in filing any  
 5312 required tax returns or paying any amounts owed to the state.

5313 566.4601 Testing.-

5314 (1) Notwithstanding any other provision of law, the  
 5315 following acts, when performed by a cannabis testing facility  
 5316 with a current, valid registration, or a person 21 years of age  
 5317 or older who is acting in his or her capacity as an owner,  
 5318 employee, or agent of a cannabis testing facility, are not  
 5319 unlawful and shall not be an offense under state law or be a  
 5320 basis for seizure or forfeiture of assets under state law:

5321 (a) Possessing, repackaging, transporting, storing, or  
 5322 displaying cannabis or cannabis-infused products.

5323 (b) Receiving or transporting cannabis or cannabis-infused  
 5324 products from a cannabis business establishment, a community

5325 college licensed under the Florida College System Cannabis  
 5326 Vocational Pilot Program, or a person 21 years of age or older.  
 5327 (c) Returning or transporting cannabis or cannabis-infused  
 5328 products to a cannabis business establishment, a community  
 5329 college licensed under the Community College Cannabis Vocational  
 5330 Training Pilot Program, or a person 21 years of age or older.  
 5331 (2)(a) No laboratory shall handle, test, or analyze  
 5332 cannabis unless approved by the department in accordance with  
 5333 this section.  
 5334 (b) No laboratory shall be approved to handle, test, or  
 5335 analyze cannabis unless the laboratory:  
 5336 1. Is accredited by a private laboratory accrediting  
 5337 organization.  
 5338 2. Is independent from all other persons involved in the  
 5339 cannabis industry in this state and no person with a direct or  
 5340 indirect interest in the laboratory has a direct or indirect  
 5341 financial, management, or other interest in a Florida  
 5342 cultivation center, craft grower, dispensary, infuser,  
 5343 transporter, certifying physician, or any other entity in the  
 5344 state that may benefit from the production, manufacture,  
 5345 dispensing, sale, purchase, or use of cannabis.  
 5346 3. Has employed at least one person to oversee and be  
 5347 responsible for the laboratory testing who has earned, from a  
 5348 college or university accredited by a national or regional  
 5349 certifying authority, at least:

5350 a. A master's level degree in chemical or biological  
5351 sciences and a minimum of 2 years' post-degree laboratory  
5352 experience; or

5353 b. A bachelor's degree in chemical or biological sciences  
5354 and a minimum of 4 years' post-degree laboratory experience.

5355 4. Each independent testing laboratory that claims to be  
5356 accredited must provide the department with a copy of the most  
5357 recent annual inspection report granting accreditation and every  
5358 annual report thereafter.

5359 (3) Immediately before manufacturing or natural processing  
5360 of any cannabis or cannabis-infused product or packaging  
5361 cannabis for sale to a dispensary, each batch shall be made  
5362 available by the cultivation center, craft grower, or infuser  
5363 for an employee of an approved laboratory to select a random  
5364 sample, which shall be tested by the approved laboratory for:

5365 (a) Microbiological contaminants.

5366 (b) Mycotoxins.

5367 (c) Pesticide active ingredients.

5368 (d) Residual solvent.

5369 (e) An active ingredient analysis.

5370 (4) The department may select a random sample that shall,  
5371 for the purposes of conducting an active ingredient analysis, be  
5372 tested by the department for verification of label information.

5373 (5) A laboratory shall immediately return or dispose of  
5374 any cannabis upon the completion of any testing, use, or

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5375 research. If cannabis is disposed of, it shall be done in  
5376 compliance with department rule.

5377 (6) If a sample of cannabis does not pass the  
5378 microbiological, mycotoxin, pesticide chemical residue, or  
5379 solvent residue test, based on the standards established by the  
5380 department, the following shall apply:

5381 (a) If the sample failed the pesticide chemical residue  
5382 test, the entire batch from which the sample was taken shall, if  
5383 applicable, be recalled as provided by rule.

5384 (b) If the sample failed any other test, the batch may be  
5385 used to make a CO<sub>2</sub>-based or solvent based extract. After  
5386 processing, the CO<sub>2</sub>-based or solvent based extract must still  
5387 pass all required tests.

5388 (7) The department shall establish standards for  
5389 microbial, mycotoxin, pesticide residue, solvent residue, or  
5390 other standards for the presence of possible contaminants, in  
5391 addition to labeling requirements for contents and potency.

5392 (8) The laboratory shall file with the department an  
5393 electronic copy of each laboratory test result for any batch  
5394 that does not pass the microbiological, mycotoxin, or pesticide  
5395 chemical residue test, at the same time that it transmits those  
5396 results to the cultivation center. In addition, the laboratory  
5397 shall maintain the laboratory test results for at least 5 years  
5398 and make them available at the department's request.

5399 (9) A cultivation center, craft grower, and infuser shall



5400 provide to a dispensing organization the laboratory test results  
5401 for each batch of cannabis product purchased by the dispensing  
5402 organization, if sampled. Each dispensary organization must have  
5403 those laboratory results available upon request to purchasers.

5404 (10) The department may adopt rules related to testing in  
5405 furtherance of this chapter.

5406 566.4701 Enforcement and immunities.-

5407 (1) Notwithstanding any other criminal penalties related  
5408 to the unlawful possession of cannabis, the department may  
5409 revoke, suspend, place on probation, reprimand, issue cease and  
5410 desist orders, refuse to issue or renew a license, or take any  
5411 other disciplinary or nondisciplinary action as each department  
5412 may deem proper with regard to a cannabis business establishment  
5413 or cannabis business establishment agent, including fines not to  
5414 exceed:

5415 (a) By a cultivation center or cultivation center agent,  
5416 \$50,000 for each violation of this chapter or rules adopted  
5417 under this chapter.

5418 (b) By a dispensing organization or dispensing  
5419 organization agent, \$10,000 for each violation of this chapter  
5420 or rules adopted thereunder.

5421 (c) By a craft grower or craft grower agent, \$15,000 for  
5422 each violation of this chapter or rules adopted thereunder.

5423 (d) By an infuser organization or infuser organization  
5424 agent, \$10,000 for each violation of this chapter or rules

5425 adopted thereunder.

5426 (e) By a transporting organization or transporting  
5427 organization agent, \$10,000 for each violation of this chapter  
5428 or rules adopted thereunder.

5429 (2) The department shall consider licensee cooperation in  
5430 any agency or other investigation in its determination of  
5431 penalties imposed under this section.

5432 (3) The procedures for disciplining a cannabis business  
5433 establishment or cannabis business establishment agent and for  
5434 administrative hearings shall be determined by rule, and shall  
5435 provide for the review of final decisions under chapter 120.

5436 (4) The Attorney General may also enforce a violation of  
5437 s. 566.4801 or s. 566.4805 as an unlawful practice under the  
5438 Florida Deceptive and Unfair Trade Practices Act.

5439 (5)(a) A cultivation center, craft grower, infuser  
5440 organization, or transporting organization is not subject to:  
5441 prosecution; search or inspection, except by the department, the  
5442 Department of Health, or state or local law enforcement under  
5443 this chapter; seizure; penalty in any manner, including, but not  
5444 limited to, civil penalty; denial of any right or privilege; or  
5445 disciplinary action by a business licensing board or entity for  
5446 acting under this chapter and rules adopted thereunder to  
5447 acquire, possess, cultivate, manufacture, process, deliver,  
5448 transfer, transport, supply, or sell cannabis or cannabis  
5449 paraphernalia under this chapter.

5450 (b) A licensed cultivation center agent, licensed craft  
 5451 grower agent, licensed infuser organization agent, or licensed  
 5452 transporting organization agent is not subject to prosecution;  
 5453 search; penalty in any manner, including, but not limited to,  
 5454 civil penalty; denial of any right or privilege; or disciplinary  
 5455 action by a business licensing board or entity, for engaging in  
 5456 cannabis-related activities authorized under this chapter and  
 5457 rules adopted thereunder.

5458 (c) A dispensing organization is not subject to  
 5459 prosecution; search or inspection, except by the department or  
 5460 state or local law enforcement under this chapter; seizure;  
 5461 penalty in any manner, including, but not limited to, civil  
 5462 penalty; denial of any right or privilege; or disciplinary  
 5463 action by a business licensing board or entity, for acting under  
 5464 this chapter and rules adopted thereunder to acquire, possess,  
 5465 or dispense cannabis, cannabis-infused products, cannabis  
 5466 paraphernalia, or related supplies, and educational materials  
 5467 under this chapter.

5468 (d) A licensed dispensing organization agent is not  
 5469 subject to prosecution; search; or penalty in any manner, or  
 5470 denial of any right or privilege, including civil penalty or  
 5471 disciplinary action by a business licensing board or entity, for  
 5472 working for a dispensing organization under this chapter and  
 5473 rules adopted thereunder.

5474 (e) Any cannabis, cannabis-infused product, cannabis

5475 paraphernalia, legal property, or interest in legal property  
5476 that is possessed, owned, or used in connection with the use of  
5477 cannabis as allowed under this chapter, or acts incidental to  
5478 that use, may not be seized or forfeited. This chapter does not  
5479 prevent the seizure or forfeiture of cannabis exceeding the  
5480 amounts allowed under this chapter, nor does it prevent seizure  
5481 or forfeiture if the basis for the action is unrelated to the  
5482 cannabis that is possessed, manufactured, transferred, or used  
5483 under this chapter.

5484 (f) This chapter does not preclude local or state law  
5485 enforcement agencies from searching a cultivation center, craft  
5486 grower, infuser organization, transporting organization, or  
5487 dispensing organization if there is probable cause to believe  
5488 that the criminal laws of this state have been violated and the  
5489 search is conducted in conformity with the State Constitution,  
5490 the Constitution of the United States, and applicable law.

5491 (g) This chapter does not preclude the Attorney General or  
5492 other authorized government agency from investigating or  
5493 bringing a civil action against a cannabis business  
5494 establishment, or an agent thereof, for a violation of state law  
5495 civil rights violations and violations of the Florida Deceptive  
5496 and Unfair Trade Practices Act.

5497 (6) Any standards, requirements, and rules regarding the  
5498 health and safety, environmental protection, testing, security,  
5499 food safety, and worker protections established by the state

5500 shall be the minimum standards for all licensees under this  
5501 chapter statewide, where applicable. Knowing violations of any  
5502 state or local law, ordinance, or rule conferring worker  
5503 protections or legal rights on the employees of a licensee may  
5504 be grounds for disciplinary action under this chapter, in  
5505 addition to penalties established elsewhere.

5506 566.4801 Advertising and promotions.-

5507 (1) A cannabis business establishment and any other person  
5508 or entity may not engage in advertising that contains any  
5509 statement or illustration that:

5510 (a) Is false or misleading;

5511 (b) Promotes overconsumption of cannabis or cannabis  
5512 products;

5513 (c) Depicts the actual consumption of cannabis or cannabis  
5514 products;

5515 (d) Depicts a person under 21 years of age consuming  
5516 cannabis;

5517 (e) Makes any health, medicinal, or therapeutic claims  
5518 about cannabis or cannabis-infused products;

5519 (f) Includes the image of a cannabis leaf or bud; or

5520 (g) Includes any image designed or likely to appeal to  
5521 minors, including cartoons, toys, animals, or children, or any  
5522 other likeness to images, characters, or phrases that is  
5523 designed in any manner to be appealing to or encourage  
5524 consumption of persons under 21 years of age.

5525 (2) No cannabis business establishment nor any other  
 5526 person or entity shall place or maintain, or cause to be placed  
 5527 or maintained, an advertisement of cannabis or a cannabis-  
 5528 infused product in any form or through any medium:

5529 (a) Within 1,000 feet of the perimeter of school grounds,  
 5530 a playground, a recreation center or facility, a child care  
 5531 center, a public park or public library, or a game arcade to  
 5532 which admission is not restricted to persons 21 years of age or  
 5533 older;

5534 (b) On or in a public transit vehicle or public transit  
 5535 shelter;

5536 (c) On or in publicly owned or publicly operated property;  
 5537 or

5538 (d) That contains information that:

5539 1. Is false or misleading;

5540 2. Promotes excessive consumption;

5541 3. Depicts a person under 21 years of age consuming  
 5542 cannabis;

5543 4. Includes the image of a cannabis leaf; or

5544 5. Includes any image designed or likely to appeal to  
 5545 minors, including cartoons, toys, animals, or children, or any  
 5546 other likeness to images, characters, or phrases that are  
 5547 popularly used to advertise to children, or any imitation of  
 5548 candy packaging or labeling, or that promotes consumption of  
 5549 cannabis.

5550 (3) Subsections (1) and (2) do not apply to an educational  
5551 message.

5552 (4) No cannabis business establishment nor any other  
5553 person or entity may encourage the sale of cannabis or cannabis  
5554 products by giving away cannabis or cannabis products, by  
5555 conducting games or competitions related to the consumption of  
5556 cannabis or cannabis products, or by providing promotional  
5557 materials or activities of a manner or type that would be  
5558 appealing to children.

5559 566.4805 Cannabis product packaging and labeling.-

5560 (1) Each cannabis product produced for sale shall be  
5561 registered with the department on forms provided by the  
5562 department. Each product registration shall include a label and  
5563 the required registration fee at the rate established by the  
5564 department for a comparable medical cannabis product, or as  
5565 established by rule. The registration fee is for the name of the  
5566 product offered for sale and one fee shall be sufficient for all  
5567 package sizes.

5568 (2) All harvested cannabis intended for distribution to a  
5569 cannabis enterprise must be packaged in a sealed, labeled  
5570 container.

5571 (3) Any product containing cannabis shall be packaged in a  
5572 sealed, odor-proof, and child-resistant cannabis container  
5573 consistent with current standards, including the Consumer  
5574 Product Safety Commission standards referenced by the Poison

5575 Prevention Act.

5576 (4) All cannabis-infused products shall be individually  
5577 wrapped or packaged at the original point of preparation. The  
5578 packaging of the cannabis-infused product shall conform to the  
5579 labeling requirements of the Florida Food, Drug and Cosmetic  
5580 Act, in addition to the other requirements set forth in this  
5581 section.

5582 (5) Each cannabis product shall be labeled before sale and  
5583 each label shall be securely affixed to the package and shall  
5584 state in legible English and any languages required by the  
5585 department:

5586 (a) The name and address or post office box of the  
5587 registered cultivation center or craft grower where the item was  
5588 manufactured.

5589 (b) The common or usual name of the item and the  
5590 registered name of the cannabis product that was registered with  
5591 the department under subsection (1).

5592 (c) A unique serial number that will match the product  
5593 with a cultivation center or craft grower batch and lot number  
5594 to facilitate any warnings or recalls the department,  
5595 cultivation center, or craft grower deems appropriate.

5596 (d) The date of final testing and packaging, if sampled,  
5597 and the identification of the independent testing laboratory.

5598 (e) The date of harvest and "use by" date.

5599 (f) The quantity (in ounces or grams) of cannabis



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5600 contained in the product.

5601 (g) A pass or fail rating based on the laboratory's  
5602 microbiological, mycotoxins, and pesticide and solvent residue  
5603 analyses, if sampled.

5604 (h)1. A list of the following, including the minimum and  
5605 maximum percentage content by weight for sub-subparagraphs a.  
5606 through b.:

5607 a. Delta-9-tetrahydrocannabinol (THC).

5608 b. Tetrahydrocannabinolic acid (THCA).

5609 c. Cannabidiol (CBD).

5610 d. Cannabidiolic acid (CBDA).

5611 e. All other ingredients of the item, including any  
5612 colors, artificial flavors, and preservatives, listed in  
5613 descending order by predominance of weight shown with common or  
5614 usual names.

5615 2. The acceptable tolerances for the minimum percentage  
5616 printed on the label for any of sub-subparagraphs 1.a. through  
5617 1.d. shall not be below 85 percent or above 115 percent of the  
5618 labeled amount.

5619 (i) Packaging must not contain information that:

5620 1. Is false or misleading.

5621 2. Promotes excessive consumption.

5622 3. Depicts a person under 21 years of age consuming  
5623 cannabis.

5624 4. Includes the image of a cannabis leaf.

5625 5. Includes any image designed or likely to appeal to  
5626 minors, including cartoons, toys, animals, or children, or any  
5627 other likeness to images, characters, or phrases that are  
5628 popularly used to advertise to children, or any packaging or  
5629 labeling that bears reasonable resemblance to any product  
5630 available for consumption as a commercially available candy, or  
5631 that promotes consumption of cannabis.

5632 (j) Contains any seal, flag, crest, coat of arms, or other  
5633 insignia likely to mislead the purchaser to believe that the  
5634 product has been endorsed, made, or used by this state or any of  
5635 its representatives except where authorized by this chapter.

5636 (k) Cannabis products produced by concentrating or  
5637 extracting ingredients from the cannabis plant shall contain the  
5638 following information, where applicable:

5639 1. If solvents were used to create the concentrate or  
5640 extract, a statement that discloses the type of extraction  
5641 method, including any solvents or gases used to create the  
5642 concentrate or extract.

5643 2. Any other chemicals or compounds used to produce or  
5644 were added to the concentrate or extract.

5645 (l) All cannabis products must contain warning statements  
5646 established for purchasers, of a size that is legible and  
5647 readily visible to a consumer inspecting a package, which may  
5648 not be covered or obscured in any way. The Department of Health  
5649 shall define and update appropriate health warnings for packages

5650 including specific labeling or warning requirements for specific  
5651 cannabis products.

5652 (m) Unless modified by rule to strengthen or respond to  
5653 new evidence and science, the following warnings shall apply to  
5654 all cannabis products unless modified by rule:

5655 "This product contains cannabis and is intended for use by  
5656 adults 21 and over. Its use can impair cognition and may be  
5657 habit forming. This product should not be used by pregnant  
5658 or breastfeeding women. It is unlawful to sell or provide  
5659 this item to any individual, and it may not be transported  
5660 outside the State of Florida. It is illegal to operate a  
5661 motor vehicle while under the influence of cannabis.  
5662 Possession or use of this product may carry significant  
5663 legal penalties in some jurisdictions and under federal  
5664 law."

5665 (n) Warnings for each of the following product types must  
5666 be present on labels when offered for sale to a purchaser:

5667 1. Cannabis that may be smoked must contain a statement  
5668 that "Smoking is hazardous to your health."

5669 2. Cannabis-infused products. Other than those intended  
5670 for topical application, must contain a statement "CAUTION: This  
5671 product contains cannabis, and intoxication following use may be  
5672 delayed 2 or more hours. This product was produced in a facility  
5673 that cultivates cannabis, and that may also process common food  
5674 allergens."

5675 3. Cannabis-infused products intended for topical  
5676 application must contain a statement "DO NOT EAT" in bold,  
5677 capital letters.

5678 (o) Each cannabis-infused product intended for consumption  
5679 must be individually packaged, must include the total milligram  
5680 content of THC and CBD, and may not include more than a total of  
5681 100 milligrams of THC per package. A package may contain  
5682 multiple servings of 10 milligrams of THC, and indicated by  
5683 scoring, wrapping, or by other indicators designating individual  
5684 serving sizes. The department may change the total amount of THC  
5685 allowed for each package, or the total amount of THC allowed for  
5686 each serving size, by rule.

5687 (p) No individual other than the purchaser may alter or  
5688 destroy any labeling affixed to the primary packaging of  
5689 cannabis or cannabis-infused products.

5690 (q) For each commercial weighing and measuring device used  
5691 at a facility, the cultivation center or craft grower must:

5692 1. Ensure that the commercial device is regularly  
5693 inspected and approved as required under chapter 531.

5694 2. Maintain documentation of the inspection of the  
5695 commercial device.

5696 3. Provide a copy of the inspection documentation for the  
5697 commercial device to the department for review upon request.

5698 (r) It is the responsibility of the department to ensure  
5699 that packaging and labeling requirements, including product

5700 warnings, are enforced at all times for products provided to  
5701 purchasers. Product registration requirements and container  
5702 requirements may be modified by rule by the department.

5703 (s) Labeling, including warning labels, may be modified by  
5704 rule by the department.

5705 566.5701 Local ordinances.-Unless otherwise provided under  
5706 this chapter or otherwise in accordance with state law:

5707 (1) A unit of local government may enact reasonable zoning  
5708 ordinances or resolutions, not in conflict with this chapter or  
5709 rules adopted pursuant to this chapter, regulating cannabis  
5710 business establishments. No unit of local government, including  
5711 a home rule unit or any nonhome rule county within the  
5712 unincorporated territory of the county, may prohibit home  
5713 cultivation or unreasonably prohibit use of cannabis authorized  
5714 by this chapter.

5715 (2) A unit of local government may enact ordinances or  
5716 rules not in conflict with this chapter or with rules adopted  
5717 pursuant to this chapter governing the time, place, manner, and  
5718 number of cannabis business establishment operations, including  
5719 minimum distance limitations between cannabis business  
5720 establishments and locations it deems sensitive, including  
5721 colleges and universities, through the use of conditional use  
5722 permits. A unit of local government may establish civil  
5723 penalties for violation of an ordinance or rules governing the  
5724 time, place, and manner of operation of a cannabis business

5725 establishment or a conditional use permit in the jurisdiction of  
 5726 the unit of local government. No unit of local government may  
 5727 unreasonably restrict the time, place, manner, and number of  
 5728 cannabis business establishment operations authorized by this  
 5729 chapter.

5730 (3) A unit of local government may regulate the on-  
 5731 premises consumption of cannabis at or in a cannabis business  
 5732 establishment within its jurisdiction in a manner consistent  
 5733 with this chapter. A cannabis business establishment or other  
 5734 entity authorized or permitted by a unit of local government to  
 5735 allow on-site consumption shall not be deemed a public place  
 5736 within the meaning of the Florida Clean Indoor Air Act.

5737 (4) A unit of local government, including a home rule unit  
 5738 or any nonhome rule county within the unincorporated territory  
 5739 of the county, may not regulate the activities described in  
 5740 subsection (1), subsection (2), or subsection (3) in a manner  
 5741 more restrictive than the regulation of those activities by the  
 5742 state under this chapter.

5743 (5) A unit of local government may enact ordinances to  
 5744 prohibit or significantly limit a cannabis business  
 5745 establishment's location.

5746 566.5801 Restricted cannabis zones.-

5747 (1) As used in this section, the term:

5748 (a) "Legal voter" means a person who:

5749 1. Is duly registered to vote in a city with a population

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5750 of over 500,000.

5751 2. Has a name which appears on a voter list compiled by  
5752 the county's supervisor of elections since the last preceding  
5753 election, regardless of whether the election was a primary,  
5754 general, or special election.

5755 3. At the relevant time, is a resident of the address at  
5756 which he or she is registered to vote.

5757 4. Has an address, at the relevant time, which is located  
5758 in the precinct where such person seeks to circulate or sign a  
5759 petition under this section.

5760 (b) "Petition" means the petition described in this  
5761 section.

5762 (c) "Precinct" means the smallest constituent territory  
5763 within a city with a population of over 500,000 in which  
5764 electors vote as a unit at the same polling place in any  
5765 election governed by the Florida Election Code.

5766 (d) "Relevant time" means any time that:

5767 1. A notice of intent is filed, pursuant to subsection  
5768 (3), to initiate the petition process under this section;

5769 2. The petition is circulated for signature in the  
5770 applicable precinct; or

5771 3. The petition is signed by registered voters in the  
5772 applicable precinct.

5773 (e) "Restricted cannabis zone" means a precinct within  
5774 which any of the following have been restricted pursuant to an

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5775 ordinance initiated by a petition under this section:

5776 1. Home cultivation of cannabis.

5777 2. At least one type of cannabis business establishment.

5778 (2)(a) The legal voters of any precinct within a city with

5779 a population of over 500,000 may petition their city

5780 commissioner, using a petition form made available online by the

5781 city clerk, to introduce an ordinance establishing the precinct

5782 as a restricted zone. Such petition shall specify whether it

5783 seeks an ordinance to prohibit, within the precinct:

5784 1. Home cultivation;

5785 2. One or more types of cannabis business establishments;

5786 or

5787 3. Home cultivation and one or more types of cannabis

5788 business establishments.

5789 (b) Upon receiving a petition containing the signatures of

5790 at least 25 percent of the registered voters of the precinct,

5791 and concluding that the petition is legally sufficient following

5792 the posting and review process in subsection (3), the city clerk

5793 shall notify the city commissioner of the district in which the

5794 precinct is located. Upon being notified, that commissioner,

5795 following an assessment of relevant factors within the precinct,

5796 including but not limited to, its geography, density and

5797 character, the prevalence of residentially zoned property,

5798 current licensed cannabis business establishments in the

5799 precinct, the current amount of home cultivation in the



5800 precinct, and the prevailing viewpoint with regard to the issue  
5801 raised in the petition, may introduce an ordinance to the city's  
5802 governing body creating a restricted cannabis zone in that  
5803 precinct.

5804 (3) A person seeking to initiate the petition process  
5805 described in this Section shall first submit to the city clerk  
5806 notice of intent to do so, on a form made available online by  
5807 the city clerk. That notice shall include a description of the  
5808 potentially affected area and the scope of the restriction  
5809 sought. The city clerk shall publicly post the submitted notice  
5810 online. To be legally sufficient, a petition must contain the  
5811 requisite number of valid signatures and all such signatures  
5812 must be obtained within 90 days of the date that the city clerk  
5813 publicly posts the notice of intent. Upon receipt, the city  
5814 clerk shall post the petition on the municipality's website for  
5815 a 30-day comment period. The city clerk is authorized to take  
5816 all necessary and appropriate steps to verify the legal  
5817 sufficiency of a submitted petition. Following the petition  
5818 review and comment period, the city clerk shall publicly post  
5819 online the status of the petition as accepted or rejected, and  
5820 if rejected, the reasons therefor. If the city clerk rejects a  
5821 petition as legally insufficient, a minimum of 12 months must  
5822 elapse from the time the city clerk posts the rejection notice  
5823 before a new notice of intent for that same precinct may be  
5824 submitted.

5825 (4) Notwithstanding any law to the contrary, the city may  
5826 enact an ordinance creating a restricted cannabis zone. The  
5827 ordinance shall:

5828 (a) Identify the applicable precinct boundaries as of the  
5829 date of the petition.

5830 (b) State whether the ordinance prohibits within the  
5831 defined boundaries of the precinct, and in what combination, one  
5832 or more types of cannabis business establishments, or home  
5833 cultivation.

5834 (c) Be in effect for 4 years, unless repealed earlier.

5835 (d) Once in effect, be subject to renewal by ordinance at  
5836 the expiration of the 4-year period without the need for another  
5837 supporting petition.

5838 566.601 Defense of state law.—The Attorney General shall  
5839 to the best of the abilities of the office and in good faith  
5840 advocate to quash any federal subpoena for records involving  
5841 marijuana establishments.

5842 566.602 Research.—Notwithstanding the provisions of this  
5843 chapter regulating the distribution of marijuana, a scientific  
5844 or medical researcher who has previously published peer-reviewed  
5845 research may purchase, possess, and securely store marijuana for  
5846 purposes of conducting research. A scientific or medical  
5847 researcher may administer and distribute marijuana to a  
5848 participant in research who is at least 21 years of age after  
5849 receiving informed consent from the participant.

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5850        566.701 Construction.—  
5851        (1) EMPLOYMENT POLICIES.—This chapter does not require an  
5852 employer to permit or accommodate the use, consumption,  
5853 possession, transfer, display, transportation, sale, or growing  
5854 of marijuana in the workplace or to affect the ability of  
5855 employers to have policies restricting the use of marijuana by  
5856 their employees.

5857        (2) OPERATING UNDER THE INFLUENCE.—This chapter does not  
5858 exempt a person from the laws prohibiting operating under the  
5859 influence under chapter 316 or chapter 327.

5860        (3) TRANSFER TO MINOR.—This chapter does not permit the  
5861 transfer of marijuana, with or without remuneration, to a minor  
5862 or to allow a minor to purchase, possess, use, transport, grow,  
5863 or consume marijuana.

5864        (4) RESTRICTION ON USE OF PROPERTY.—This chapter does not  
5865 prohibit a person, employer, school, hospital, detention  
5866 facility, corporation, or other entity that occupies, owns, or  
5867 controls real property from prohibiting or otherwise regulating  
5868 the possession, consumption, use, display, transfer,  
5869 distribution, sale, transportation, or growing of marijuana on  
5870 or in that real property.

5871        (5) COMPASSIONATE USE OF LOW-THC CANNABIS.—This chapter  
5872 does not apply to the compassionate use of low-THC cannabis  
5873 under s. 381.986.

5874        566.702 Rulemaking.—The division shall adopt any rules

5875 necessary to administer and enforce the provisions of this  
5876 chapter.

5877 566.703 Good moral character.—Engaging in conduct allowed  
5878 by this chapter may not be the basis for a finding of a lack of  
5879 good moral character as that term is used in Florida Statutes.

5880 566.704 Penalties for violations.—It is unlawful for any  
5881 person to violate any provision of the this chapter, and any  
5882 person who violates any provision of the this chapter for which  
5883 no penalty has been provided commits misdemeanor of the second  
5884 degree, punishable as provided in s. 775.082 or s. 775.083;  
5885 provided, that any person who shall have been convicted of a  
5886 violation of any provision of this chapter and shall thereafter  
5887 be convicted of a second or subsequent violation, commits a  
5888 felony of the third degree, punishable as provided in s.  
5889 775.082, s. 775.083, or s. 775.084.

5890 566.805 Cannabis cultivation.—

5891 (1) ARREST; SEARCH AND SEIZURE WITHOUT WARRANT.—Any duly  
5892 authorized employee of the department may arrest without warrant  
5893 any person committing in his or her presence a violation of any  
5894 of the provisions of this section; may without a search warrant  
5895 inspect all cannabis located in any place of business; may seize  
5896 any cannabis in the possession of the retailer in violation of  
5897 this chapter; and may seize any cannabis on which the tax  
5898 imposed by this section has not been paid. The cannabis so  
5899 seized is subject to confiscation and forfeiture as provided in

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5900 subsections (2) and (3).

5901 (2) SEIZURE AND FORFEITURE.—After seizing any cannabis as  
5902 provided in subsection (1), the department must hold a hearing  
5903 and determine whether the retailer was properly registered to  
5904 sell the cannabis at the time of its seizure by the department.  
5905 The department shall give not less than 20 days' notice of the  
5906 time and place of the hearing to the owner of the cannabis, if  
5907 the owner is known, and also to the person in whose possession  
5908 the cannabis was found, if that person is known and if the  
5909 person in possession is not the owner of the cannabis. If  
5910 neither the owner nor the person in possession of the cannabis  
5911 is known, the department must cause publication of the time and  
5912 place of the hearing to be made at least once in each week for 3  
5913 weeks successively in a newspaper of general circulation in the  
5914 county where the hearing is to be held. If, as the result of the  
5915 hearing, the department determines that the retailer was not  
5916 properly registered at the time the cannabis was seized, the  
5917 department must enter an order declaring the cannabis  
5918 confiscated and forfeited to the state, to be held by the  
5919 department for disposal by it as provided in paragraph (3)(b).  
5920 The department must give notice of the order to the owner of the  
5921 cannabis, if the owner is known, and also to the person in whose  
5922 possession the cannabis was found, if that person is known and  
5923 if the person in possession is not the owner of the cannabis. If  
5924 neither the owner nor the person in possession of the cannabis

5925 is known, the department must cause publication of the order to  
5926 be made at least once in each week for 3 weeks successively in a  
5927 newspaper of general circulation in the county where the hearing  
5928 was held in accordance with chapter 50.

5929 (3) SEARCH WARRANT; ISSUANCE AND RETURN; PROCESS;  
5930 CONFISCATION OF CANNABIS; FORFEITURES.—

5931 (a) If a law enforcement officer of this state or any duly  
5932 authorized officer or employee of the department has reason to  
5933 believe that any violation of this section or a rule of the  
5934 department for the administration and enforcement of this  
5935 section has occurred and that the person violating this section  
5936 or rule has in that person's possession any cannabis in  
5937 violation of this section or a rule of the department for the  
5938 administration and enforcement of this section, that law  
5939 enforcement officer or officer or employee of the department may  
5940 file or cause to be filed his or her complaint in writing,  
5941 verified by affidavit, with any court within whose jurisdiction  
5942 the premises to be searched are situated, stating the facts upon  
5943 which the belief is founded, the premises to be searched, and  
5944 the property to be seized, and procure a search warrant and  
5945 execute that warrant. Upon the execution of the search warrant,  
5946 the law enforcement officer, or officer or employee of the  
5947 department, executing the search warrant shall make due return  
5948 of the warrant to the court issuing the warrant, together with  
5949 an inventory of the property taken under the warrant. The court

5950 must then issue process against the owner of the property if the  
5951 owner is known; otherwise, process must be issued against the  
5952 person in whose possession the property is found, if that person  
5953 is known. In case of inability to serve process upon the owner  
5954 or the person in possession of the property at the time of its  
5955 seizure, notice of the proceedings before the court must be  
5956 given in the same manner as required by the law governing cases  
5957 of attachment. Upon the return of the process duly served or  
5958 upon the posting or publishing of notice made, as appropriate,  
5959 the court or jury, if a jury is demanded, shall proceed to  
5960 determine whether the property so seized was held or possessed  
5961 in violation of this section or a rule of the department for the  
5962 administration and enforcement of this section. If a violation  
5963 is found, judgment shall be entered confiscating the property  
5964 and forfeiting it to the state and ordering its delivery to the  
5965 department. In addition, the court may tax and assess the costs  
5966 of the proceedings.

5967 (b) When any cannabis has been declared forfeited to the  
5968 state by the department, as provided in subsection (2) and this  
5969 section, and when all proceedings for the judicial review of the  
5970 department's decision have terminated, the department shall, to  
5971 the extent that its decision is sustained on review, destroy or  
5972 maintain and use such cannabis in an undercover capacity.

5973 (c) The department may, before any destruction of  
5974 cannabis, permit the true holder of trademark rights in the

5975 cannabis to inspect such cannabis in order to assist the  
 5976 department in any investigation regarding such cannabis.

5977 (4) CANNABIS RETAILERS; PURCHASE AND POSSESSION OF  
 5978 CANNABIS.-Cannabis retailers shall purchase cannabis for resale  
 5979 only from cannabis business establishments as authorized by this  
 5980 chapter.

5981 Section 5. (1) On or before December 1, 2022, the  
 5982 Department of Business and Professional Regulation shall submit  
 5983 a report to the Governor, the President of the Senate, and the  
 5984 Speaker of the House of Representatives regarding the progress  
 5985 of the cannabis equity grant program. The report shall include,  
 5986 but is not limited to, the following information:

5987 (a) The number of cannabis equity applicants and general  
 5988 applicants applying for and receiving licenses that received  
 5989 grants.

5990 (b) Information collected from the programs.

5991 (2) The department shall post the report required by this  
 5992 section on its website.

5993 Section 6. Paragraph (p) of subsection (1) of section  
 5994 500.03, Florida Statutes, is amended to read:

5995 500.03 Definitions; construction; applicability.-

5996 (1) For the purpose of this chapter, the term:

5997 (p) "Food establishment" means a factory, food outlet, or  
 5998 other facility manufacturing, processing, packing, holding, or  
 5999 preparing food or selling food at wholesale or retail. The term



6000 does not include a business or activity that is regulated under  
 6001 s. 413.051, s. 500.80, chapter 509, or chapter 601. The term  
 6002 includes a retail marijuana store that sells food containing  
 6003 marijuana pursuant to chapter 566. The term includes tomato  
 6004 packinghouses and repackers but does not include any other  
 6005 establishments that pack fruits and vegetables in their raw or  
 6006 natural states, including those fruits or vegetables that are  
 6007 washed, colored, or otherwise treated in their unpeeled, natural  
 6008 form before they are marketed.

6009 Section 7. Section 500.105, Florida Statutes, is created  
 6010 to read:

6011 500.105 Retail marijuana store food products containing  
 6012 marijuana.—Food products containing marijuana that are prepared  
 6013 in a food establishment that holds a permit under s. 500.12, if  
 6014 required, and that are sold by a retail marijuana store licensed  
 6015 under chapter 566 are not considered adulterated under this  
 6016 chapter due to the presence of marijuana.

6017 Section 8. Subsection (1) of section 562.13, Florida  
 6018 Statutes, is amended to read:

6019 562.13 Employment of minors or certain other persons by  
 6020 certain vendors prohibited; exceptions.—

6021 (1) Unless otherwise provided in this section, it is  
 6022 unlawful for any vendor licensed under the Beverage Law or a  
 6023 licensee under chapter 566 to employ any person under 18 years  
 6024 of age.

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6025 Section 9. Subsection (1) of section 569.0073, Florida  
 6026 Statutes, is amended to read:

6027 569.0073 Special provisions; smoking pipes and smoking  
 6028 devices.—

6029 (1) It is unlawful for any person to offer for sale at  
 6030 retail any of the items listed in subsection (2) unless such  
 6031 person:

6032 (a) Has a retail tobacco products dealer permit under s.  
 6033 569.003 or is a marijuana establishment licensed under s.  
 6034 566.036. The provisions of this chapter apply to any person that  
 6035 offers for retail sale any of the items listed in subsection  
 6036 (2); and

6037 (b)1. Derives at least 75 percent of its annual gross  
 6038 revenues from the retail sale of cigarettes, cigars, and other  
 6039 tobacco products or marijuana products sold in compliance with  
 6040 chapter 566; or

6041 2. Derives no more than 25 percent of its annual gross  
 6042 revenues from the retail sale of the items listed in subsection  
 6043 (2).

6044 Section 10. Paragraph (c) of subsection (1) of section  
 6045 893.03, Florida Statutes, is amended to read:

6046 893.03 Standards and schedules.—The substances enumerated  
 6047 in this section are controlled by this chapter. The controlled  
 6048 substances listed or to be listed in Schedules I, II, III, IV,  
 6049 and V are included by whatever official, common, usual,

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6050 chemical, trade name, or class designated. The provisions of  
6051 this section shall not be construed to include within any of the  
6052 schedules contained in this section any excluded drugs listed  
6053 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded  
6054 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical  
6055 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted  
6056 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt  
6057 Anabolic Steroid Products."

6058 (1) SCHEDULE I.—A substance in Schedule I has a high  
6059 potential for abuse and has no currently accepted medical use in  
6060 treatment in the United States and in its use under medical  
6061 supervision does not meet accepted safety standards. The  
6062 following substances are controlled in Schedule I:

6063 (c) Unless specifically excepted or unless listed in  
6064 another schedule, any material, compound, mixture, or  
6065 preparation that contains any quantity of the following  
6066 hallucinogenic substances or that contains any of their salts,  
6067 isomers, including optical, positional, or geometric isomers,  
6068 homologues, nitrogen-heterocyclic analogs, esters, ethers, and  
6069 salts of isomers, homologues, nitrogen-heterocyclic analogs,  
6070 esters, or ethers, if the existence of such salts, isomers, and  
6071 salts of isomers is possible within the specific chemical  
6072 designation or class description:

- 6073 1. Alpha-Ethyltryptamine.
- 6074 2. 4-Methylaminorex (2-Amino-4-methyl-5-phenyl-2-

- 6075 | oxazoline).
- 6076 |       3. Aminorex (2-Amino-5-phenyl-2-oxazoline).
- 6077 |       4. DOB (4-Bromo-2,5-dimethoxyamphetamine).
- 6078 |       5. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).
- 6079 |       6. Bufotenine.
- 6080 |       ~~7. Cannabis.~~
- 6081 |       7.8. Cathinone.
- 6082 |       ~~8.9.~~ DET (Diethyltryptamine).
- 6083 |       ~~9.10.~~ 2,5-Dimethoxyamphetamine.
- 6084 |       ~~10.11.~~ DOET (4-Ethyl-2,5-Dimethoxyamphetamine).
- 6085 |       ~~11.12.~~ DMT (Dimethyltryptamine).
- 6086 |       ~~12.13.~~ PCE (N-Ethyl-1-phenylcyclohexylamine) (Ethylamine
- 6087 | analog of phencyclidine).
- 6088 |       ~~13.14.~~ JB-318 (N-Ethyl-3-piperidyl benzilate).
- 6089 |       ~~14.15.~~ N-Ethylamphetamine.
- 6090 |       ~~15.16.~~ Fenethylamine.
- 6091 |       ~~16.17.~~ 3,4-Methylenedioxy-N-hydroxyamphetamine.
- 6092 |       ~~17.18.~~ Ibogaine.
- 6093 |       ~~18.19.~~ LSD (Lysergic acid diethylamide).
- 6094 |       ~~19.20.~~ Mescaline.
- 6095 |       ~~20.21.~~ Methcathinone.
- 6096 |       ~~21.22.~~ 5-Methoxy-3,4-methylenedioxyamphetamine.
- 6097 |       ~~22.23.~~ PMA (4-Methoxyamphetamine).
- 6098 |       ~~23.24.~~ PMMA (4-Methoxymethamphetamine).
- 6099 |       ~~24.25.~~ DOM (4-Methyl-2,5-dimethoxyamphetamine).

6100        ~~25.26.~~ MDEA (3,4-Methylenedioxy-N-ethylamphetamine).  
 6101        ~~26.27.~~ MDA (3,4-Methylenedioxyamphetamine).  
 6102        ~~27.28.~~ JB-336 (N-Methyl-3-piperidyl benzilate).  
 6103        ~~28.29.~~ N,N-Dimethylamphetamine.  
 6104        ~~29.30.~~ Parahexyl.  
 6105        ~~30.31.~~ Peyote.  
 6106        ~~31.32.~~ PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine)  
 6107        (Pyrrolidine analog of phencyclidine).  
 6108        ~~32.33.~~ Psilocybin.  
 6109        ~~33.34.~~ Psilocyn.  
 6110        ~~34.35.~~ Salvia divinorum, except for any drug product  
 6111        approved by the United States Food and Drug Administration which  
 6112        contains Salvia divinorum or its isomers, esters, ethers, salts,  
 6113        and salts of isomers, esters, and ethers, if the existence of  
 6114        such isomers, esters, ethers, and salts is possible within the  
 6115        specific chemical designation.  
 6116        ~~35.36.~~ Salvinorin A, except for any drug product approved  
 6117        by the United States Food and Drug Administration which contains  
 6118        Salvinorin A or its isomers, esters, ethers, salts, and salts of  
 6119        isomers, esters, and ethers, if the existence of such isomers,  
 6120        esters, ethers, and salts is possible within the specific  
 6121        chemical designation.  
 6122        ~~36.37.~~ Xylazine.  
 6123        ~~37.38.~~ TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine)  
 6124        (Thiophene analog of phencyclidine).

- 6125 |       ~~38.39.~~ 3,4,5-Trimethoxyamphetamine.
- 6126 |       ~~39.40.~~ Methyldone (3,4-Methylenedioxyamphetaminone).
- 6127 |       ~~40.41.~~ MDPV (3,4-Methylenedioxypropionylphenone).
- 6128 |       ~~41.42.~~ Methyldone.
- 6129 |       ~~42.43.~~ Methoxyamphetamine.
- 6130 |       ~~43.44.~~ Fluoromethamphetamine.
- 6131 |       ~~44.45.~~ Methylethamphetamine.
- 6132 |       ~~45.46.~~ CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-
- 6133 | methyloctan-2-yl)phenol) and its dimethyloctyl (C8) homologue.
- 6134 |       ~~46.47.~~ HU-210 [(6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-
- 6135 | 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
- 6136 | ol].
- 6137 |       ~~47.48.~~ JWH-018 (1-Pentyl-3-(1-naphthoyl)indole).
- 6138 |       ~~48.49.~~ JWH-073 (1-Butyl-3-(1-naphthoyl)indole).
- 6139 |       ~~49.50.~~ JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-
- 6140 | naphthoyl)indole).
- 6141 |       ~~50.51.~~ BZP (Benzylpiperazine).
- 6142 |       ~~51.52.~~ Fluorophenylpiperazine.
- 6143 |       ~~52.53.~~ Methylphenylpiperazine.
- 6144 |       ~~53.54.~~ Chlorophenylpiperazine.
- 6145 |       ~~54.55.~~ Methoxyphenylpiperazine.
- 6146 |       ~~55.56.~~ DBZP (1,4-Dibenzylpiperazine).
- 6147 |       ~~56.57.~~ TFMPP (Trifluoromethylphenylpiperazine).
- 6148 |       ~~57.58.~~ MBDB (Methylbenzodioxolylbutanamine) or (3,4-
- 6149 | Methyleneoxy-N-methylbutanamine).

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- 6150        ~~58.59.~~    5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine) .
- 6151        ~~59.60.~~    5-Hydroxy-N-methyltryptamine.
- 6152        ~~60.61.~~    5-MeO-MiPT (5-Methoxy-N-methyl-N-
- 6153    isopropyltryptamine) .
- 6154        ~~61.62.~~    5-MeO-AMT (5-Methoxy-alpha-methyltryptamine) .
- 6155        ~~62.63.~~    Methyltryptamine.
- 6156        ~~63.64.~~    5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine) .
- 6157        ~~64.65.~~    5-Me-DMT (5-Methyl-N,N-dimethyltryptamine) .
- 6158        ~~65.66.~~    Tyramine (4-Hydroxyphenethylamine) .
- 6159        ~~66.67.~~    5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine) .
- 6160        ~~67.68.~~    DiPT (N,N-Diisopropyltryptamine) .
- 6161        ~~68.69.~~    DPT (N,N-Dipropyltryptamine) .
- 6162        ~~69.70.~~    4-Hydroxy-DiPT (4-Hydroxy-N,N-
- 6163    diisopropyltryptamine) .
- 6164        ~~70.71.~~    5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine) .
- 6165        ~~71.72.~~    DOI (4-Iodo-2,5-dimethoxyamphetamine) .
- 6166        ~~72.73.~~    DOC (4-Chloro-2,5-dimethoxyamphetamine) .
- 6167        ~~73.74.~~    2C-E (4-Ethyl-2,5-dimethoxyphenethylamine) .
- 6168        ~~74.75.~~    2C-T-4 (4-Isopropylthio-2,5-
- 6169    dimethoxyphenethylamine) .
- 6170        ~~75.76.~~    2C-C (4-Chloro-2,5-dimethoxyphenethylamine) .
- 6171        ~~76.77.~~    2C-T (4-Methylthio-2,5-dimethoxyphenethylamine) .
- 6172        ~~77.78.~~    2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine) .
- 6173        ~~78.79.~~    2C-T-7 (4-(n)-Propylthio-2,5-
- 6174    dimethoxyphenethylamine) .

- 6175 |        ~~79.80.~~ 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- 6176 |        ~~80.81.~~ Butylone (3,4-Methylenedioxy-alpha-
- 6177 | methylaminobutyrophenone).
- 6178 |        ~~81.82.~~ Ethcathinone.
- 6179 |        ~~82.83.~~ Ethylone (3,4-Methylenedioxy-N-ethylcathinone).
- 6180 |        ~~83.84.~~ Naphyrone (Naphthylpyrovalerone).
- 6181 |        ~~84.85.~~ Dimethylone (3,4-Methylenedioxy-N,N-
- 6182 | dimethylcathinone).
- 6183 |        ~~85.86.~~ 3,4-Methylenedioxy-N,N-diethylcathinone.
- 6184 |        ~~86.87.~~ 3,4-Methylenedioxy-propiofenone.
- 6185 |        ~~87.88.~~ 3,4-Methylenedioxy-alpha-bromopropiofenone.
- 6186 |        ~~88.89.~~ 3,4-Methylenedioxy-propiofenone-2-oxime.
- 6187 |        ~~89.90.~~ 3,4-Methylenedioxy-N-acetylcathinone.
- 6188 |        ~~90.91.~~ 3,4-Methylenedioxy-N-acetylmethcathinone.
- 6189 |        ~~91.92.~~ 3,4-Methylenedioxy-N-acetylethcathinone.
- 6190 |        ~~92.93.~~ Bromomethcathinone.
- 6191 |        ~~93.94.~~ Buphedrone (alpha-Methylamino-butyrophenone).
- 6192 |        ~~94.95.~~ Eutylone (3,4-Methylenedioxy-alpha-
- 6193 | ethylaminobutyrophenone).
- 6194 |        ~~95.96.~~ Dimethylcathinone.
- 6195 |        ~~96.97.~~ Dimethylmethcathinone.
- 6196 |        ~~97.98.~~ Pentylone (3,4-Methylenedioxy-alpha-
- 6197 | methylaminovalerophenone).
- 6198 |        ~~98.99.~~ MDPPP (3,4-Methylenedioxy-alpha-
- 6199 | pyrrolidinopropiofenone).



- 6200        ~~99.100.~~ MDPBP (3,4-Methylenedioxy-alpha-
- 6201 pyrrolidinobutyrophenone) .
- 6202        ~~100.101.~~ MOPPP (Methoxy-alpha-pyrrolidinopropiophenone) .
- 6203        ~~101.102.~~ MPHP (Methyl-alpha-pyrrolidinohexanophenone) .
- 6204        ~~102.103.~~ BTCP (Benzothiophenylcyclohexylpiperidine) or BCP
- 6205 (Benocyclidine) .
- 6206        ~~103.104.~~ F-MABP (Fluoromethylaminobutyrophenone) .
- 6207        ~~104.105.~~ MeO-PBP (Methoxypyrrolidinobutyrophenone) .
- 6208        ~~105.106.~~ Et-PBP (Ethylpyrrolidinobutyrophenone) .
- 6209        ~~106.107.~~ 3-Me-4-MeO-MCAT (3-Methyl-4-
- 6210 Methoxymethcathinone) .
- 6211        ~~107.108.~~ Me-EABP (Methylethylaminobutyrophenone) .
- 6212        ~~108.109.~~ Etizolam .
- 6213        ~~109.110.~~ PPP (Pyrrolidinopropiophenone) .
- 6214        ~~110.111.~~ PBP (Pyrrolidinobutyrophenone) .
- 6215        ~~111.112.~~ PVP (Pyrrolidinovalerophenone) or
- 6216 (Pyrrolidinopentiophenone) .
- 6217        ~~112.113.~~ MPPP (Methyl-alpha-pyrrolidinopropiophenone) .
- 6218        ~~113.114.~~ JWH-007 (1-Pentyl-2-methyl-3-(1-
- 6219 naphthoyl) indole) .
- 6220        ~~114.115.~~ JWH-015 (1-Propyl-2-methyl-3-(1-
- 6221 naphthoyl) indole) .
- 6222        ~~115.116.~~ JWH-019 (1-Hexyl-3-(1-naphthoyl) indole) .
- 6223        ~~116.117.~~ JWH-020 (1-Heptyl-3-(1-naphthoyl) indole) .
- 6224        ~~117.118.~~ JWH-072 (1-Propyl-3-(1-naphthoyl) indole) .

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6225 |        ~~118.119.~~ JWH-081 (1-Pentyl-3-(4-methoxy-1-  
6226 | naphthoyl) indole) .  
6227 |        ~~119.120.~~ JWH-122 (1-Pentyl-3-(4-methyl-1-  
6228 | naphthoyl) indole) .  
6229 |        ~~120.121.~~ JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-  
6230 | methylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene) .  
6231 |        ~~121.122.~~ JWH-175 (1-Pentyl-3-(1-naphthylmethyl) indole) .  
6232 |        ~~122.123.~~ JWH-201 (1-Pentyl-3-(4-  
6233 | methoxyphenylacetyl) indole) .  
6234 |        ~~123.124.~~ JWH-203 (1-Pentyl-3-(2-  
6235 | chlorophenylacetyl) indole) .  
6236 |        ~~124.125.~~ JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl) indole) .  
6237 |        ~~125.126.~~ JWH-250 (1-Pentyl-3-(2-  
6238 | methoxyphenylacetyl) indole) .  
6239 |        ~~126.127.~~ JWH-251 (1-Pentyl-3-(2-  
6240 | methylphenylacetyl) indole) .  
6241 |        ~~127.128.~~ JWH-302 (1-Pentyl-3-(3-  
6242 | methoxyphenylacetyl) indole) .  
6243 |        ~~128.129.~~ JWH-398 (1-Pentyl-3-(4-chloro-1-  
6244 | naphthoyl) indole) .  
6245 |        ~~129.130.~~ HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-  
6246 | dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-  
6247 | tetrahydrobenzo[c]chromen-1-ol) .  
6248 |        ~~130.131.~~ HU-308 ([ (1R,2R,5R)-2-[2,6-Dimethoxy-4-(2-  
6249 | methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-

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- 6250 enyl] methanol).
- 6251 ~~131.132.~~ HU-331 (3-Hydroxy-2-[(1R,6R)-3-methyl-6-(1-
- 6252 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-
- 6253 1,4-dione).
- 6254 ~~132.133.~~ CB-13 (4-Pentyloxy-1-(1-naphthoyl)naphthalene).
- 6255 ~~133.134.~~ CB-25 (N-Cyclopropyl-11-(3-hydroxy-5-
- 6256 pentylphenoxy)-undecanamide).
- 6257 ~~134.135.~~ CB-52 (N-Cyclopropyl-11-(2-hexyl-5-
- 6258 hydroxyphenoxy)-undecanamide).
- 6259 ~~135.136.~~ CP 55,940 (2-[3-Hydroxy-6-propanol-cyclohexyl]-5-
- 6260 (2-methyloctan-2-yl)phenol).
- 6261 ~~136.137.~~ AM-694 (1-(5-Fluoropentyl)-3-(2-
- 6262 iodobenzoyl)indole).
- 6263 ~~137.138.~~ AM-2201 (1-(5-Fluoropentyl)-3-(1-
- 6264 naphthoyl)indole).
- 6265 ~~138.139.~~ RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole).
- 6266 ~~139.140.~~ RCS-8 (1-(2-Cyclohexylethyl)-3-(2-
- 6267 methoxyphenylacetyl)indole).
- 6268 ~~140.141.~~ WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-
- 6269 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
- 6270 naphthalenylmethanone).
- 6271 ~~141.142.~~ WIN55,212-3 ([ (3S)-2,3-Dihydro-5-methyl-3-(4-
- 6272 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
- 6273 naphthalenylmethanone).
- 6274 ~~142.143.~~ Pentedrone (alpha-Methylaminovalerophenone).

- 6275 |        ~~143.144.~~ Fluoroamphetamine.
- 6276 |        ~~144.145.~~ Fluoromethamphetamine.
- 6277 |        ~~145.146.~~ Methoxetamine.
- 6278 |        ~~146.147.~~ Methiopropamine.
- 6279 |        ~~147.148.~~ Methylbuphedrone (Methyl-alpha-
- 6280 | methylaminobutyrophenone).
- 6281 |        ~~148.149.~~ APB ((2-Aminopropyl)benzofuran).
- 6282 |        ~~149.150.~~ APDB ((2-Aminopropyl)-2,3-dihydrobenzofuran).
- 6283 |        ~~150.151.~~ UR-144 (1-Pentyl-3-(2,2,3,3-
- 6284 | tetramethylcyclopropanoyl)indole).
- 6285 |        ~~151.152.~~ XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-
- 6286 | tetramethylcyclopropanoyl)indole).
- 6287 |        ~~152.153.~~ Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-
- 6288 | tetramethylcyclopropanoyl)indole).
- 6289 |        ~~153.154.~~ AKB48 (N-Adamant-1-yl 1-pentylindazole-3-
- 6290 | carboxamide).
- 6291 |        ~~154.155.~~ AM-2233 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-
- 6292 | iodobenzoyl)indole).
- 6293 |        ~~155.156.~~ STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-
- 6294 | 3-carboxamide).
- 6295 |        ~~156.157.~~ URB-597 ((3'-(Aminocarbonyl)[1,1'-biphenyl]-3-
- 6296 | yl)-cyclohexylcarbamate).
- 6297 |        ~~157.158.~~ URB-602 ([1,1'-Biphenyl]-3-yl-carbamic acid,
- 6298 | cyclohexyl ester).
- 6299 |        ~~158.159.~~ URB-754 (6-Methyl-2-[(4-methylphenyl)amino]-1-

- 6300 benzoxazin-4-one) .
- 6301 ~~159.160.~~ 2C-D (4-Methyl-2,5-dimethoxyphenethylamine) .
- 6302 ~~160.161.~~ 2C-H (2,5-Dimethoxyphenethylamine) .
- 6303 ~~161.162.~~ 2C-N (4-Nitro-2,5-dimethoxyphenethylamine) .
- 6304 ~~162.163.~~ 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine) .
- 6305 ~~163.164.~~ 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-
- 6306 methoxybenzyl)]phenethylamine) .
- 6307 ~~164.165.~~ MDMA (3,4-Methylenedioxyamphetamine) .
- 6308 ~~165.166.~~ PB-22 (8-Quinoliny 1-pentylindole-3-
- 6309 carboxylate) .
- 6310 ~~166.167.~~ Fluoro PB-22 (8-Quinoliny 1-
- 6311 (fluoropentyl)indole-3-carboxylate) .
- 6312 ~~167.168.~~ BB-22 (8-Quinoliny 1-(cyclohexylmethyl)indole-3-
- 6313 carboxylate) .
- 6314 ~~168.169.~~ Fluoro AKB48 (N-Adamant-1-yl 1-
- 6315 (fluoropentyl)indazole-3-carboxamide) .
- 6316 ~~169.170.~~ AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-
- 6317 1-pentylindazole-3-carboxamide) .
- 6318 ~~170.171.~~ AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-
- 6319 yl)-1-(4-fluorobenzyl)indazole-3-carboxamide) .
- 6320 ~~171.172.~~ ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
- 6321 yl)-1-pentylindazole-3-carboxamide) .
- 6322 ~~172.173.~~ Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-
- 6323 oxobutan-2-yl)-1-(fluoropentyl)indole-3-carboxamide) .
- 6324 ~~173.174.~~ 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-

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- 6325 methoxybenzyl) ]phenethylamine) .
- 6326 174.175. 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-
- 6327 methoxybenzyl) ]phenethylamine) .
- 6328 175.176. AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-
- 6329 yl)-1-(cyclohexylmethyl)indazole-3-carboxamide) .
- 6330 176.177. FUB-PB-22 (8-Quinolinyl 1-(4-fluorobenzyl)indole-
- 6331 3-carboxylate) .
- 6332 177.178. Fluoro-NNEI (N-Naphthalen-1-yl 1-
- 6333 (fluoropentyl)indole-3-carboxamide) .
- 6334 178.179. Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-
- 6335 yl)-1-(fluoropentyl)indazole-3-carboxamide) .
- 6336 179.180. THJ-2201 (1-(5-Fluoropentyl)-3-(1-
- 6337 naphthoyl)indazole) .
- 6338 180.181. AM-855 ((4aR,12bR)-8-Hexyl-2,5,5-trimethyl-
- 6339 1,4,4a,8,9,10,11,12b-octahydronaphtho[3,2-c]isochromen-12-ol) .
- 6340 181.182. AM-905 ((6aR,9R,10aR)-3-[(E)-Hept-1-enyl]-9-
- 6341 (hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-
- 6342 hexahydrobenzo[c]chromen-1-ol) .
- 6343 182.183. AM-906 ((6aR,9R,10aR)-3-[(Z)-Hept-1-enyl]-9-
- 6344 (hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-
- 6345 hexahydrobenzo[c]chromen-1-ol) .
- 6346 183.184. AM-2389 ((6aR,9R,10aR)-3-(1-Hexyl-cyclobut-1-yl)-
- 6347 6a,7,8,9,10,10a-hexahydro-6,6-dimethyl-6H-dibenzo[b,d]pyran-1,9
- 6348 diol) .
- 6349 184.185. HU-243 ((6aR,8S,9S,10aR)-9-(Hydroxymethyl)-6,6-

6350 dimethyl-3-(2-methyloctan-2-yl)-8,9-ditritio-7,8,10,10a-  
 6351 tetrahydro-6aH-benzo[c]chromen-1-ol).

6352 ~~185.186.~~ HU-336 ((6aR,10aR)-6,6,9-Trimethyl-3-pentyl-  
 6353 6a,7,10,10a-tetrahydro-1H-benzo[c]chromene-1,4(6H)-dione).

6354 ~~186.187.~~ MAPB ((2-Methylaminopropyl)benzofuran).

6355 ~~187.188.~~ 5-IT (2-(1H-Indol-5-yl)-1-methyl-ethylamine).

6356 ~~188.189.~~ 6-IT (2-(1H-Indol-6-yl)-1-methyl-ethylamine).

6357 ~~189.190.~~ Synthetic Cannabinoids.—Unless specifically  
 6358 excepted or unless listed in another schedule or contained  
 6359 within a pharmaceutical product approved by the United States  
 6360 Food and Drug Administration, any material, compound, mixture,  
 6361 or preparation that contains any quantity of a synthetic  
 6362 cannabinoid found to be in any of the following chemical class  
 6363 descriptions, or homologues, nitrogen-heterocyclic analogs,  
 6364 isomers (including optical, positional, or geometric), esters,  
 6365 ethers, salts, and salts of homologues, nitrogen-heterocyclic  
 6366 analogs, isomers, esters, or ethers, whenever the existence of  
 6367 such homologues, nitrogen-heterocyclic analogs, isomers, esters,  
 6368 ethers, salts, and salts of isomers, esters, or ethers is  
 6369 possible within the specific chemical class or designation.  
 6370 Since nomenclature of these synthetically produced cannabinoids  
 6371 is not internationally standardized and may continually evolve,  
 6372 these structures or the compounds of these structures shall be  
 6373 included under this subparagraph, regardless of their specific  
 6374 numerical designation of atomic positions covered, if it can be

6375 | determined through a recognized method of scientific testing or  
 6376 | analysis that the substance contains properties that fit within  
 6377 | one or more of the following categories:

6378 |       a. Tetrahydrocannabinols.—Any tetrahydrocannabinols  
 6379 | naturally contained in a plant of the genus Cannabis, the  
 6380 | synthetic equivalents of the substances contained in the plant  
 6381 | or in the resinous extracts of the genus Cannabis, or synthetic  
 6382 | substances, derivatives, and their isomers with similar chemical  
 6383 | structure and pharmacological activity, including, but not  
 6384 | limited to, Delta 9 tetrahydrocannabinols and their optical  
 6385 | isomers, Delta 8 tetrahydrocannabinols and their optical  
 6386 | isomers, Delta 6a,10a tetrahydrocannabinols and their optical  
 6387 | isomers, or any compound containing a tetrahydrobenzo[c]chromene  
 6388 | structure with substitution at either or both the 3-position or  
 6389 | 9-position, with or without substitution at the 1-position with  
 6390 | hydroxyl or alkoxy groups, including, but not limited to:

6391 |           (I) Tetrahydrocannabinol.

6392 |           (II) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-  
 6393 | (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-  
 6394 | ol).

6395 |           (III) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-  
 6396 | (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-  
 6397 | ol).

6398 |           (IV) JWH-051 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-  
 6399 | (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).



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6400 (V) JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methylpentan-  
6401 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

6402 (VI) JWH-057 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methyloctan-  
6403 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

6404 (VII) JWH-359 ((6aR,10aR)-1-Methoxy-6,6,9-trimethyl-3-  
6405 (2,3-dimethylpentan-2-yl)-6a,7,10,10a-  
6406 tetrahydrobenzo[c]chromene).

6407 (VIII) AM-087 ((6aR,10aR)-3-(2-Methyl-6-bromohex-2-yl)-  
6408 6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

6409 (IX) AM-411 ((6aR,10aR)-3-(1-Adamantyl)-6,6,9-trimethyl-  
6410 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

6411 (X) Parahexyl.

6412 b. Naphthoylindoles, Naphthoylindazoles,  
6413 Naphthoylcarbazoles, Naphthylmethylindoles,  
6414 Naphthylmethylindazoles, and Naphthylmethylcarbazoles.—Any  
6415 compound containing a naphthoylindole, naphthoylindazole,  
6416 naphthoylcarbazole, naphthylmethylindole,  
6417 naphthylmethylindazole, or naphthylmethylcarbazole structure,  
6418 with or without substitution on the indole, indazole, or  
6419 carbazole ring to any extent, whether or not substituted on the  
6420 naphthyl ring to any extent, including, but not limited to:

6421 (I) JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl)indole).

6422 (II) JWH-011 (1-(1-Methylhexyl)-2-methyl-3-(1-  
6423 naphthoyl)indole).

6424 (III) JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl)indole).

- 6425 (IV) JWH-016 (1-Butyl-2-methyl-3-(1-naphthoyl) indole) .
- 6426 (V) JWH-018 (1-Pentyl-3-(1-naphthoyl) indole) .
- 6427 (VI) JWH-019 (1-Hexyl-3-(1-naphthoyl) indole) .
- 6428 (VII) JWH-020 (1-Heptyl-3-(1-naphthoyl) indole) .
- 6429 (VIII) JWH-022 (1-(4-Pentenyl)-3-(1-naphthoyl) indole) .
- 6430 (IX) JWH-071 (1-Ethyl-3-(1-naphthoyl) indole) .
- 6431 (X) JWH-072 (1-Propyl-3-(1-naphthoyl) indole) .
- 6432 (XI) JWH-073 (1-Butyl-3-(1-naphthoyl) indole) .
- 6433 (XII) JWH-080 (1-Butyl-3-(4-methoxy-1-naphthoyl) indole) .
- 6434 (XIII) JWH-081 (1-Pentyl-3-(4-methoxy-1-naphthoyl) indole) .
- 6435 (XIV) JWH-098 (1-Pentyl-2-methyl-3-(4-methoxy-1-
- 6436 naphthoyl) indole) .
- 6437 (XV) JWH-116 (1-Pentyl-2-ethyl-3-(1-naphthoyl) indole) .
- 6438 (XVI) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole) .
- 6439 (XVII) JWH-149 (1-Pentyl-2-methyl-3-(4-methyl-1-
- 6440 naphthoyl) indole) .
- 6441 (XVIII) JWH-164 (1-Pentyl-3-(7-methoxy-1-
- 6442 naphthoyl) indole) .
- 6443 (XIX) JWH-175 (1-Pentyl-3-(1-naphthylmethyl) indole) .
- 6444 (XX) JWH-180 (1-Propyl-3-(4-propyl-1-naphthoyl) indole) .
- 6445 (XXI) JWH-182 (1-Pentyl-3-(4-propyl-1-naphthoyl) indole) .
- 6446 (XXII) JWH-184 (1-Pentyl-3-[(4-methyl)-1-
- 6447 naphthylmethyl] indole) .
- 6448 (XXIII) JWH-193 (1-[2-(4-Morpholinyl) ethyl]-3-(4-methyl-1-
- 6449 naphthoyl) indole) .

6450 (XXIV) JWH-198 (1-[2-(4-Morpholinyl)ethyl]-3-(4-methoxy-1-  
 6451 naphthoyl)indole).  
 6452 (XXV) JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-  
 6453 naphthoyl)indole).  
 6454 (XXVI) JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl)indole).  
 6455 (XXVII) JWH-387 (1-Pentyl-3-(4-bromo-1-naphthoyl)indole).  
 6456 (XXVIII) JWH-398 (1-Pentyl-3-(4-chloro-1-  
 6457 naphthoyl)indole).  
 6458 (XXIX) JWH-412 (1-Pentyl-3-(4-fluoro-1-naphthoyl)indole).  
 6459 (XXX) JWH-424 (1-Pentyl-3-(8-bromo-1-naphthoyl)indole).  
 6460 (XXXI) AM-1220 (1-[(1-Methyl-2-piperidinyl)methyl]-3-(1-  
 6461 naphthoyl)indole).  
 6462 (XXXII) AM-1235 (1-(5-Fluoropentyl)-6-nitro-3-(1-  
 6463 naphthoyl)indole).  
 6464 (XXXIII) AM-2201 (1-(5-Fluoropentyl)-3-(1-  
 6465 naphthoyl)indole).  
 6466 (XXXIV) Chloro JWH-018 (1-(Chloropentyl)-3-(1-  
 6467 naphthoyl)indole).  
 6468 (XXXV) Bromo JWH-018 (1-(Bromopentyl)-3-(1-  
 6469 naphthoyl)indole).  
 6470 (XXXVI) AM-2232 (1-(4-Cyanobutyl)-3-(1-naphthoyl)indole).  
 6471 (XXXVII) THJ-2201 (1-(5-Fluoropentyl)-3-(1-  
 6472 naphthoyl)indazole).  
 6473 (XXXVIII) MAM-2201 (1-(5-Fluoropentyl)-3-(4-methyl-1-  
 6474 naphthoyl)indole).

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- 6475 (XXXIX) EAM-2201 (1-(5-Fluoropentyl)-3-(4-ethyl-1-  
 6476 naphthoyl)indole).
- 6477 (XL) EG-018 (9-Pentyl-3-(1-naphthoyl)carbazole).
- 6478 (XLI) EG-2201 (9-(5-Fluoropentyl)-3-(1-  
 6479 naphthoyl)carbazole).
- 6480 c. Naphthoylpyrroles.—Any compound containing a  
 6481 naphthoylpyrrole structure, with or without substitution on the  
 6482 pyrrole ring to any extent, whether or not substituted on the  
 6483 naphthyl ring to any extent, including, but not limited to:
- 6484 (I) JWH-030 (1-Pentyl-3-(1-naphthoyl)pyrrole).
- 6485 (II) JWH-031 (1-Hexyl-3-(1-naphthoyl)pyrrole).
- 6486 (III) JWH-145 (1-Pentyl-5-phenyl-3-(1-naphthoyl)pyrrole).
- 6487 (IV) JWH-146 (1-Heptyl-5-phenyl-3-(1-naphthoyl)pyrrole).
- 6488 (V) JWH-147 (1-Hexyl-5-phenyl-3-(1-naphthoyl)pyrrole).
- 6489 (VI) JWH-307 (1-Pentyl-5-(2-fluorophenyl)-3-(1-  
 6490 naphthoyl)pyrrole).
- 6491 (VII) JWH-309 (1-Pentyl-5-(1-naphthalenyl)-3-(1-  
 6492 naphthoyl)pyrrole).
- 6493 (VIII) JWH-368 (1-Pentyl-5-(3-fluorophenyl)-3-(1-  
 6494 naphthoyl)pyrrole).
- 6495 (IX) JWH-369 (1-Pentyl-5-(2-chlorophenyl)-3-(1-  
 6496 naphthoyl)pyrrole).
- 6497 (X) JWH-370 (1-Pentyl-5-(2-methylphenyl)-3-(1-  
 6498 naphthoyl)pyrrole).
- 6499 d. Naphthylmethylenindenes.—Any compound containing a

6500 naphthylmethylenindene structure, with or without substitution  
 6501 at the 3-position of the indene ring to any extent, whether or  
 6502 not substituted on the naphthyl ring to any extent, including,  
 6503 but not limited to, JWH-176 (3-Pentyl-1-  
 6504 (naphthylmethylene)indene).

6505 e. Phenylacetylindoles and Phenylacetylindazoles.—Any  
 6506 compound containing a phenylacetylindole or phenylacetylindazole  
 6507 structure, with or without substitution on the indole or  
 6508 indazole ring to any extent, whether or not substituted on the  
 6509 phenyl ring to any extent, including, but not limited to:

- 6510 (I) JWH-167 (1-Pentyl-3-(phenylacetyl)indole).
- 6511 (II) JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl)indole).
- 6512 (III) JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole).
- 6513 (IV) JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole).
- 6514 (V) JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole).
- 6515 (VI) JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl)indole).
- 6516 (VII) Cannabipiperidiethanone.
- 6517 (VIII) RCS-8 (1-(2-Cyclohexylethyl)-3-(2-  
 6518 methoxyphenylacetyl)indole).

6519 f. Cyclohexylphenols.—Any compound containing a  
 6520 cyclohexylphenol structure, with or without substitution at the  
 6521 5-position of the phenolic ring to any extent, whether or not  
 6522 substituted on the cyclohexyl ring to any extent, including, but  
 6523 not limited to:

- 6524 (I) CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-2-

6525 yl)phenol).

6526 (II) Cannabicyclohexanol (CP 47,497 dimethyloctyl (C8)

6527 homologue).

6528 (III) CP-55,940 (2-(3-Hydroxy-6-propanol-cyclohexyl)-5-(2-

6529 methyloctan-2-yl)phenol).

6530 g. Benzoylindoles and Benzoylindazoles.—Any compound

6531 containing a benzoylindole or benzoylindazole structure, with or

6532 without substitution on the indole or indazole ring to any

6533 extent, whether or not substituted on the phenyl ring to any

6534 extent, including, but not limited to:

6535 (I) AM-679 (1-Pentyl-3-(2-iodobenzoyl)indole).

6536 (II) AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole).

6537 (III) AM-1241 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-

6538 iodo-5-nitrobenzoyl)indole).

6539 (IV) Pravadoline (1-[2-(4-Morpholinyl)ethyl]-2-methyl-3-

6540 (4-methoxybenzoyl)indole).

6541 (V) AM-2233 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-

6542 iodobenzoyl)indole).

6543 (VI) RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole).

6544 (VII) RCS-4 C4 homologue (1-Butyl-3-(4-

6545 methoxybenzoyl)indole).

6546 (VIII) AM-630 (1-[2-(4-Morpholinyl)ethyl]-2-methyl-6-iodo-

6547 3-(4-methoxybenzoyl)indole).

6548 h. Tetramethylcyclopropanoylindoles and

6549 Tetramethylcyclopropanoylindazoles.—Any compound containing a

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6550 tetramethylcyclopropanoylindole or  
6551 tetramethylcyclopropanoylindazole structure, with or without  
6552 substitution on the indole or indazole ring to any extent,  
6553 whether or not substituted on the tetramethylcyclopropyl group  
6554 to any extent, including, but not limited to:

6555 (I) UR-144 (1-Pentyl-3-(2,2,3,3-  
6556 tetramethylcyclopropanoyl)indole).

6557 (II) XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-  
6558 tetramethylcyclopropanoyl)indole).

6559 (III) Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-  
6560 tetramethylcyclopropanoyl)indole).

6561 (IV) A-796,260 (1-[2-(4-Morpholinyl)ethyl]-3-(2,2,3,3-  
6562 tetramethylcyclopropanoyl)indole).

6563 (V) A-834,735 (1-[4-(Tetrahydropyranyl)methyl]-3-(2,2,3,3-  
6564 tetramethylcyclopropanoyl)indole).

6565 (VI) M-144 (1-(5-Fluoropentyl)-2-methyl-3-(2,2,3,3-  
6566 tetramethylcyclopropanoyl)indole).

6567 (VII) FUB-144 (1-(4-Fluorobenzyl)-3-(2,2,3,3-  
6568 tetramethylcyclopropanoyl)indole).

6569 (VIII) FAB-144 (1-(5-Fluoropentyl)-3-(2,2,3,3-  
6570 tetramethylcyclopropanoyl)indazole).

6571 (IX) XLR12 (1-(4,4,4-Trifluorobutyl)-3-(2,2,3,3-  
6572 tetramethylcyclopropanoyl)indole).

6573 (X) AB-005 (1-[(1-Methyl-2-piperidinyl)methyl]-3-(2,2,3,3-  
6574 tetramethylcyclopropanoyl)indole).

6575 i. Adamantoylindoles, Adamantoylindazoles, Adamantylindole  
 6576 carboxamides, and Adamantylindazole carboxamides.—Any compound  
 6577 containing an adamantoyl indole, adamantoyl indazole, adamantyl  
 6578 indole carboxamide, or adamantyl indazole carboxamide structure,  
 6579 with or without substitution on the indole or indazole ring to  
 6580 any extent, whether or not substituted on the adamantyl ring to  
 6581 any extent, including, but not limited to:

6582 (I) AKB48 (N-Adamant-1-yl 1-pentylindazole-3-carboxamide).

6583 (II) Fluoro AKB48 (N-Adamant-1-yl 1-  
 6584 (fluoropentyl)indazole-3-carboxamide).

6585 (III) STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-3-  
 6586 carboxamide).

6587 (IV) AM-1248 (1-(1-Methylpiperidine)methyl-3-(1-  
 6588 adamantoyl)indole).

6589 (V) AB-001 (1-Pentyl-3-(1-adamantoyl)indole).

6590 (VI) APICA (N-Adamant-1-yl 1-pentylindole-3-carboxamide).

6591 (VII) Fluoro AB-001 (1-(Fluoropentyl)-3-(1-  
 6592 adamantoyl)indole).

6593 j. Quinolinyndolecarboxylates,  
 6594 Quinolinyndazolecarboxylates, Quinolinyndolecarboxamides,  
 6595 and Quinolinyndazolecarboxamides.—Any compound containing a  
 6596 quinolinyndole carboxylate, quinolinyndazole carboxylate,  
 6597 isoquinolinyndole carboxylate, isoquinolinyndazole  
 6598 carboxylate, quinolinyndole carboxamide, quinolinyndazole  
 6599 carboxamide, isoquinolinyndole carboxamide, or



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6600 isoquinolinylindazole carboxamide structure, with or without  
 6601 substitution on the indole or indazole ring to any extent,  
 6602 whether or not substituted on the quinoline or isoquinoline ring  
 6603 to any extent, including, but not limited to:

6604 (I) PB-22 (8-Quinoliny 1-pentylindole-3-carboxylate).  
 6605 (II) Fluoro PB-22 (8-Quinoliny 1-(fluoropentyl)indole-3-  
 6606 carboxylate).  
 6607 (III) BB-22 (8-Quinoliny 1-(cyclohexylmethyl)indole-3-  
 6608 carboxylate).  
 6609 (IV) FUB-PB-22 (8-Quinoliny 1-(4-fluorobenzyl)indole-3-  
 6610 carboxylate).  
 6611 (V) NPB-22 (8-Quinoliny 1-pentylindazole-3-carboxylate).  
 6612 (VI) Fluoro NPB-22 (8-Quinoliny 1-(fluoropentyl)indazole-  
 6613 3-carboxylate).  
 6614 (VII) FUB-NPB-22 (8-Quinoliny 1-(4-fluorobenzyl)indazole-  
 6615 3-carboxylate).  
 6616 (VIII) THJ (8-Quinoliny 1-pentylindazole-3-carboxamide).  
 6617 (IX) Fluoro THJ (8-Quinoliny 1-(fluoropentyl)indazole-3-  
 6618 carboxamide).

6619 k. Naphthylindolecarboxylates and  
 6620 Naphthylindazolecarboxylates.—Any compound containing a  
 6621 naphthylindole carboxylate or naphthylindazole carboxylate  
 6622 structure, with or without substitution on the indole or  
 6623 indazole ring to any extent, whether or not substituted on the  
 6624 naphthyl ring to any extent, including, but not limited to:

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6625 (I) NM-2201 (1-Naphthalenyl 1-(5-fluoropentyl)indole-3-  
6626 carboxylate).

6627 (II) SDB-005 (1-Naphthalenyl 1-pentylindazole-3-  
6628 carboxylate).

6629 (III) Fluoro SDB-005 (1-Naphthalenyl 1-  
6630 (fluoropentyl)indazole-3-carboxylate).

6631 (IV) FDU-PB-22 (1-Naphthalenyl 1-(4-fluorobenzyl)indole-3-  
6632 carboxylate).

6633 (V) 3-CAF (2-Naphthalenyl 1-(2-fluorophenyl)indazole-3-  
6634 carboxylate).

6635 1. Naphthylindole carboxamides and Naphthylindazole  
6636 carboxamides.—Any compound containing a naphthylindole  
6637 carboxamide or naphthylindazole carboxamide structure, with or  
6638 without substitution on the indole or indazole ring to any  
6639 extent, whether or not substituted on the naphthyl ring to any  
6640 extent, including, but not limited to:

6641 (I) NNEI (N-Naphthalen-1-yl 1-pentylindole-3-carboxamide).

6642 (II) Fluoro-NNEI (N-Naphthalen-1-yl 1-  
6643 (fluoropentyl)indole-3-carboxamide).

6644 (III) Chloro-NNEI (N-Naphthalen-1-yl 1-  
6645 (chloropentyl)indole-3-carboxamide).

6646 (IV) MN-18 (N-Naphthalen-1-yl 1-pentylindazole-3-  
6647 carboxamide).

6648 (V) Fluoro MN-18 (N-Naphthalen-1-yl 1-  
6649 (fluoropentyl)indazole-3-carboxamide).

6650 m. Alkylcarbonyl indole carboxamides, Alkylcarbonyl  
 6651 indazole carboxamides, Alkylcarbonyl indole carboxylates, and  
 6652 Alkylcarbonyl indazole carboxylates.—Any compound containing an  
 6653 alkylcarbonyl group, including 1-amino-3-methyl-1-oxobutan-2-yl,  
 6654 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-amino-1-oxo-3-  
 6655 phenylpropan-2-yl, 1-methoxy-1-oxo-3-phenylpropan-2-yl, with an  
 6656 indole carboxamide, indazole carboxamide, indole carboxylate, or  
 6657 indazole carboxylate, with or without substitution on the indole  
 6658 or indazole ring to any extent, whether or not substituted on  
 6659 the alkylcarbonyl group to any extent, including, but not  
 6660 limited to:

6661 (I) ADBICA, (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-  
 6662 pentylindole-3-carboxamide).

6663 (II) Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-  
 6664 yl)-1-(fluoropentyl)indole-3-carboxamide).

6665 (III) Fluoro ABICA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-  
 6666 1-(fluoropentyl)indole-3-carboxamide).

6667 (IV) AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-  
 6668 pentylindazole-3-carboxamide).

6669 (V) Fluoro AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-  
 6670 yl)-1-(fluoropentyl)indazole-3-carboxamide).

6671 (VI) ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-  
 6672 1-pentylindazole-3-carboxamide).

6673 (VII) Fluoro ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-  
 6674 oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).

- 6675 (VIII) AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-  
 6676 1-(4-fluorobenzyl)indazole-3-carboxamide).
- 6677 (IX) ADB-FUBINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-  
 6678 yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).
- 6679 (X) AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-  
 6680 (cyclohexylmethyl)indazole-3-carboxamide).
- 6681 (XI) MA-CHMINACA (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-  
 6682 1-(cyclohexylmethyl)indazole-3-carboxamide).
- 6683 (XII) MAB-CHMINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-  
 6684 yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).
- 6685 (XIII) AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-  
 6686 pentylindazole-3-carboxamide).
- 6687 (XIV) Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-  
 6688 1-(fluoropentyl)indazole-3-carboxamide).
- 6689 (XV) FUB-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(4-  
 6690 fluorobenzyl)indazole-3-carboxamide).
- 6691 (XVI) MDMB-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-  
 6692 2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).
- 6693 (XVII) MDMB-FUBINACA (N-(1-Methoxy-3,3-dimethyl-1-  
 6694 oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).
- 6695 (XVIII) MDMB-CHMICA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-  
 6696 2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide).
- 6697 (XIX) PX-1 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-  
 6698 fluoropentyl)indole-3-carboxamide).
- 6699 (XX) PX-2 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-

6700 fluoropentyl)indazole-3-carboxamide).

6701 (XXI) PX-3 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-

6702 (cyclohexylmethyl)indazole-3-carboxamide).

6703 (XXII) PX-4 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(4-

6704 fluorobenzyl)indazole-3-carboxamide).

6705 (XXIII) MO-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-

6706 2-yl)-1-(cyclohexylmethyl)indazole-3-carboxylate).

6707 n. Cumylindolecarboxamides and Cumylindazolecarboxamides.—

6708 Any compound containing a N-(2-phenylpropan-2-yl) indole

6709 carboxamide or N-(2-phenylpropan-2-yl) indazole carboxamide

6710 structure, with or without substitution on the indole or

6711 indazole ring to any extent, whether or not substituted on the

6712 phenyl ring of the cumyl group to any extent, including, but not

6713 limited to:

6714 (I) CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-pentylindole-3-

6715 carboxamide).

6716 (II) Fluoro CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-

6717 (fluoropentyl)indole-3-carboxamide).

6718 o. Other Synthetic Cannabinoids.—Any material, compound,

6719 mixture, or preparation that contains any quantity of a

6720 Synthetic Cannabinoid, as described in sub-subparagraphs a.-n.:

6721 (I) With or without modification or replacement of a

6722 carbonyl, carboxamide, alkylene, alkyl, or carboxylate linkage

6723 between either two core rings, or linkage between a core ring

6724 and group structure, with or without the addition of a carbon or

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6725 replacement of a carbon;

6726 (II) With or without replacement of a core ring or group  
6727 structure, whether or not substituted on the ring or group  
6728 structures to any extent; and

6729 (III) Is a cannabinoid receptor agonist, unless  
6730 specifically excepted or unless listed in another schedule or  
6731 contained within a pharmaceutical product approved by the United  
6732 States Food and Drug Administration.

6733 190.191. Substituted Cathinones.—Unless specifically  
6734 excepted, listed in another schedule, or contained within a  
6735 pharmaceutical product approved by the United States Food and  
6736 Drug Administration, any material, compound, mixture, or  
6737 preparation, including its salts, isomers, esters, or ethers,  
6738 and salts of isomers, esters, or ethers, whenever the existence  
6739 of such salts is possible within any of the following specific  
6740 chemical designations:

6741 a. Any compound containing a 2-amino-1-phenyl-1-propanone  
6742 structure;

6743 b. Any compound containing a 2-amino-1-naphthyl-1-  
6744 propanone structure; or

6745 c. Any compound containing a 2-amino-1-thiophenyl-1-  
6746 propanone structure,  
6747 whether or not the compound is further modified:

6748 (I) With or without substitution on the ring system to any  
6749 extent with alkyl, alkylthio, thio, fused alkylendioxy, alkoxy,

6750 | haloalkyl, hydroxyl, nitro, fused furan, fused benzofuran, fused  
 6751 | dihydrofuran, fused tetrahydropyran, fused alkyl ring, or halide  
 6752 | substituents;

6753 | (II) With or without substitution at the 3-propanone  
 6754 | position with an alkyl substituent or removal of the methyl  
 6755 | group at the 3-propanone position;

6756 | (III) With or without substitution at the 2-amino nitrogen  
 6757 | atom with alkyl, dialkyl, acetyl, or benzyl groups, whether or  
 6758 | not further substituted in the ring system; or

6759 | (IV) With or without inclusion of the 2-amino nitrogen  
 6760 | atom in a cyclic structure, including, but not limited to:

- 6761 | (A) Methcathinone.
- 6762 | (B) Ethcathinone.
- 6763 | (C) Methylone (3,4-Methylenedioxy-methcathinone).
- 6764 | (D) 2,3-Methylenedioxy-methcathinone.
- 6765 | (E) MDPV (3,4-Methylenedioxy-pyrovalerone).
- 6766 | (F) Methylmethcathinone.
- 6767 | (G) Methoxymethcathinone.
- 6768 | (H) Fluoromethcathinone.
- 6769 | (I) Methylethcathinone.
- 6770 | (J) Butylone (3,4-Methylenedioxy-alpha-  
 6771 | methylaminobutyrophenone).
- 6772 | (K) Ethylone (3,4-Methylenedioxy-N-ethylcathinone).
- 6773 | (L) BMDP (3,4-Methylenedioxy-N-benzylcathinone).
- 6774 | (M) Naphyrone (Naphthylpyrovalerone).

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- 6775 (N) Bromomethcathinone.
- 6776 (O) Buphedrone (alpha-Methylaminobutyrophenone).
- 6777 (P) Eutylone (3,4-Methylenedioxy-alpha-
- 6778 ethylaminobutyrophenone).
- 6779 (Q) Dimethylcathinone.
- 6780 (R) Dimethylmethcathinone.
- 6781 (S) Pentylone (3,4-Methylenedioxy-alpha-
- 6782 methylaminovalerophenone).
- 6783 (T) Pentedrone (alpha-Methylaminovalerophenone).
- 6784 (U) MDPPP (3,4-Methylenedioxy-alpha-
- 6785 pyrrolidinopropiophenone).
- 6786 (V) MDPBP (3,4-Methylenedioxy-alpha-
- 6787 pyrrolidinobutyrophenone).
- 6788 (W) MPPP (Methyl-alpha-pyrrolidinopropiophenone).
- 6789 (X) PPP (Pyrrolidinopropiophenone).
- 6790 (Y) PVP (Pyrrolidinovalerophenone) or
- 6791 (Pyrrolidinopentiophenone).
- 6792 (Z) MOPPP (Methoxy-alpha-pyrrolidinopropiophenone).
- 6793 (AA) MPHP (Methyl-alpha-pyrrolidinohexanophenone).
- 6794 (BB) F-MABP (Fluoromethylaminobutyrophenone).
- 6795 (CC) Me-EABP (Methylethylaminobutyrophenone).
- 6796 (DD) PBP (Pyrrolidinobutyrophenone).
- 6797 (EE) MeO-PBP (Methoxypyrrolidinobutyrophenone).
- 6798 (FF) Et-PBP (Ethylpyrrolidinobutyrophenone).
- 6799 (GG) 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).



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- 6800 (HH) Dimethylone (3,4-Methylenedioxy-N,N-
- 6801 dimethylcathinone).
- 6802 (II) 3,4-Methylenedioxy-N,N-diethylcathinone.
- 6803 (JJ) 3,4-Methylenedioxy-N-acetylcathinone.
- 6804 (KK) 3,4-Methylenedioxy-N-acetylmethcathinone.
- 6805 (LL) 3,4-Methylenedioxy-N-acetylethcathinone.
- 6806 (MM) Methylbuphedrone (Methyl-alpha-
- 6807 methylaminobutyrophenone).
- 6808 (NN) Methyl-alpha-methylaminohexanophenone.
- 6809 (OO) N-Ethyl-N-methylcathinone.
- 6810 (PP) PHP (Pyrrolidinohexanophenone).
- 6811 (QQ) PV8 (Pyrrolidinoheptanophenone).
- 6812 (RR) Chloromethcathinone.
- 6813 (SS) 4-Bromo-2,5-dimethoxy-alpha-aminoacetophenone.
- 6814 191.192. Substituted Phenethylamines.—Unless specifically
- 6815 excepted or unless listed in another schedule, or contained
- 6816 within a pharmaceutical product approved by the United States
- 6817 Food and Drug Administration, any material, compound, mixture,
- 6818 or preparation, including its salts, isomers, esters, or ethers,
- 6819 and salts of isomers, esters, or ethers, whenever the existence
- 6820 of such salts is possible within any of the following specific
- 6821 chemical designations, any compound containing a phenethylamine
- 6822 structure, without a beta-keto group, and without a benzyl group
- 6823 attached to the amine group, whether or not the compound is
- 6824 further modified with or without substitution on the phenyl ring

6825 | to any extent with alkyl, alkylthio, nitro, alkoxy, thio,  
 6826 | halide, fused alkylenedioxy, fused furan, fused benzofuran,  
 6827 | fused dihydrofuran, or fused tetrahydropyran substituents,  
 6828 | whether or not further substituted on a ring to any extent, with  
 6829 | or without substitution at the alpha or beta position by any  
 6830 | alkyl substituent, with or without substitution at the nitrogen  
 6831 | atom, and with or without inclusion of the 2-amino nitrogen atom  
 6832 | in a cyclic structure, including, but not limited to:

- 6833 |     a. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).
- 6834 |     b. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 6835 |     c. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine).
- 6836 |     d. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 6837 |     e. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).
- 6838 |     f. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).
- 6839 |     g. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine).
- 6840 |     h. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- 6841 |     i. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).
- 6842 |     j. 2C-H (2,5-Dimethoxyphenethylamine).
- 6843 |     k. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).
- 6844 |     l. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).
- 6845 |     m. MDMA (3,4-Methylenedioxyamphetamin).
- 6846 |     n. MBDB (Methylbenzodioxolylbutanamin) or (3,4-  
 6847 | Methylene-dioxy-N-methylbutanamin).
- 6848 |     o. MDA (3,4-Methylene-dioxyamphetamin).
- 6849 |     p. 2,5-Dimethoxyamphetamin.

- 6850 q. Fluoroamphetamine.
- 6851 r. Fluoromethamphetamine.
- 6852 s. MDEA (3,4-Methylenedioxy-N-ethylamphetamine).
- 6853 t. DOB (4-Bromo-2,5-dimethoxyamphetamine).
- 6854 u. DOC (4-Chloro-2,5-dimethoxyamphetamine).
- 6855 v. DOET (4-Ethyl-2,5-dimethoxyamphetamine).
- 6856 w. DOI (4-Iodo-2,5-dimethoxyamphetamine).
- 6857 x. DOM (4-Methyl-2,5-dimethoxyamphetamine).
- 6858 y. PMA (4-Methoxyamphetamine).
- 6859 z. N-Ethylamphetamine.
- 6860 aa. 3,4-Methylenedioxy-N-hydroxyamphetamine.
- 6861 bb. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 6862 cc. PMMA (4-Methoxymethamphetamine).
- 6863 dd. N,N-Dimethylamphetamine.
- 6864 ee. 3,4,5-Trimethoxyamphetamine.
- 6865 ff. 4-APB (4-(2-Aminopropyl)benzofuran).
- 6866 gg. 5-APB (5-(2-Aminopropyl)benzofuran).
- 6867 hh. 6-APB (6-(2-Aminopropyl)benzofuran).
- 6868 ii. 7-APB (7-(2-Aminopropyl)benzofuran).
- 6869 jj. 4-APDB (4-(2-Aminopropyl)-2,3-dihydrobenzofuran).
- 6870 kk. 5-APDB (5-(2-Aminopropyl)-2,3-dihydrobenzofuran).
- 6871 ll. 6-APDB (6-(2-Aminopropyl)-2,3-dihydrobenzofuran).
- 6872 mm. 7-APDB (7-(2-Aminopropyl)-2,3-dihydrobenzofuran).
- 6873 nn. 4-MAPB (4-(2-Methylaminopropyl)benzofuran).
- 6874 oo. 5-MAPB (5-(2-Methylaminopropyl)benzofuran).

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6875 | pp. 6-MAPB (6-(2-Methylaminopropyl)benzofuran).  
 6876 | qq. 7-MAPB (7-(2-Methylaminopropyl)benzofuran).  
 6877 | rr. 5-EAPB (5-(2-Ethylaminopropyl)benzofuran).  
 6878 | ss. 5-MAPDB (5-(2-Methylaminopropyl)-2,3-  
 6879 | dihydrobenzofuran),

6880 |  
 6881 | which does not include phenethylamine, mescaline as described in  
 6882 | subparagraph ~~19.20~~, substituted cathinones as described in  
 6883 | subparagraph ~~190.191~~, N-Benzyl phenethylamine compounds as  
 6884 | described in subparagraph ~~192.193~~, or methamphetamine as  
 6885 | described in subparagraph (2)(c)5.

6886 | ~~192.193~~ N-Benzyl Phenethylamine Compounds.—Unless  
 6887 | specifically excepted or unless listed in another schedule, or  
 6888 | contained within a pharmaceutical product approved by the United  
 6889 | States Food and Drug Administration, any material, compound,  
 6890 | mixture, or preparation, including its salts, isomers, esters,  
 6891 | or ethers, and salts of isomers, esters, or ethers, whenever the  
 6892 | existence of such salts is possible within any of the following  
 6893 | specific chemical designations, any compound containing a  
 6894 | phenethylamine structure without a beta-keto group, with  
 6895 | substitution on the nitrogen atom of the amino group with a  
 6896 | benzyl substituent, with or without substitution on the phenyl  
 6897 | or benzyl ring to any extent with alkyl, alkoxy, thio,  
 6898 | alkylthio, halide, fused alkylenedioxy, fused furan, fused  
 6899 | benzofuran, or fused tetrahydropyran substituents, whether or

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6900 | not further substituted on a ring to any extent, with or without  
6901 | substitution at the alpha position by any alkyl substituent,  
6902 | including, but not limited to:

6903 |       a. 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-  
6904 | methoxybenzyl)]phenethylamine).

6905 |       b. 25B-NBOH (4-Bromo-2,5-dimethoxy-[N-(2-  
6906 | hydroxybenzyl)]phenethylamine).

6907 |       c. 25B-NBF (4-Bromo-2,5-dimethoxy-[N-(2-  
6908 | fluorobenzyl)]phenethylamine).

6909 |       d. 25B-NBMD (4-Bromo-2,5-dimethoxy-[N-(2,3-  
6910 | methylenedioxybenzyl)]phenethylamine).

6911 |       e. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-  
6912 | methoxybenzyl)]phenethylamine).

6913 |       f. 25I-NBOH (4-Iodo-2,5-dimethoxy-[N-(2-  
6914 | hydroxybenzyl)]phenethylamine).

6915 |       g. 25I-NBF (4-Iodo-2,5-dimethoxy-[N-(2-  
6916 | fluorobenzyl)]phenethylamine).

6917 |       h. 25I-NBMD (4-Iodo-2,5-dimethoxy-[N-(2,3-  
6918 | methylenedioxybenzyl)]phenethylamine).

6919 |       i. 25T2-NBOMe (4-Methylthio-2,5-dimethoxy-[N-(2-  
6920 | methoxybenzyl)]phenethylamine).

6921 |       j. 25T4-NBOMe (4-Isopropylthio-2,5-dimethoxy-[N-(2-  
6922 | methoxybenzyl)]phenethylamine).

6923 |       k. 25T7-NBOMe (4-(n)-Propylthio-2,5-dimethoxy-[N-(2-  
6924 | methoxybenzyl)]phenethylamine).

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- 6925 |           1. 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-
- 6926 | methoxybenzyl)]phenethylamine).
- 6927 |           m. 25C-NBOH (4-Chloro-2,5-dimethoxy-[N-(2-
- 6928 | hydroxybenzyl)]phenethylamine).
- 6929 |           n. 25C-NBF (4-Chloro-2,5-dimethoxy-[N-(2-
- 6930 | fluorobenzyl)]phenethylamine).
- 6931 |           o. 25C-NBMD (4-Chloro-2,5-dimethoxy-[N-(2,3-
- 6932 | methylenedioxybenzyl)]phenethylamine).
- 6933 |           p. 25H-NBOMe (2,5-Dimethoxy-[N-(2-
- 6934 | methoxybenzyl)]phenethylamine).
- 6935 |           q. 25H-NBOH (2,5-Dimethoxy-[N-(2-
- 6936 | hydroxybenzyl)]phenethylamine).
- 6937 |           r. 25H-NBF (2,5-Dimethoxy-[N-(2-
- 6938 | fluorobenzyl)]phenethylamine).
- 6939 |           s. 25D-NBOMe (4-Methyl-2,5-dimethoxy-[N-(2-
- 6940 | methoxybenzyl)]phenethylamine),
- 6941 |
- 6942 | which does not include substituted cathinones as described in
- 6943 | subparagraph 190. ~~191.~~
- 6944 |           193.~~194.~~ Substituted Tryptamines.—Unless specifically
- 6945 | excepted or unless listed in another schedule, or contained
- 6946 | within a pharmaceutical product approved by the United States
- 6947 | Food and Drug Administration, any material, compound, mixture,
- 6948 | or preparation containing a 2-(1H-indol-3-yl)ethanamine, for
- 6949 | example tryptamine, structure with or without mono- or di-

6950 substitution of the amine nitrogen with alkyl or alkenyl groups,  
6951 or by inclusion of the amino nitrogen atom in a cyclic  
6952 structure, whether or not substituted at the alpha position with  
6953 an alkyl group, whether or not substituted on the indole ring to  
6954 any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy  
6955 groups, including, but not limited to:

- 6956 a. Alpha-Ethyltryptamine.
- 6957 b. Bufotenine.
- 6958 c. DET (Diethyltryptamine).
- 6959 d. DMT (Dimethyltryptamine).
- 6960 e. MET (N-Methyl-N-ethyltryptamine).
- 6961 f. DALT (N,N-Diallyltryptamine).
- 6962 g. EiPT (N-Ethyl-N-isopropyltryptamine).
- 6963 h. MiPT (N-Methyl-N-isopropyltryptamine).
- 6964 i. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).
- 6965 j. 5-Hydroxy-N-methyltryptamine.
- 6966 k. 5-MeO-MiPT (5-Methoxy-N-methyl-N-isopropyltryptamine).
- 6967 l. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).
- 6968 m. Methyltryptamine.
- 6969 n. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).
- 6970 o. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).
- 6971 p. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).
- 6972 q. DiPT (N,N-Diisopropyltryptamine).
- 6973 r. DPT (N,N-Dipropyltryptamine).
- 6974 s. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).

- 6975 t. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).
- 6976 u. 4-AcO-DMT (4-Acetoxy-N,N-dimethyltryptamine).
- 6977 v. 4-AcO-DiPT (4-Acetoxy-N,N-diisopropyltryptamine).
- 6978 w. 4-Hydroxy-DET (4-Hydroxy-N,N-diethyltryptamine).
- 6979 x. 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-ethyltryptamine).
- 6980 y. 4-Hydroxy-MiPT (4-Hydroxy-N-methyl-N-
- 6981 isopropyltryptamine).
- 6982 z. Methyl-alpha-ethyltryptamine.
- 6983 aa. Bromo-DALT (Bromo-N,N-diallyltryptamine),

6984  
 6985 which does not include tryptamine, psilocyn as described in  
 6986 subparagraph 33. ~~34.~~, or psilocybin as described in subparagraph  
 6987 32. ~~33.~~

6988 194.195. ~~194.195.~~ Substituted Phenylcyclohexylamines.—Unless  
 6989 specifically excepted or unless listed in another schedule, or  
 6990 contained within a pharmaceutical product approved by the United  
 6991 States Food and Drug Administration, any material, compound,  
 6992 mixture, or preparation containing a phenylcyclohexylamine  
 6993 structure, with or without any substitution on the phenyl ring,  
 6994 any substitution on the cyclohexyl ring, any replacement of the  
 6995 phenyl ring with a thiophenyl or benzothiophenyl ring, with or  
 6996 without substitution on the amine with alkyl, dialkyl, or alkoxy  
 6997 substituents, inclusion of the nitrogen in a cyclic structure,  
 6998 or any combination of the above, including, but not limited to:

- 6999 a. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP



- 7000 (Benocyclidine).
- 7001 b. PCE (N-Ethyl-1-phenylcyclohexylamine) (Ethylamine analog
- 7002 of phencyclidine).
- 7003 c. PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine) (Pyrrolidine
- 7004 analog of phencyclidine).
- 7005 d. PCPr (Phenylcyclohexylpropylamine).
- 7006 e. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine) (Thiophene
- 7007 analog of phencyclidine).
- 7008 f. PCEEA (Phenylcyclohexyl (ethoxyethylamine)).
- 7009 g. PCMPA (Phenylcyclohexyl (methoxypropylamine)).
- 7010 h. Methoxetamine.
- 7011 i. 3-Methoxy-PCE ((3-Methoxyphenyl)cyclohexylethylamine).
- 7012 j. Bromo-PCP ((Bromophenyl)cyclohexylpiperidine).
- 7013 k. Chloro-PCP ((Chlorophenyl)cyclohexylpiperidine).
- 7014 l. Fluoro-PCP ((Fluorophenyl)cyclohexylpiperidine).
- 7015 m. Hydroxy-PCP ((Hydroxyphenyl)cyclohexylpiperidine).
- 7016 n. Methoxy-PCP ((Methoxyphenyl)cyclohexylpiperidine).
- 7017 o. Methyl-PCP ((Methylphenyl)cyclohexylpiperidine).
- 7018 p. Nitro-PCP ((Nitrophenyl)cyclohexylpiperidine).
- 7019 q. Oxo-PCP ((Oxophenyl)cyclohexylpiperidine).
- 7020 r. Amino-PCP ((Aminophenyl)cyclohexylpiperidine).
- 7021 ~~195.196.~~ W-15, 4-chloro-N-[1-(2-phenylethyl)-2-
- 7022 piperidinylidene]-benzenesulfonamide.
- 7023 ~~196.197.~~ W-18, 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-
- 7024 piperidinylidene]-benzenesulfonamide.

7025 197.198. AH-7921, 3,4-dichloro-N-[[1-  
7026 (dimethylamino)cyclohexyl)methyl]-benzamide.

7027 198.199. U47700, trans-3,4-dichloro-N-[2-  
7028 (dimethylamino)cyclohexyl]-N-methyl-benzamide.

7029 199.200. MT-45, 1-cyclohexyl-4-(1,2-diphenylethyl)-  
7030 piperazine, dihydrochloride.

7031 Section 11. Subsections (3), (6), and (9) of section  
7032 893.13, Florida Statutes are amended, and subsection (10) is  
7033 added to that section, to read:

7034 893.13 Prohibited acts; penalties.—

7035 ~~(3) A person who delivers, without consideration, 20 grams~~  
7036 ~~or less of cannabis, as defined in this chapter, commits a~~  
7037 ~~misdemeanor of the first degree, punishable as provided in s.~~  
7038 ~~775.082 or s. 775.083. As used in this subsection, the term~~  
7039 ~~"cannabis" does not include the resin extracted from the plants~~  
7040 ~~of the genus Cannabis or any compound manufacture, salt,~~  
7041 ~~derivative, mixture, or preparation of such resin.~~

7042 (5)(6)(a) A person may not be in actual or constructive  
7043 possession of a controlled substance unless such controlled  
7044 substance was lawfully obtained from a practitioner or pursuant  
7045 to a valid prescription or order of a practitioner while acting  
7046 in the course of his or her professional practice or to be in  
7047 actual or constructive possession of a controlled substance  
7048 except as otherwise authorized by this chapter. A person who  
7049 violates this provision commits a felony of the third degree,

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7050 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

7051 ~~(b) If the offense is the possession of 20 grams or less~~  
7052 ~~of cannabis, as defined in this chapter, the person commits a~~  
7053 ~~misdemeanor of the first degree, punishable as provided in s.~~  
7054 ~~775.082 or s. 775.083. As used in this subsection, the term~~  
7055 ~~"cannabis" does not include the resin extracted from the plants~~  
7056 ~~of the genus Cannabis, or any compound manufacture, salt,~~  
7057 ~~derivative, mixture, or preparation of such resin.~~

7058 (b)(e) Except as provided in this chapter, a person may  
7059 not possess more than 10 grams of any substance named or  
7060 described in s. 893.03(1)(a), (1)(b), or (2)(b), or any  
7061 combination thereof, or any mixture containing any such  
7062 substance. A person who violates this paragraph commits a felony  
7063 of the first degree, punishable as provided in s. 775.082, s.  
7064 775.083, or s. 775.084.

7065 (c)(d) If the offense is possession of a controlled  
7066 substance named or described in s. 893.03(5), the person commits  
7067 a misdemeanor of the second degree, punishable as provided in s.  
7068 775.082 or s. 775.083.

7069 ~~(e) Notwithstanding any provision to the contrary of the~~  
7070 ~~laws of this state relating to arrest, a law enforcement officer~~  
7071 ~~may arrest without warrant any person who the officer has~~  
7072 ~~probable cause to believe is violating the provisions of this~~  
7073 ~~chapter relating to possession of cannabis.~~

7074 (8)(9) The provisions of Subsections (1)-(7) ~~(1)-(8)~~ are

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7075 | not applicable to the delivery to, or actual or constructive  
7076 | possession for medical or scientific use or purpose only of  
7077 | controlled substances by, persons included in any of the  
7078 | following classes, or the agents or employees of such persons,  
7079 | for use in the usual course of their business or profession or  
7080 | in the performance of their official duties:

7081 |       (a) Pharmacists.

7082 |       (b) Practitioners.

7083 |       (c) Persons who procure controlled substances in good  
7084 | faith and in the course of professional practice only, by or  
7085 | under the supervision of pharmacists or practitioners employed  
7086 | by them, or for the purpose of lawful research, teaching, or  
7087 | testing, and not for resale.

7088 |       (d) Hospitals that procure controlled substances for  
7089 | lawful administration by practitioners, but only for use by or  
7090 | in the particular hospital.

7091 |       (e) Officers or employees of state, federal, or local  
7092 | governments acting in their official capacity only, or informers  
7093 | acting under their jurisdiction.

7094 |       (f) Common carriers.

7095 |       (g) Manufacturers, wholesalers, and distributors.

7096 |       (h) Law enforcement officers for bona fide law enforcement  
7097 | purposes in the course of an active criminal investigation.

7098 |       (10) Subsections (1)-(7) are not applicable to conduct  
7099 | authorized under chapter 566.

7100 Section 12. Subsection (1) of section 893.135, Florida  
 7101 Statutes, is amended to read:

7102 893.135 Trafficking; mandatory sentences; suspension or  
 7103 reduction of sentences; conspiracy to engage in trafficking.—

7104 (1) Except as authorized in this chapter, or in chapter  
 7105 499, or chapter 566 and notwithstanding ~~the provisions of s.~~  
 7106 ~~893.13:~~

7107 ~~(a) Any person who knowingly sells, purchases,~~  
 7108 ~~manufactures, delivers, or brings into this state, or who is~~  
 7109 ~~knowingly in actual or constructive possession of, in excess of~~  
 7110 ~~25 pounds of cannabis, or 300 or more cannabis plants, commits a~~  
 7111 ~~felony of the first degree, which felony shall be known as~~  
 7112 ~~"trafficking in cannabis," punishable as provided in s. 775.082,~~  
 7113 ~~s. 775.083, or s. 775.084. If the quantity of cannabis involved:~~

7114 ~~1. Is in excess of 25 pounds, but less than 2,000 pounds,~~  
 7115 ~~or is 300 or more cannabis plants, but not more than 2,000~~  
 7116 ~~cannabis plants, such person shall be sentenced to a mandatory~~  
 7117 ~~minimum term of imprisonment of 3 years, and the defendant shall~~  
 7118 ~~be ordered to pay a fine of \$25,000.~~

7119 ~~2. Is 2,000 pounds or more, but less than 10,000 pounds,~~  
 7120 ~~or is 2,000 or more cannabis plants, but not more than 10,000~~  
 7121 ~~cannabis plants, such person shall be sentenced to a mandatory~~  
 7122 ~~minimum term of imprisonment of 7 years, and the defendant shall~~  
 7123 ~~be ordered to pay a fine of \$50,000.~~

7124 ~~3. Is 10,000 pounds or more, or is 10,000 or more cannabis~~

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7125 ~~plants, such person shall be sentenced to a mandatory minimum~~  
7126 ~~term of imprisonment of 15 calendar years and pay a fine of~~  
7127 ~~\$200,000.~~

7128  
7129 ~~For the purpose of this paragraph, a plant, including, but not~~  
7130 ~~limited to, a seedling or cutting, is a "cannabis plant" if it~~  
7131 ~~has some readily observable evidence of root formation, such as~~  
7132 ~~root hairs. To determine if a piece or part of a cannabis plant~~  
7133 ~~severed from the cannabis plant is itself a cannabis plant, the~~  
7134 ~~severed piece or part must have some readily observable evidence~~  
7135 ~~of root formation, such as root hairs. Callous tissue is not~~  
7136 ~~readily observable evidence of root formation. The viability and~~  
7137 ~~sex of a plant and the fact that the plant may or may not be a~~  
7138 ~~dead harvested plant are not relevant in determining if the~~  
7139 ~~plant is a "cannabis plant" or in the charging of an offense~~  
7140 ~~under this paragraph. Upon conviction, the court shall impose~~  
7141 ~~the longest term of imprisonment provided for in this paragraph.~~

7142 (a)~~(b)~~1. Any person who knowingly sells, purchases,  
7143 manufactures, delivers, or brings into this state, or who is  
7144 knowingly in actual or constructive possession of, 28 grams or  
7145 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
7146 mixture containing cocaine, but less than 150 kilograms of  
7147 cocaine or any such mixture, commits a felony of the first  
7148 degree, which felony shall be known as "trafficking in cocaine,"  
7149 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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7150 If the quantity involved:

7151 a. Is 28 grams or more, but less than 200 grams, such  
7152 person shall be sentenced to a mandatory minimum term of  
7153 imprisonment of 3 years, and the defendant shall be ordered to  
7154 pay a fine of \$50,000.

7155 b. Is 200 grams or more, but less than 400 grams, such  
7156 person shall be sentenced to a mandatory minimum term of  
7157 imprisonment of 7 years, and the defendant shall be ordered to  
7158 pay a fine of \$100,000.

7159 c. Is 400 grams or more, but less than 150 kilograms, such  
7160 person shall be sentenced to a mandatory minimum term of  
7161 imprisonment of 15 calendar years and pay a fine of \$250,000.

7162 2. Any person who knowingly sells, purchases,  
7163 manufactures, delivers, or brings into this state, or who is  
7164 knowingly in actual or constructive possession of, 150 kilograms  
7165 or more of cocaine, as described in s. 893.03(2)(a)4., commits  
7166 the first degree felony of trafficking in cocaine. A person who  
7167 has been convicted of the first degree felony of trafficking in  
7168 cocaine under this subparagraph shall be punished by life  
7169 imprisonment and is ineligible for any form of discretionary  
7170 early release except pardon or executive clemency or conditional  
7171 medical release under s. 947.149. However, if the court  
7172 determines that, in addition to committing any act specified in  
7173 this paragraph:

7174 a. The person intentionally killed an individual or

7175 counseled, commanded, induced, procured, or caused the  
 7176 intentional killing of an individual and such killing was the  
 7177 result; or

7178         b. The person's conduct in committing that act led to a  
 7179 natural, though not inevitable, lethal result,

7180  
 7181 such person commits the capital felony of trafficking in  
 7182 cocaine, punishable as provided in ss. 775.082 and 921.142. Any  
 7183 person sentenced for a capital felony under this paragraph shall  
 7184 also be sentenced to pay the maximum fine provided under  
 7185 subparagraph 1.

7186         3. Any person who knowingly brings into this state 300  
 7187 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
 7188 and who knows that the probable result of such importation would  
 7189 be the death of any person, commits capital importation of  
 7190 cocaine, a capital felony punishable as provided in ss. 775.082  
 7191 and 921.142. Any person sentenced for a capital felony under  
 7192 this paragraph shall also be sentenced to pay the maximum fine  
 7193 provided under subparagraph 1.

7194         (b)~~(e)~~1. A person who knowingly sells, purchases,  
 7195 manufactures, delivers, or brings into this state, or who is  
 7196 knowingly in actual or constructive possession of, 4 grams or  
 7197 more of any morphine, opium, hydromorphone, or any salt,  
 7198 derivative, isomer, or salt of an isomer thereof, including  
 7199 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or



7200 (3)(c)4., or 4 grams or more of any mixture containing any such  
7201 substance, but less than 30 kilograms of such substance or  
7202 mixture, commits a felony of the first degree, which felony  
7203 shall be known as "trafficking in illegal drugs," punishable as  
7204 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
7205 quantity involved:

7206 a. Is 4 grams or more, but less than 14 grams, such person  
7207 shall be sentenced to a mandatory minimum term of imprisonment  
7208 of 3 years and shall be ordered to pay a fine of \$50,000.

7209 b. Is 14 grams or more, but less than 28 grams, such  
7210 person shall be sentenced to a mandatory minimum term of  
7211 imprisonment of 15 years and shall be ordered to pay a fine of  
7212 \$100,000.

7213 c. Is 28 grams or more, but less than 30 kilograms, such  
7214 person shall be sentenced to a mandatory minimum term of  
7215 imprisonment of 25 years and shall be ordered to pay a fine of  
7216 \$500,000.

7217 2. A person who knowingly sells, purchases, manufactures,  
7218 delivers, or brings into this state, or who is knowingly in  
7219 actual or constructive possession of, 28 grams or more of  
7220 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as  
7221 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28  
7222 grams or more of any mixture containing any such substance,  
7223 commits a felony of the first degree, which felony shall be  
7224 known as "trafficking in hydrocodone," punishable as provided in

7225 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:  
 7226 a. Is 28 grams or more, but less than 50 grams, such  
 7227 person shall be sentenced to a mandatory minimum term of  
 7228 imprisonment of 3 years and shall be ordered to pay a fine of  
 7229 \$50,000.  
 7230 b. Is 50 grams or more, but less than 100 grams, such  
 7231 person shall be sentenced to a mandatory minimum term of  
 7232 imprisonment of 7 years and shall be ordered to pay a fine of  
 7233 \$100,000.  
 7234 c. Is 100 grams or more, but less than 300 grams, such  
 7235 person shall be sentenced to a mandatory minimum term of  
 7236 imprisonment of 15 years and shall be ordered to pay a fine of  
 7237 \$500,000.  
 7238 d. Is 300 grams or more, but less than 30 kilograms, such  
 7239 person shall be sentenced to a mandatory minimum term of  
 7240 imprisonment of 25 years and shall be ordered to pay a fine of  
 7241 \$750,000.  
 7242 3. A person who knowingly sells, purchases, manufactures,  
 7243 delivers, or brings into this state, or who is knowingly in  
 7244 actual or constructive possession of, 7 grams or more of  
 7245 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt  
 7246 thereof, or 7 grams or more of any mixture containing any such  
 7247 substance, commits a felony of the first degree, which felony  
 7248 shall be known as "trafficking in oxycodone," punishable as  
 7249 provided in s. 775.082, s. 775.083, or s. 775.084. If the

7250 quantity involved:

7251 a. Is 7 grams or more, but less than 14 grams, such person  
7252 shall be sentenced to a mandatory minimum term of imprisonment  
7253 of 3 years and shall be ordered to pay a fine of \$50,000.

7254 b. Is 14 grams or more, but less than 25 grams, such  
7255 person shall be sentenced to a mandatory minimum term of  
7256 imprisonment of 7 years and shall be ordered to pay a fine of  
7257 \$100,000.

7258 c. Is 25 grams or more, but less than 100 grams, such  
7259 person shall be sentenced to a mandatory minimum term of  
7260 imprisonment of 15 years and shall be ordered to pay a fine of  
7261 \$500,000.

7262 d. Is 100 grams or more, but less than 30 kilograms, such  
7263 person shall be sentenced to a mandatory minimum term of  
7264 imprisonment of 25 years and shall be ordered to pay a fine of  
7265 \$750,000.

7266 4.a. A person who knowingly sells, purchases,  
7267 manufactures, delivers, or brings into this state, or who is  
7268 knowingly in actual or constructive possession of, 4 grams or  
7269 more of:

7270 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

7271 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

7272 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

7273 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

7274 (V) A fentanyl derivative, as described in s.

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7275 | 893.03(1) (a) 62.;

7276 |       (VI) A controlled substance analog, as described in s.

7277 | 893.0356, of any substance described in sub-sub-subparagraphs

7278 | (I)-(V); or

7279 |       (VII) A mixture containing any substance described in sub-

7280 | sub-subparagraphs (I)-(VI),

7281 |

7282 | commits a felony of the first degree, which felony shall be

7283 | known as "trafficking in fentanyl," punishable as provided in s.

7284 | 775.082, s. 775.083, or s. 775.084.

7285 |       b. If the quantity involved under sub-subparagraph a.:

7286 |       (I) Is 4 grams or more, but less than 14 grams, such

7287 | person shall be sentenced to a mandatory minimum term of

7288 | imprisonment of 3 years, and shall be ordered to pay a fine of

7289 | \$50,000.

7290 |       (II) Is 14 grams or more, but less than 28 grams, such

7291 | person shall be sentenced to a mandatory minimum term of

7292 | imprisonment of 15 years, and shall be ordered to pay a fine of

7293 | \$100,000.

7294 |       (III) Is 28 grams or more, such person shall be sentenced

7295 | to a mandatory minimum term of imprisonment of 25 years, and

7296 | shall be ordered to pay a fine of \$500,000.

7297 |       5. A person who knowingly sells, purchases, manufactures,

7298 | delivers, or brings into this state, or who is knowingly in

7299 | actual or constructive possession of, 30 kilograms or more of

7300 any morphine, opium, oxycodone, hydrocodone, codeine,  
 7301 hydromorphone, or any salt, derivative, isomer, or salt of an  
 7302 isomer thereof, including heroin, as described in s.  
 7303 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
 7304 more of any mixture containing any such substance, commits the  
 7305 first degree felony of trafficking in illegal drugs. A person  
 7306 who has been convicted of the first degree felony of trafficking  
 7307 in illegal drugs under this subparagraph shall be punished by  
 7308 life imprisonment and is ineligible for any form of  
 7309 discretionary early release except pardon or executive clemency  
 7310 or conditional medical release under s. 947.149. However, if the  
 7311 court determines that, in addition to committing any act  
 7312 specified in this paragraph:

7313       a. The person intentionally killed an individual or  
 7314 counseled, commanded, induced, procured, or caused the  
 7315 intentional killing of an individual and such killing was the  
 7316 result; or

7317       b. The person's conduct in committing that act led to a  
 7318 natural, though not inevitable, lethal result,

7319

7320 such person commits the capital felony of trafficking in illegal  
 7321 drugs, punishable as provided in ss. 775.082 and 921.142. A  
 7322 person sentenced for a capital felony under this paragraph shall  
 7323 also be sentenced to pay the maximum fine provided under  
 7324 subparagraph 1.

7325           6. A person who knowingly brings into this state 60  
 7326 kilograms or more of any morphine, opium, oxycodone,  
 7327 hydrocodone, codeine, hydromorphone, or any salt, derivative,  
 7328 isomer, or salt of an isomer thereof, including heroin, as  
 7329 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or  
 7330 60 kilograms or more of any mixture containing any such  
 7331 substance, and who knows that the probable result of such  
 7332 importation would be the death of a person, commits capital  
 7333 importation of illegal drugs, a capital felony punishable as  
 7334 provided in ss. 775.082 and 921.142. A person sentenced for a  
 7335 capital felony under this paragraph shall also be sentenced to  
 7336 pay the maximum fine provided under subparagraph 1.

7337           (c)~~(d)~~1. Any person who knowingly sells, purchases,  
 7338 manufactures, delivers, or brings into this state, or who is  
 7339 knowingly in actual or constructive possession of, 28 grams or  
 7340 more of phencyclidine, as described in s. 893.03(2)(b)23., a  
 7341 substituted phenylcyclohexylamine, as described in s.  
 7342 893.03(1)(c)194. ~~s. 893.03(1)(c)195.~~, or a substance described  
 7343 in s. 893.03(1)(c)12., 31., 37., 102., or 145. ~~s.~~  
 7344 ~~893.03(1)(c)13., 32., 38., 103., or 146.~~, or of any mixture  
 7345 containing phencyclidine, as described in s. 893.03(2)(b)23., a  
 7346 substituted phenylcyclohexylamine, as described in s.  
 7347 893.03(1)(c)194. ~~s. 893.03(1)(c)195.~~, or a substance described  
 7348 in s. 893.03(1)(c)12., 31., 37., 102., or 145. ~~s.~~  
 7349 ~~893.03(1)(c)13., 32., 38., 103., or 146.~~, commits a felony of

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7350 the first degree, which felony shall be known as "trafficking in  
7351 phencyclidine," punishable as provided in s. 775.082, s.  
7352 775.083, or s. 775.084. If the quantity involved:

7353 a. Is 28 grams or more, but less than 200 grams, such  
7354 person shall be sentenced to a mandatory minimum term of  
7355 imprisonment of 3 years, and the defendant shall be ordered to  
7356 pay a fine of \$50,000.

7357 b. Is 200 grams or more, but less than 400 grams, such  
7358 person shall be sentenced to a mandatory minimum term of  
7359 imprisonment of 7 years, and the defendant shall be ordered to  
7360 pay a fine of \$100,000.

7361 c. Is 400 grams or more, such person shall be sentenced to  
7362 a mandatory minimum term of imprisonment of 15 calendar years  
7363 and pay a fine of \$250,000.

7364 2. Any person who knowingly brings into this state 800  
7365 grams or more of phencyclidine, as described in s.  
7366 893.03(2)(b)23., a substituted phenylcyclohexylamine, as  
7367 described in s. 893.03(1)(c)194. ~~s. 893.03(1)(c)195.~~, or a  
7368 substance described in s. 893.03(1)(c)12., 31., 37., 102., or  
7369 145. ~~s. 893.03(1)(c)13., 32., 38., 103., or 146.~~, or of any  
7370 mixture containing phencyclidine, as described in s.  
7371 893.03(2)(b)23., a substituted phenylcyclohexylamine, as  
7372 described in s. 893.03(1)(c)194. ~~s. 893.03(1)(c)195.~~, or a  
7373 substance described in s. 893.03(1)(c)12., 31., 37., 102., or  
7374 145. ~~s. 893.03(1)(c)13., 32., 38., 103., or 146.~~, and who knows

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7375 | that the probable result of such importation would be the death  
7376 | of any person commits capital importation of phencyclidine, a  
7377 | capital felony punishable as provided in ss. 775.082 and  
7378 | 921.142. Any person sentenced for a capital felony under this  
7379 | paragraph shall also be sentenced to pay the maximum fine  
7380 | provided under subparagraph 1.

7381 |       (d)~~(e)~~1. Any person who knowingly sells, purchases,  
7382 | manufactures, delivers, or brings into this state, or who is  
7383 | knowingly in actual or constructive possession of, 200 grams or  
7384 | more of methaqualone or of any mixture containing methaqualone,  
7385 | as described in s. 893.03(1)(d), commits a felony of the first  
7386 | degree, which felony shall be known as "trafficking in  
7387 | methaqualone," punishable as provided in s. 775.082, s. 775.083,  
7388 | or s. 775.084. If the quantity involved:

7389 |       a. Is 200 grams or more, but less than 5 kilograms, such  
7390 | person shall be sentenced to a mandatory minimum term of  
7391 | imprisonment of 3 years, and the defendant shall be ordered to  
7392 | pay a fine of \$50,000.

7393 |       b. Is 5 kilograms or more, but less than 25 kilograms,  
7394 | such person shall be sentenced to a mandatory minimum term of  
7395 | imprisonment of 7 years, and the defendant shall be ordered to  
7396 | pay a fine of \$100,000.

7397 |       c. Is 25 kilograms or more, such person shall be sentenced  
7398 | to a mandatory minimum term of imprisonment of 15 calendar years  
7399 | and pay a fine of \$250,000.



7400           2. Any person who knowingly brings into this state 50  
 7401 kilograms or more of methaqualone or of any mixture containing  
 7402 methaqualone, as described in s. 893.03(1)(d), and who knows  
 7403 that the probable result of such importation would be the death  
 7404 of any person commits capital importation of methaqualone, a  
 7405 capital felony punishable as provided in ss. 775.082 and  
 7406 921.142. Any person sentenced for a capital felony under this  
 7407 paragraph shall also be sentenced to pay the maximum fine  
 7408 provided under subparagraph 1.

7409           (e)~~(f)~~1. Any person who knowingly sells, purchases,  
 7410 manufactures, delivers, or brings into this state, or who is  
 7411 knowingly in actual or constructive possession of, 14 grams or  
 7412 more of amphetamine, as described in s. 893.03(2)(c)2., or  
 7413 methamphetamine, as described in s. 893.03(2)(c)5., or of any  
 7414 mixture containing amphetamine or methamphetamine, or  
 7415 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine  
 7416 in conjunction with other chemicals and equipment utilized in  
 7417 the manufacture of amphetamine or methamphetamine, commits a  
 7418 felony of the first degree, which felony shall be known as  
 7419 "trafficking in amphetamine," punishable as provided in s.  
 7420 775.082, s. 775.083, or s. 775.084. If the quantity involved:

7421           a. Is 14 grams or more, but less than 28 grams, such  
 7422 person shall be sentenced to a mandatory minimum term of  
 7423 imprisonment of 3 years, and the defendant shall be ordered to  
 7424 pay a fine of \$50,000.

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7425           b. Is 28 grams or more, but less than 200 grams, such  
7426 person shall be sentenced to a mandatory minimum term of  
7427 imprisonment of 7 years, and the defendant shall be ordered to  
7428 pay a fine of \$100,000.

7429           c. Is 200 grams or more, such person shall be sentenced to  
7430 a mandatory minimum term of imprisonment of 15 calendar years  
7431 and pay a fine of \$250,000.

7432           2. Any person who knowingly manufactures or brings into  
7433 this state 400 grams or more of amphetamine, as described in s.  
7434 893.03(2)(c)2., or methamphetamine, as described in s.  
7435 893.03(2)(c)5., or of any mixture containing amphetamine or  
7436 methamphetamine, or phenylacetone, phenylacetic acid,  
7437 pseudoephedrine, or ephedrine in conjunction with other  
7438 chemicals and equipment used in the manufacture of amphetamine  
7439 or methamphetamine, and who knows that the probable result of  
7440 such manufacture or importation would be the death of any person  
7441 commits capital manufacture or importation of amphetamine, a  
7442 capital felony punishable as provided in ss. 775.082 and  
7443 921.142. Any person sentenced for a capital felony under this  
7444 paragraph shall also be sentenced to pay the maximum fine  
7445 provided under subparagraph 1.

7446           (f)~~(g)~~1. Any person who knowingly sells, purchases,  
7447 manufactures, delivers, or brings into this state, or who is  
7448 knowingly in actual or constructive possession of, 4 grams or  
7449 more of flunitrazepam or any mixture containing flunitrazepam as

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7450 described in s. 893.03(1)(a) commits a felony of the first  
7451 degree, which felony shall be known as "trafficking in  
7452 flunitrazepam," punishable as provided in s. 775.082, s.  
7453 775.083, or s. 775.084. If the quantity involved:

7454       a. Is 4 grams or more but less than 14 grams, such person  
7455 shall be sentenced to a mandatory minimum term of imprisonment  
7456 of 3 years, and the defendant shall be ordered to pay a fine of  
7457 \$50,000.

7458       b. Is 14 grams or more but less than 28 grams, such person  
7459 shall be sentenced to a mandatory minimum term of imprisonment  
7460 of 7 years, and the defendant shall be ordered to pay a fine of  
7461 \$100,000.

7462       c. Is 28 grams or more but less than 30 kilograms, such  
7463 person shall be sentenced to a mandatory minimum term of  
7464 imprisonment of 25 calendar years and pay a fine of \$500,000.

7465       2. Any person who knowingly sells, purchases,  
7466 manufactures, delivers, or brings into this state or who is  
7467 knowingly in actual or constructive possession of 30 kilograms  
7468 or more of flunitrazepam or any mixture containing flunitrazepam  
7469 as described in s. 893.03(1)(a) commits the first degree felony  
7470 of trafficking in flunitrazepam. A person who has been convicted  
7471 of the first degree felony of trafficking in flunitrazepam under  
7472 this subparagraph shall be punished by life imprisonment and is  
7473 ineligible for any form of discretionary early release except  
7474 pardon or executive clemency or conditional medical release

7475 | under s. 947.149. However, if the court determines that, in  
 7476 | addition to committing any act specified in this paragraph:

7477 |       a. The person intentionally killed an individual or  
 7478 | counseled, commanded, induced, procured, or caused the  
 7479 | intentional killing of an individual and such killing was the  
 7480 | result; or

7481 |       b. The person's conduct in committing that act led to a  
 7482 | natural, though not inevitable, lethal result,

7483 |  
 7484 | such person commits the capital felony of trafficking in  
 7485 | flunitrazepam, punishable as provided in ss. 775.082 and  
 7486 | 921.142. Any person sentenced for a capital felony under this  
 7487 | paragraph shall also be sentenced to pay the maximum fine  
 7488 | provided under subparagraph 1.

7489 |       (g)~~(h)~~1. Any person who knowingly sells, purchases,  
 7490 | manufactures, delivers, or brings into this state, or who is  
 7491 | knowingly in actual or constructive possession of, 1 kilogram or  
 7492 | more of gamma-hydroxybutyric acid (GHB), as described in s.  
 7493 | 893.03(1) (d), or any mixture containing gamma-hydroxybutyric  
 7494 | acid (GHB), commits a felony of the first degree, which felony  
 7495 | shall be known as "trafficking in gamma-hydroxybutyric acid  
 7496 | (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.  
 7497 | 775.084. If the quantity involved:

7498 |       a. Is 1 kilogram or more but less than 5 kilograms, such  
 7499 | person shall be sentenced to a mandatory minimum term of

7500 imprisonment of 3 years, and the defendant shall be ordered to  
 7501 pay a fine of \$50,000.

7502 b. Is 5 kilograms or more but less than 10 kilograms, such  
 7503 person shall be sentenced to a mandatory minimum term of  
 7504 imprisonment of 7 years, and the defendant shall be ordered to  
 7505 pay a fine of \$100,000.

7506 c. Is 10 kilograms or more, such person shall be sentenced  
 7507 to a mandatory minimum term of imprisonment of 15 calendar years  
 7508 and pay a fine of \$250,000.

7509 2. Any person who knowingly manufactures or brings into  
 7510 this state 150 kilograms or more of gamma-hydroxybutyric acid  
 7511 (GHB), as described in s. 893.03(1)(d), or any mixture  
 7512 containing gamma-hydroxybutyric acid (GHB), and who knows that  
 7513 the probable result of such manufacture or importation would be  
 7514 the death of any person commits capital manufacture or  
 7515 importation of gamma-hydroxybutyric acid (GHB), a capital felony  
 7516 punishable as provided in ss. 775.082 and 921.142. Any person  
 7517 sentenced for a capital felony under this paragraph shall also  
 7518 be sentenced to pay the maximum fine provided under subparagraph  
 7519 1.

7520 (h)-(i)1. Any person who knowingly sells, purchases,  
 7521 manufactures, delivers, or brings into this state, or who is  
 7522 knowingly in actual or constructive possession of, 1 kilogram or  
 7523 more of gamma-butyrolactone (GBL), as described in s.  
 7524 893.03(1)(d), or any mixture containing gamma-butyrolactone

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7525 (GBL), commits a felony of the first degree, which felony shall  
7526 be known as "trafficking in gamma-butyrolactone (GBL),"  
7527 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

7528 If the quantity involved:

7529 a. Is 1 kilogram or more but less than 5 kilograms, such  
7530 person shall be sentenced to a mandatory minimum term of  
7531 imprisonment of 3 years, and the defendant shall be ordered to  
7532 pay a fine of \$50,000.

7533 b. Is 5 kilograms or more but less than 10 kilograms, such  
7534 person shall be sentenced to a mandatory minimum term of  
7535 imprisonment of 7 years, and the defendant shall be ordered to  
7536 pay a fine of \$100,000.

7537 c. Is 10 kilograms or more, such person shall be sentenced  
7538 to a mandatory minimum term of imprisonment of 15 calendar years  
7539 and pay a fine of \$250,000.

7540 2. Any person who knowingly manufactures or brings into  
7541 the state 150 kilograms or more of gamma-butyrolactone (GBL), as  
7542 described in s. 893.03(1)(d), or any mixture containing gamma-  
7543 butyrolactone (GBL), and who knows that the probable result of  
7544 such manufacture or importation would be the death of any person  
7545 commits capital manufacture or importation of gamma-  
7546 butyrolactone (GBL), a capital felony punishable as provided in  
7547 ss. 775.082 and 921.142. Any person sentenced for a capital  
7548 felony under this paragraph shall also be sentenced to pay the  
7549 maximum fine provided under subparagraph 1.

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7550        (i)~~(j)~~1. Any person who knowingly sells, purchases,  
7551 manufactures, delivers, or brings into this state, or who is  
7552 knowingly in actual or constructive possession of, 1 kilogram or  
7553 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of  
7554 any mixture containing 1,4-Butanediol, commits a felony of the  
7555 first degree, which felony shall be known as "trafficking in  
7556 1,4-Butanediol," punishable as provided in s. 775.082, s.  
7557 775.083, or s. 775.084. If the quantity involved:

7558            a. Is 1 kilogram or more, but less than 5 kilograms, such  
7559 person shall be sentenced to a mandatory minimum term of  
7560 imprisonment of 3 years, and the defendant shall be ordered to  
7561 pay a fine of \$50,000.

7562            b. Is 5 kilograms or more, but less than 10 kilograms,  
7563 such person shall be sentenced to a mandatory minimum term of  
7564 imprisonment of 7 years, and the defendant shall be ordered to  
7565 pay a fine of \$100,000.

7566            c. Is 10 kilograms or more, such person shall be sentenced  
7567 to a mandatory minimum term of imprisonment of 15 calendar years  
7568 and pay a fine of \$500,000.

7569        2. Any person who knowingly manufactures or brings into  
7570 this state 150 kilograms or more of 1,4-Butanediol as described  
7571 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,  
7572 and who knows that the probable result of such manufacture or  
7573 importation would be the death of any person commits capital  
7574 manufacture or importation of 1,4-Butanediol, a capital felony

7575 | punishable as provided in ss. 775.082 and 921.142. Any person  
 7576 | sentenced for a capital felony under this paragraph shall also  
 7577 | be sentenced to pay the maximum fine provided under subparagraph  
 7578 | 1.

7579 |       (j)~~(k)~~1. A person who knowingly sells, purchases,  
 7580 | manufactures, delivers, or brings into this state, or who is  
 7581 | knowingly in actual or constructive possession of, 10 grams or  
 7582 | more of a:

7583 |           a. Substance described in s. 893.03(1)(c)4., 5., 9., 10.,  
 7584 | 14., 16., 20.-26., 28., 38., 39.-44., 57., 71.-79., 80.-85.,  
 7585 | 89.-101., 103.-107., 109.-112., 142.-144., 147.-149., 159.-162.,  
 7586 | 164., or 186.-188. ~~s. 893.03(1)(c)4., 5., 10., 11., 15., 17.,~~  
 7587 | ~~21.-27., 29., 39., 40.-45., 58., 72.-80., 81.-86., 90.-102.,~~  
 7588 | ~~104.-108., 110.-113., 143.-145., 148.-150., 160.-163., 165., or~~  
 7589 | ~~187.-189.,~~ a substituted cathinone, as described in s.  
 7590 | 893.03(1)(c)190. ~~s. 893.03(1)(c)191.,~~ or substituted  
 7591 | phenethylamine, as described in s. 893.03(1)(c)191. ~~s.~~  
 7592 | ~~893.03(1)(c)192.;~~

7593 |           b. Mixture containing any substance described in sub-  
 7594 | subparagraph a.; or

7595 |           c. Salt, isomer, ester, or ether or salt of an isomer,  
 7596 | ester, or ether of a substance described in sub-subparagraph a.,  
 7597 |  
 7598 | commits a felony of the first degree, which felony shall be  
 7599 | known as "trafficking in phenethylamines," punishable as



7600 provided in s. 775.082, s. 775.083, or s. 775.084.

7601 2. If the quantity involved under subparagraph 1.:

7602 a. Is 10 grams or more, but less than 200 grams, such

7603 person shall be sentenced to a mandatory minimum term of

7604 imprisonment of 3 years and shall be ordered to pay a fine of

7605 \$50,000.

7606 b. Is 200 grams or more, but less than 400 grams, such

7607 person shall be sentenced to a mandatory minimum term of

7608 imprisonment of 7 years and shall be ordered to pay a fine of

7609 \$100,000.

7610 c. Is 400 grams or more, such person shall be sentenced to

7611 a mandatory minimum term of imprisonment of 15 years and shall

7612 be ordered to pay a fine of \$250,000.

7613 3. A person who knowingly manufactures or brings into this

7614 state 30 kilograms or more of a substance described in sub-

7615 subparagraph 1.a., a mixture described in sub-subparagraph 1.b.,

7616 or a salt, isomer, ester, or ether or a salt of an isomer,

7617 ester, or ether described in sub-subparagraph 1.c., and who

7618 knows that the probable result of such manufacture or

7619 importation would be the death of any person commits capital

7620 manufacture or importation of phenethylamines, a capital felony

7621 punishable as provided in ss. 775.082 and 921.142. A person

7622 sentenced for a capital felony under this paragraph shall also

7623 be sentenced to pay the maximum fine under subparagraph 2.

7624 (k)~~(l)~~1. Any person who knowingly sells, purchases,

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7625 manufactures, delivers, or brings into this state, or who is  
7626 knowingly in actual or constructive possession of, 1 gram or  
7627 more of lysergic acid diethylamide (LSD) as described in s.  
7628 893.03(1)(c), or of any mixture containing lysergic acid  
7629 diethylamide (LSD), commits a felony of the first degree, which  
7630 felony shall be known as "trafficking in lysergic acid  
7631 diethylamide (LSD)," punishable as provided in s. 775.082, s.  
7632 775.083, or s. 775.084. If the quantity involved:

7633 a. Is 1 gram or more, but less than 5 grams, such person  
7634 shall be sentenced to a mandatory minimum term of imprisonment  
7635 of 3 years, and the defendant shall be ordered to pay a fine of  
7636 \$50,000.

7637 b. Is 5 grams or more, but less than 7 grams, such person  
7638 shall be sentenced to a mandatory minimum term of imprisonment  
7639 of 7 years, and the defendant shall be ordered to pay a fine of  
7640 \$100,000.

7641 c. Is 7 grams or more, such person shall be sentenced to a  
7642 mandatory minimum term of imprisonment of 15 calendar years and  
7643 pay a fine of \$500,000.

7644 2. Any person who knowingly manufactures or brings into  
7645 this state 7 grams or more of lysergic acid diethylamide (LSD)  
7646 as described in s. 893.03(1)(c), or any mixture containing  
7647 lysergic acid diethylamide (LSD), and who knows that the  
7648 probable result of such manufacture or importation would be the  
7649 death of any person commits capital manufacture or importation

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7650 of lysergic acid diethylamide (LSD), a capital felony punishable  
 7651 as provided in ss. 775.082 and 921.142. Any person sentenced for  
 7652 a capital felony under this paragraph shall also be sentenced to  
 7653 pay the maximum fine provided under subparagraph 1.

7654 (1)~~(m)~~1. A person who knowingly sells, purchases,  
 7655 manufactures, delivers, or brings into this state, or who is  
 7656 knowingly in actual or constructive possession of, 280 grams or  
 7657 more of a:

7658 a. Substance described in s. 893.03(1)(c)29., 45.-49.,  
 7659 113.-141., 150.-155., 165.-172., or 175.-185. ~~s.~~  
 7660 ~~893.03(1)(c)30., 46.-50., 114.-142., 151.-156., 166.-173., or~~  
 7661 ~~176.-186.~~ or a synthetic cannabinoid, as described in s.  
 7662 893.03(1)(c)189. ~~s. 893.03(1)(c)190.~~; or

7663 b. Mixture containing any substance described in sub-  
 7664 subparagraph a.,  
 7665  
 7666 commits a felony of the first degree, which felony shall be  
 7667 known as "trafficking in synthetic cannabinoids," punishable as  
 7668 provided in s. 775.082, s. 775.083, or s. 775.084.

7669 2. If the quantity involved under subparagraph 1.:

7670 a. Is 280 grams or more, but less than 500 grams, such  
 7671 person shall be sentenced to a mandatory minimum term of  
 7672 imprisonment of 3 years, and the defendant shall be ordered to  
 7673 pay a fine of \$50,000.

7674 b. Is 500 grams or more, but less than 1,000 grams, such

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7675 person shall be sentenced to a mandatory minimum term of  
7676 imprisonment of 7 years, and the defendant shall be ordered to  
7677 pay a fine of \$100,000.

7678 c. Is 1,000 grams or more, but less than 30 kilograms,  
7679 such person shall be sentenced to a mandatory minimum term of  
7680 imprisonment of 15 years, and the defendant shall be ordered to  
7681 pay a fine of \$200,000.

7682 d. Is 30 kilograms or more, such person shall be sentenced  
7683 to a mandatory minimum term of imprisonment of 25 years, and the  
7684 defendant shall be ordered to pay a fine of \$750,000.

7685 (m)~~(n)~~1. A person who knowingly sells, purchases,  
7686 manufactures, delivers, or brings into this state, or who is  
7687 knowingly in actual or constructive possession of, 14 grams or  
7688 more of:

7689 a. A substance described in s. 893.03(1)(c)163., 173., or  
7690 174. ~~s. 893.03(1)(c)164., 174., or 175.,~~ a n-benzyl  
7691 phenethylamine compound, as described in s. 893.03(1)(c)192. ~~s.~~  
7692 ~~893.03(1)(c)193.;~~ or

7693 b. A mixture containing any substance described in sub-  
7694 subparagraph a.,

7695  
7696 commits a felony of the first degree, which felony shall be  
7697 known as "trafficking in n-benzyl phenethylamines," punishable  
7698 as provided in s. 775.082, s. 775.083, or s. 775.084.

7699 2. If the quantity involved under subparagraph 1.:

7700           a. Is 14 grams or more, but less than 100 grams, such  
 7701 person shall be sentenced to a mandatory minimum term of  
 7702 imprisonment of 3 years, and the defendant shall be ordered to  
 7703 pay a fine of \$50,000.

7704           b. Is 100 grams or more, but less than 200 grams, such  
 7705 person shall be sentenced to a mandatory minimum term of  
 7706 imprisonment of 7 years, and the defendant shall be ordered to  
 7707 pay a fine of \$100,000.

7708           c. Is 200 grams or more, such person shall be sentenced to  
 7709 a mandatory minimum term of imprisonment of 15 years, and the  
 7710 defendant shall be ordered to pay a fine of \$500,000.

7711           3. A person who knowingly manufactures or brings into this  
 7712 state 400 grams or more of a substance described in sub-  
 7713 subparagraph 1.a. or a mixture described in sub-subparagraph  
 7714 1.b., and who knows that the probable result of such manufacture  
 7715 or importation would be the death of any person commits capital  
 7716 manufacture or importation of a n-benzyl phenethylamine  
 7717 compound, a capital felony punishable as provided in ss. 775.082  
 7718 and 921.142. A person sentenced for a capital felony under this  
 7719 paragraph shall also be sentenced to pay the maximum fine under  
 7720 subparagraph 2.

7721           Section 13. Section 893.13501, Florida Statutes, is  
 7722 created to read:

7723           893.13501 Retroactive effect of amendments to ss. 893.03,  
 7724 893.13, and 893.135.-

7725 (1) It is the intent of the Legislature to retroactively  
7726 apply changes to ss. 893.03, 893.13, and 893.135 made by this  
7727 act, which are applicable to offenders who committed offenses on  
7728 or after the effective date of those provisions as originally  
7729 enacted. A person who committed an offense and is currently in  
7730 the custody of the Department of Corrections or subject to any  
7731 form of supervision shall be resentenced as provided in  
7732 subsection (2).

7733 (2) Sentence review under this section must occur in the  
7734 following manner:

7735 (a) The Department of Corrections shall notify the person  
7736 described in subsection (1) of his or her eligibility to request  
7737 a sentence review hearing.

7738 (b) The person seeking sentence review under this section  
7739 may submit an application to the court of original jurisdiction  
7740 requesting that a sentence review hearing be held. The  
7741 sentencing court retains original jurisdiction for the duration  
7742 of the sentence for this purpose.

7743 (c) A person who is eligible for a sentence review hearing  
7744 under this section is entitled to be represented by counsel. The  
7745 court shall appoint a public defender to represent the person if  
7746 he or she cannot afford an attorney.

7747 (d) Upon receiving an application from the eligible  
7748 person, the court of original sentencing jurisdiction shall hold  
7749 a sentence review hearing to determine if the eligible person

7750 meets the criteria for resentencing or release under this  
 7751 section.

7752 1. If the person has no further charges remaining, the  
 7753 person shall be released immediately.

7754 2. If the court determines at the sentence review hearing  
 7755 that the eligible person meets the criteria in this section for  
 7756 resentencing, the court must resentence the person as provided  
 7757 in this section; however, the new sentence may not exceed the  
 7758 person's original sentence with credit for time served.

7759 3. If the court determines that such person does not meet  
 7760 the criteria for resentencing under this section, the court must  
 7761 provide written reasons why such person does not meet such  
 7762 criteria.

7763 (e) A person sentenced or resented pursuant to this  
 7764 section is eligible to receive any gain-time pursuant to s.  
 7765 944.275 which he or she was previously ineligible to receive due  
 7766 to the original offense that is now subject to resentencing.

7767 (3) This section does not apply to any offense which had  
 7768 violence or a threat of violence as an element of the offense.

7769 Section 14. Paragraphs (b), (e), (g), and (h) of  
 7770 subsection (3) of section 921.0022, Florida Statutes, are  
 7771 amended to read:

7772 921.0022 Criminal Punishment Code; offense severity  
 7773 ranking chart.—

7774 (3) OFFENSE SEVERITY RANKING CHART

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7775	(b)	LEVEL 2	
7776			
	Florida	Felony	
	Statute	Degree	Description
7777			
	379.2431	3rd	Possession of 11 or fewer
	(1) (e) 3.		marine turtle eggs in violation
			of the Marine Turtle Protection
			Act.
7778			
	379.2431	3rd	Possession of more than 11
	(1) (e) 4.		marine turtle eggs in violation
			of the Marine Turtle Protection
			Act.
7779			
	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.
7780			
	517.07 (2)	3rd	Failure to furnish a prospectus
			meeting requirements.
7781			
	590.28 (1)	3rd	Intentional burning of lands.



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7782	784.03(3)	3rd	Battery during a riot or an aggravated riot.
7783	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
7784	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
7785	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
7786	806.13(3)	3rd	Criminal mischief; damage of \$200 or more to a memorial or historic property.
7787	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering

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7788			burglary.
	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
7789			
	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$750 or more but less than \$5,000.
7790			
	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$750, taken from unenclosed curtilage of dwelling.
7791			
	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
7792			
	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
7793			
	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over

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7794			\$300.
	817.52(3)	3rd	Failure to redeliver hired vehicle.
7795			
	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
7796			
	817.60(5)	3rd	Dealing in credit cards of another.
7797			
	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
7798			
	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
7799			
	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
7800			
	831.01	3rd	Forgery.
7801			

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7802	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
7803	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
7804	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
7805	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
7806	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
7807	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
7808	843.08	3rd	False personation.
	893.13(2)(a)2.	3rd	Purchase of any s.

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7809			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 <del>other than cannabis.</del>
	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
7810			
7811	(e) LEVEL 5		
7812			
	Florida	Felony	
	Statute	Degree	Description
7813			
	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
7814			
	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
7815			
	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
7816			
	322.34(6)	3rd	Careless operation of motor

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7817 vehicle with suspended license,  
resulting in death or serious  
bodily injury.

327.30(5) 3rd Vessel accidents involving  
personal injury; leaving scene.

7818 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  
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.

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7819	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
7820	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
7821	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
7822	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
7823	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
7824	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
7825	624.401 (4) (b) 2.	2nd	Transacting insurance without a

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			certificate or authority; premium collected \$20,000 or more but less than \$100,000.
7826	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
7827	790.01 (2)	3rd	Carrying a concealed firearm.
7828	790.162	2nd	Threat to throw or discharge destructive device.
7829	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
7830	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
7831	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
7832	796.05 (1)	2nd	Live on earnings of a



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7833			prostitute; 1st offense.
	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
7834			
	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
7835			
	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
7836			
	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
7837			
	812.015 (8)(a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
7838			
	812.019(1)	2nd	Stolen property; dealing in or trafficking in.

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7839	812.081 (3)	2nd	Trafficking in trade secrets.
7840	812.131 (2) (b)	3rd	Robbery by sudden snatching.
7841	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
7842	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
7843	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
7844	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
7845	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services

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7846	817.611 (2) (a)	2nd	received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
7847	817.625 (2) (b)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
7848	825.1025 (4)	3rd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
7849	827.071 (4)	2nd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
7850			Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

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7851	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
7852	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
7853	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.
7854	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
7855	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.

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7856	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
7857	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
7858	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
7859	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
7860	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).
	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.

7861

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.

7862

893.13(1) (e) 2.            2nd    Sell, manufacture, or deliver  
 cannabis or other drug  
 prohibited under 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) within  
 1,000 feet of property used for

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7863			religious services or a specified business site.
	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.
7864			
	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
7865			
	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
7866			
7867	(g)	LEVEL 7	
7868			
	Florida Statute	Felony Degree	Description
7869			
	316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.

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7870	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
7871	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.
7872	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
7873	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
7874	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
7875			



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7876	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
7877	456.065 (2)	3rd	Practicing a health care profession without a license.
7878	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
7879	458.327 (1)	3rd	Practicing medicine without a license.
7880	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
7881	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
7882	461.012 (1)	3rd	Practicing podiatric medicine without a license.
	462.17	3rd	Practicing naturopathy without

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7883			a license.
	463.015 (1)	3rd	Practicing optometry without a license.
7884			
	464.016 (1)	3rd	Practicing nursing without a license.
7885			
	465.015 (2)	3rd	Practicing pharmacy without a license.
7886			
	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
7887			
	467.201	3rd	Practicing midwifery without a license.
7888			
	468.366	3rd	Delivering respiratory care services without a license.
7889			
	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
7890			
	483.901 (7)	3rd	Practicing medical physics

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			without a license.
7891	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
7892	484.053	3rd	Dispensing hearing aids without a license.
7893	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.
7894	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.
7895	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

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7896	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
7897	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
7898	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
7899	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
7900	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

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7901	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
7902	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
7903	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
7904	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
7905	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
7906	784.045 (1) (b)	2nd	Aggravated battery; perpetrator

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7907			aware victim pregnant.
	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
7908			
	784.048 (7)	3rd	Aggravated stalking; violation of court order.
7909			
	784.07(2) (d)	1st	Aggravated battery on law enforcement officer.
7910			
	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
7911			
	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
7912			
	784.081 (1)	1st	Aggravated battery on specified official or employee.
7913			
	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
7914			

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7915	784.083 (1)	1st	Aggravated battery on code inspector.
7916	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
7917	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.
7918	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
7919	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
7920	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
	790.165 (3)	2nd	Possessing, displaying, or

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7921	790.166 (3)	2nd	threatening to use any hoax bomb while committing or attempting to commit a felony.
7922	790.166 (4)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
7923	790.23	1st, PBL	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
7924	794.08 (4)	3rd	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
7925			Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.



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7926	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
7927	796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
7928	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
7929	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.
7930	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.

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7931	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
7932	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
7933	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
7934	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
7935	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
7936	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.

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7937	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
7938	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
7939	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
7940	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
7941	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
7942	812.131 (2) (a)	2nd	Robbery by sudden snatching.
7943	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.

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7944	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
7945	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
7946	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
7947	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
7948	817.2341 (2) (b) & (3) (b)	1st	Making false entries of 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.
	817.418 (2) (a)	3rd	Offering for sale or advertising personal protective equipment with intent to

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7949			defraud.
	817.504 (1) (a)	3rd	Offering or advertising a vaccine with intent to defraud.
7950			
	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
7951			
	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
7952			
	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
7953			
	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.
7954			
	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.

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7955	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
7956	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
7957	838.015	2nd	Bribery.
7958	838.016	2nd	Unlawful compensation or reward for official behavior.
7959	838.021(3)(a)	2nd	Unlawful harm to a public servant.
7960	838.22	2nd	Bid tampering.
7961	843.0855(2)	3rd	Impersonation of a public officer or employee.
7962	843.0855(3)	3rd	Unlawful simulation of legal process.
7963			

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7964	843.0855(4)	3rd	Intimidation of a public officer or employee.
7965	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
7966	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
7967	872.06	2nd	Abuse of a dead human body.
7968	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
7969	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s.

7970	893.13(1) (e) 1.	1st	<p>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.</p> <p>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 property used for religious services or a specified business site.</p>
7971	<p><u>893.13(3) (a)</u>  <del>893.13(4) (a)</del></p>	1st	<p>Use or hire of minor; deliver to minor other controlled substance.</p>
7972	<del>893.135(1) (a) 1.</del>	1st	<p><del>Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.</del></p>



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7973

893.135 1st Trafficking in cocaine, more  
(1) (a) 1.a. than 28 grams, less than 200  
~~893.135~~ grams.  
~~(1) (b) 1.a.~~

7974

893.135 1st Trafficking in illegal drugs,  
(1) (b) 1.a. more than 4 grams, less than 14  
~~893.135~~ grams.  
~~(1) (c) 1.a.~~

7975

893.135 1st Trafficking in hydrocodone, 28  
(1) (b) 2.a. grams or more, less than 50  
~~893.135~~ grams.  
~~(1) (c) 2.a.~~

7976

893.135 1st Trafficking in hydrocodone, 50  
(1) (b) 2.b. grams or more, less than 100  
~~893.135~~ grams.  
~~(1) (c) 2.b.~~

7977

893.135 1st Trafficking in oxycodone, 7  
(1) (b) 3.a. grams or more, less than 14  
~~893.135~~ grams.  
~~(1) (c) 3.a.~~

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7978	<u>893.135</u> <u>(1) (b) 3.b.</u>	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
	<del>893.135</del> <del>(1) (c) 3.b.</del>		
7979	<u>893.135</u> <u>(1) (b) 4.b. (I)</u>	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
	<del>893.135</del> <del>(1) (c) 4.b. (I)</del>		
7980	<u>893.135</u> <u>(1) (c) 1.a.</u>	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
	<del>893.135</del> <del>(1) (d) 1.a.</del>		
7981	<u>893.135 (1) (d) 1.</u>	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
	<del>893.135 (1) (c) 1.</del>		
7982	<u>893.135 (1) (e) 1.</u>	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
	<del>893.135 (1) (f) 1.</del>		
7983	<u>893.135</u>	1st	Trafficking in flunitrazepam, 4

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7984	<p><u>(1) (h) 1.a.</u>  <del>893.135</del>  <del>(1) (g) 1.a.</del></p>	1st	<p>grams or more, less than 14  grams.</p>
7985	<p><u>893.135</u>  <u>(1) (g) 1.a.</u>  <del>893.135</del>  <del>(1) (h) 1.a.</del></p>	1st	<p>Trafficking in gamma-  hydroxybutyric acid (GHB), 1  kilogram or more, less than 5  kilograms.</p>
7986	<p><u>893.135</u>  <u>(1) (i) 1.a.</u>  <del>893.135</del>  <del>(1) (j) 1.a.</del></p>	1st	<p>Trafficking in 1,4-Butanediol,  1 kilogram or more, less than 5  kilograms.</p>
7987	<p><u>893.135</u>  <u>(1) (j) 2.a.</u>  <del>893.135</del>  <del>(1) (k) 2.a.</del></p>	1st	<p>Trafficking in Phenethylamines,  10 grams or more, less than 200  grams.</p>
7988	<p><u>893.135</u>  <u>(1) (l) 2.a.</u>  <del>893.135</del>  <del>(1) (m) 2.a.</del></p>	1st	<p>Trafficking in synthetic  cannabinoids, 280 grams or  more, less than 500 grams.</p>
	<p><u>893.135</u></p>	1st	<p>Trafficking in synthetic</p>

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7989	<u>(1) (1) 2.b.</u> <del>893.135</del> <del>(1) (m) 2.b.</del>		cannabinoids, 500 grams or more, less than 1,000 grams.
7990	<u>893.135</u> <u>(1) (m) 2.a.</u> <del>893.135</del> <del>(1) (n) 2.a.</del>	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
7991	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
7992	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
7993	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to

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7994	943.0435(8)	2nd	comply with reporting requirements.
7995	943.0435(9) (a)	3rd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
7996	943.0435(13)	3rd	Sexual offender; failure to comply with reporting requirements.
7997	943.0435(14)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
7998	944.607(9)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
			Sexual offender; failure to comply with reporting

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7999			requirements.
	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
8000			
	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
8001			
	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
8002			
	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
8003			
	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

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8004	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
8005			
8006	(h) LEVEL 8		
8007			
	Florida	Felony	
	Statute	Degree	Description
8008	316.193	2nd	DUI manslaughter.
	(3) (c) 3.a.		
8009	316.1935(4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
8010	327.35(3) (c) 3.	2nd	Vessel BUI manslaughter.
8011	499.0051(6)	1st	Knowing trafficking in contraband prescription drugs.
8012	499.0051(7)	1st	Knowing forgery of prescription

8013	560.123 (8) (b) 2.	2nd	labels or prescription drug labels. Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
8014	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
8015	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
8016	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
8017	782.04 (4)	2nd	Killing of human without design



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			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.
8018	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).
8019	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
8020	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
8021	787.06 (3) (a) 1.	1st	Human trafficking for labor and services of a child.
8022			

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8023	787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
8024	787.06(3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
8025	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.
8026	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.
8027	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.

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8028	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.
8029	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.
8030	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.
8030	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.

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8031	794.08(3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
8032	800.04(4)(b)	2nd	Lewd or lascivious battery.
8033	800.04(4)(c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
8034	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
8035	810.02(2)(a)	1st, PBL	Burglary with assault or battery.
8036	810.02(2)(b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
8037	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural

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			damage or \$1,000 or more property damage.
8038	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
8039	812.13 (2) (b)	1st	Robbery with a weapon.
8040	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
8041	817.418 (2) (b)	2nd	Offering for sale or advertising personal protective equipment with intent to defraud; second or subsequent offense.
8042	817.504 (1) (b)	2nd	Offering or advertising a vaccine with intent to defraud; second or subsequent offense.
8043	817.505 (4) (c)	1st	Patient brokering; 20 or more patients.

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8044

817.535 (2) (b) 2nd Filing false lien or other  
unauthorized document; second  
or subsequent offense.

8045

817.535 (3) (a) 2nd Filing false lien or other  
unauthorized document; property  
owner is a public officer or  
employee.

8046

817.535 (4) (a) 1. 2nd Filing false lien or other  
unauthorized document;  
defendant is incarcerated or  
under supervision.

8047

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.

8048

817.568 (6) 2nd Fraudulent use of personal  
identification information of  
an individual under the age of  
18.

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8049	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
8050	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
8051	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
8052	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
8053	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
8054	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
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8056	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
8057	860.16	1st	Aircraft piracy.
8058	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).
8059	893.13(2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
8060	893.13(6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
8061	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
	<u>893.135</u>	1st	Trafficking in cocaine, more



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8062	<p><u>(1) (a) 1.b.</u>  <del>893.135</del>  <del>(1) (b) 1.b.</del></p>	<p>1st</p>	<p>than 200 grams, less than 400  grams.</p>
8063	<p><u>893.135</u>  <u>(1) (b) 1.b.</u>  <del>893.135</del>  <del>(1) (c) 1.b.</del></p>	<p>1st</p>	<p>Trafficking in illegal drugs,  more than 14 grams, less than  28 grams.</p>
8064	<p><u>893.135</u>  <u>(1) (b) 2.c.</u>  <del>893.135</del>  <del>(1) (c) 2.c.</del></p>	<p>1st</p>	<p>Trafficking in hydrocodone, 100  grams or more, less than 300  grams.</p>
8065	<p><u>893.135</u>  <u>(1) (b) 3.c.</u>  <del>893.135</del>  <del>(1) (c) 3.c.</del></p>	<p>1st</p>	<p>Trafficking in oxycodone, 25  grams or more, less than 100  grams.</p>
8066	<p><u>893.135</u>  <u>(1) (b) 4.b. (II)</u>  <del>893.135</del>  <del>(1) (c) 4.b. (II)</del></p>	<p>1st</p>	<p>Trafficking in fentanyl, 14  grams or more, less than 28  grams.</p>
	<p><u>893.135</u></p>	<p>1st</p>	<p>Trafficking in phencyclidine,</p>

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8067	<p><u>(1) (c) 1.b.</u>  <del>893.135</del>  <del>(1) (d) 1.b.</del></p>	<p>200 grams or more, less than  400 grams.</p>	
8068	<p><u>893.135</u>  <u>(1) (d) 1.b.</u>  <del>893.135</del>  <del>(1) (e) 1.b.</del></p>	<p>1st Trafficking in methaqualone, 5  kilograms or more, less than 25  kilograms.</p>	
8069	<p><u>893.135</u>  <u>(1) (e) 1.b.</u>  <del>893.135</del>  <del>(1) (f) 1.b.</del></p>	<p>1st Trafficking in amphetamine, 28  grams or more, less than 200  grams.</p>	
8070	<p><u>893.135</u>  <u>(1) (f) 1.b.</u>  <del>893.135</del>  <del>(1) (g) 1.b.</del></p>	<p>1st Trafficking in flunitrazepam,  14 grams or more, less than 28  grams.</p>	
8071	<p><u>893.135</u>  <u>(1) (g) 1.b.</u>  <del>893.135</del>  <del>(1) (h) 1.b.</del></p>	<p>1st Trafficking in gamma-  hydroxybutyric acid (GHB), 5  kilograms or more, less than 10  kilograms.</p>	
	<p><u>893.135</u></p>	<p>1st Trafficking in 1,4-Butanediol,</p>	

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8072	<p><u>(1) (i) 1.b.</u>  <del>893.135</del>  <del>(1) (j) 1.b.</del></p>	<p>1st</p>	<p>5 kilograms or more, less than          10 kilograms.</p>
8073	<p><u>893.135</u>  <u>(1) (j) 2.b.</u>  <del>893.135</del>  <del>(1) (k) 2.b.</del></p>	<p>1st</p>	<p>Trafficking in Phenethylamines,          200 grams or more, less than          400 grams.</p>
8074	<p><u>893.135</u>  <u>(1) (l) 2.c.</u>  <del>893.135</del>  <del>(1) (m) 2.c.</del></p>	<p>1st</p>	<p>Trafficking in synthetic          cannabinoids, 1,000 grams or          more, less than 30 kilograms.</p>
8075	<p><u>893.135</u>  <u>(1) (m) 2.b.</u>  <del>893.135</del>  <del>(1) (n) 2.b.</del></p>	<p>1st</p>	<p>Trafficking in n-benzyl          phenethylamines, 100 grams or          more, less than 200 grams.</p>
8076	<p>893.1351(3)</p>	<p>1st</p>	<p>Possession of a place used to          manufacture controlled          substance when minor is present          or resides there.</p>
	<p>895.03(1)</p>	<p>1st</p>	<p>Use or invest proceeds derived</p>

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8077	895.03(2)	1st	from pattern of racketeering activity.
8078	895.03(3)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
8079	896.101(5)(b)	2nd	Conduct or participate in any enterprise through pattern of racketeering activity.
8080	896.104(4)(a)2.	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
8081			Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
8082	Section 15. Section 943.0586, Florida Statutes, is created		

8083 | to read:

8084 | 943.0586 Cannabis expunction and sealing.-

8085 | (1) DEFINITIONS.-As used in this section, the term:

8086 | (a) "Cannabis" has the same meaning as provided in chapter  
 8087 | 893.

8088 | (b) "Expunction" has the same meaning and effect as  
 8089 | provided in s. 943.0585.

8090 | (c) "Former s. 893.13, Florida Statutes 2022," is a  
 8091 | reference to s. 893.13 as it existed at any time before January  
 8092 | 1, 2023.

8093 | (2) ELIGIBILITY.-Notwithstanding any other law, a person  
 8094 | is eligible to petition a court to expunge or seal a criminal  
 8095 | history record for the conviction of former s. 893.13, Florida  
 8096 | Statutes 2022, if:

8097 | (a)1. The person possessed 30 grams or less of cannabis;

8098 | 2. The person is no longer under court supervision related  
 8099 | to the disposition of arrest or alleged criminal activity to  
 8100 | which the petition to expunge pertains; and

8101 | 3. The record is eligible for sealing.

8102 | (b)1. The person has a convictions for possession 500  
 8103 | grams or less or cannabis;

8104 | 2. The person is no longer under court supervision related  
 8105 | to the disposition of arrest or alleged criminal activity to  
 8106 | which the petition to expunge pertains; and

8107 | 3. The record is eligible for expungement.

8108        (3) CERTIFICATE OF ELIGIBILITY.—Before having a record  
8109 sealed under this section or petitioning a court to expunge a  
8110 criminal history record under this section, a person must apply  
8111 to the department for a certificate of eligibility for  
8112 expunction. The department shall adopt rules to establish  
8113 procedures for applying for and issuing a certificate of  
8114 eligibility for expunction.

8115        (a) The department shall issue a certificate of  
8116 eligibility for expunction to a person who is the subject of a  
8117 criminal history record under this section, if that person:

8118            1. Satisfies the eligibility criteria in paragraph (2) (a)  
8119 or paragraph (2) (b);

8120            2. Has submitted to the department a written certified  
8121 statement from the appropriate state attorney or statewide  
8122 prosecutor which confirms the criminal history record complies  
8123 with the criteria in paragraph (2) (a) or paragraph (2) (b); and

8124            3. Has submitted to the department a certified copy of the  
8125 disposition of the charge to which the petition to expunge or  
8126 seal pertains.

8127        (b) A certificate of eligibility for expunction is valid  
8128 for 12 months after the date of issuance stamped by the  
8129 department on the certificate. After that time, the petitioner  
8130 must reapply to the department for a new certificate of  
8131 eligibility. The petitioner's status and the law in effect at  
8132 the time of the renewal application determine the petitioner's

8133 | eligibility.

8134 |       (4) SEALING.—Upon determining that a person meets the  
 8135 | criteria in paragraph (2) (a) the department may have his or her  
 8136 | record sealed without a court hearing. The department shall  
 8137 | proceed to seal the record as provided in s. 943.0595(3) and  
 8138 | shall provide the person with a certificate of eligibility and a  
 8139 | notification indicating that the record has been sealed. Sealing  
 8140 | of a criminal history record shall under this subsection shall  
 8141 | have the same effect, and the department may disclose such a  
 8142 | record in the same manner, as a record sealed under s. 943.059.

8143 |       (5) PETITION FOR EXPUNGEMENT.—Each petition to expunge a  
 8144 | criminal history record meeting the criteria for expungement  
 8145 | under paragraph (2) (b) must be accompanied by:

8146 |           (a) A valid certificate of eligibility issued by the  
 8147 | department.

8148 |           (b) The petitioner's sworn statement that he or she:  
 8149 |           1. Satisfies the eligibility requirements for expunction  
 8150 | in subsection (2); and

8151 |           2. Is eligible for expunction to the best of his or her  
 8152 | knowledge.

8153 |       (6) PENALTIES.—A person who knowingly provides false  
 8154 | information on his or her sworn statement submitted with a  
 8155 | petition to expunge commits a felony of the third degree,  
 8156 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

8157 |       (7) COURT AUTHORITY.—

8158 (a) The courts of this state have jurisdiction over their  
8159 own procedures, including the maintenance, expunction, and  
8160 correction of judicial records containing criminal history  
8161 information to the extent that such procedures are not  
8162 inconsistent with the conditions, responsibilities, and duties  
8163 established by this section.

8164 (b) A court of competent jurisdiction shall order a  
8165 criminal justice agency to expunge the criminal history record  
8166 of a person who complies with this section. The court may not  
8167 order a criminal justice agency to expunge a criminal history  
8168 record under this section until the person seeking to expunge a  
8169 criminal history record has applied for and received a  
8170 certificate of eligibility under subsection (3).

8171 (c) Expunction granted under this section does not prevent  
8172 the person who receives such relief from petitioning for the  
8173 expunction or sealing of a later criminal history record as  
8174 provided for in ss. 943.0583, 943.0585, and 943.059, if the  
8175 person is otherwise eligible under those sections.

8176 (8) PROCESSING OF A PETITION OR AN ORDER.—

8177 (a) In judicial proceedings under this section, a copy of  
8178 the completed petition to expunge must be served upon the  
8179 appropriate state attorney or the statewide prosecutor and upon  
8180 the arresting agency; however, it is not necessary to make any  
8181 agency other than the state a party. The appropriate state  
8182 attorney or the statewide prosecutor and the arresting agency



8183 may respond to the court regarding the completed petition to  
8184 expunge.

8185 (b) If relief is granted by the court, the clerk of the  
8186 court shall certify copies of the order to the appropriate state  
8187 attorney or the statewide prosecutor and the arresting agency.  
8188 The arresting agency shall forward the order to any other agency  
8189 to which the arresting agency disseminated the criminal history  
8190 record information to which the order pertains. The department  
8191 shall forward the order to expunge to the Federal Bureau of  
8192 Investigation. The clerk of the court shall certify a copy of  
8193 the order to any other agency that the records of the court  
8194 reflect has received the criminal history record from the court.

8195 (c) The department or any other criminal justice agency is  
8196 not required to act on an order to expunge entered by a court if  
8197 such order does not meet the requirements of this section. Upon  
8198 receipt of such an order, the department shall notify the  
8199 issuing court, the appropriate state attorney or statewide  
8200 prosecutor, the petitioner or the petitioner's attorney, and the  
8201 arresting agency of the reason for noncompliance. The  
8202 appropriate state attorney or statewide prosecutor shall take  
8203 action within 60 days to correct the record and petition the  
8204 court to void the order. No cause of action, including contempt  
8205 of court, may arise against any criminal justice agency for  
8206 failure to comply with an order to expunge if the petitioner for  
8207 such order failed to obtain the certificate of eligibility as

8208 required by this section or such order does not otherwise meet  
 8209 the requirements of this section.

8210 (9) EFFECT OF CANNABIS EXPUNCTION ORDER.—

8211 (a) The person who is the subject of a criminal history  
 8212 record that is expunged under this section may lawfully deny or  
 8213 fail to acknowledge the arrests and convictions covered by the  
 8214 expunged record, except if the person who is the subject of the  
 8215 record:

8216 1. Is a candidate for employment with a criminal justice  
 8217 agency;

8218 2. Is a defendant in a criminal prosecution;

8219 3. Concurrently or subsequently petitions for relief under  
 8220 this section, s. 943.0583, s. 943.0585, or s. 943.059;

8221 4. Is a candidate for admission to The Florida Bar;

8222 5. Is seeking to be employed or licensed by or to contract  
 8223 with the Department of Children and Families, the Division of  
 8224 Vocational Rehabilitation within the Department of Education,  
 8225 the Agency for Health Care Administration, the Agency for  
 8226 Persons with Disabilities, the Department of Health, the  
 8227 Department of Elderly Affairs, or the Department of Juvenile  
 8228 Justice or to be employed or used by such contractor or licensee  
 8229 in a sensitive position having direct contact with children,  
 8230 persons with disabilities, or the elderly;

8231 6. Is seeking to be employed or licensed by the Department  
 8232 of Education, any district school board, any university

8233 laboratory school, any charter school, any private or parochial  
 8234 school, or any local governmental entity that licenses child  
 8235 care facilities;

8236 7. Is seeking to be licensed by the Division of Insurance  
 8237 Agent and Agency Services within the department of Financial  
 8238 Services; or

8239 8. Is seeking to be appointed as a guardian pursuant to s.  
 8240 744.3125.

8241 (b) A person who has been granted an expunction under this  
 8242 section and who is authorized under paragraph (a) to lawfully  
 8243 deny or fail to acknowledge the arrests and convictions covered  
 8244 by an expunged record may not be held under any law of this  
 8245 state to have committed perjury or to be otherwise liable for  
 8246 giving a false statement by reason of his or her failure to  
 8247 recite or acknowledge an expunged criminal history record.

8248 Section 16. Florida College System Cannabis Vocational  
 8249 Pilot Program.—

8250 (1) Definitions.—In this section, the term:

8251 (a) "Board" means the State Board of Education.

8252 (b) "Career in Cannabis Certificate" or "Certificate"  
 8253 means the certification awarded to a community college student  
 8254 who completes a prescribed course of study in cannabis and  
 8255 cannabis business industry related classes and curriculum at a  
 8256 community college awarded a College System Cannabis Vocational  
 8257 Pilot Program license.

8258 (c) "Florida College System institution" has the same  
 8259 meaning as provided in s. 1000.21.

8260 (d) "Department" means the Department of Business and  
 8261 Professional Regulation.

8262 (e) "Licensee" means a community college awarded a Florida  
 8263 college system institution Cannabis Vocational Pilot Program  
 8264 license under this section.

8265 (f) "Program" means the Florida College System institution  
 8266 Cannabis Vocational Pilot Program.

8267 (g) "Program license" means a Florida College System  
 8268 Institution Cannabis Vocational Pilot Program license issued to  
 8269 a Florida College System institution under this section.

8270 (2) ADMINISTRATION.—

8271 (a) The department shall establish and administer the  
 8272 Program in coordination with the board. The department may issue  
 8273 up to eight program licenses by September 1, 2023.

8274 (b) Beginning with the 2024-2025 academic year, Florida  
 8275 college system institutions awarded program licenses may offer  
 8276 qualifying students a Career in Cannabis Certificate, which  
 8277 includes, courses that allow participating students to work  
 8278 with, study, and grow live cannabis plants so as to prepare  
 8279 students for a career in the legal cannabis industry, and to  
 8280 instruct participating students on the best business practices,  
 8281 professional responsibility, and legal compliance of the  
 8282 cannabis business industry.

8283 (c) The board may issue rules pertaining to the provisions  
8284 in this section.

8285 (d) Notwithstanding any other provision of this section,  
8286 students shall be at least 18 years old in order to enroll in a  
8287 licensee's Career in Cannabis Certificate's prescribed course of  
8288 study.

8289 (3) ISSUANCE OF LICENSES.—

8290 (a) The department shall issue rules regulating the  
8291 selection criteria for applicants by January 1, 2023. The  
8292 department shall make the application for a program license  
8293 available no later than February 1, 2023, and shall require that  
8294 applicants submit the completed application no later than July  
8295 1, 2023.

8296 (b) The department shall by rule develop a system to score  
8297 program licenses to administratively rank applications based on  
8298 the clarity, organization, and quality of the applicant's  
8299 responses to required information. Applicants shall be awarded  
8300 points that are based on or that meet the following categories:

8301 1. Geographic diversity of the applicants.

8302 2. Experience and credentials of the applicant's faculty.

8303 3. At least 5 Program license awardees must have a student  
8304 population that is more than 50 percent low-income in each of  
8305 the past 4 years.

8306 4. Security plan, including a requirement that all  
8307 cannabis plants be in an enclosed, locked facility.

8308 | 5. Curriculum plan, including processing and testing  
 8309 | curriculum for the Career in Cannabis Certificate.

8310 | 6. Career advising and placement plan for participating  
 8311 | students.

8312 | 7. Any other criteria the department may set by rule.

8313 | (4) PROGRAM REQUIREMENTS AND PROHIBITIONS.—

8314 | (a) Licensees shall not have more than 50 flowering  
 8315 | cannabis plants at any one time.

8316 | (b) The agent-in-charge shall keep a vault log of the  
 8317 | licensee's enclosed, locked facility or facilities, including  
 8318 | but not limited to, the person entering the site location, the  
 8319 | time of entrance, the time of exit, and any other information  
 8320 | the department may set by rule.

8321 | (c) Cannabis shall not be removed from the licensee's  
 8322 | facility, except for the limited purpose of shipping a sample to  
 8323 | a laboratory registered under this chapter 566, Florida  
 8324 | Statutes.

8325 | (d) The licensee shall limit keys, access cards, or an  
 8326 | access code to the licensee's enclosed, locked facility, or  
 8327 | facilities, to cannabis curriculum faculty and college security  
 8328 | personnel with a bona fide need to access the facility for  
 8329 | emergency purposes.

8330 | (e) A transporting organization may transport cannabis  
 8331 | produced pursuant to this section to a laboratory registered  
 8332 | under chapter 566, Florida Statutes. All other cannabis produced

8333 by the licensee that was not shipped to a registered laboratory  
8334 shall be destroyed within 5 weeks of being harvested.

8335 (f) Licensees shall subscribe to the department's cannabis  
8336 plant monitoring system.

8337 (g) Licensees shall maintain a weekly inventory system.

8338 (h) No student participating in the cannabis curriculum  
8339 necessary to obtain a certificate may be in the licensee's  
8340 facility unless a faculty agent-in-charge is also physically  
8341 present in the facility.

8342 (i) Licensees shall conduct post-certificate follow up  
8343 surveys and record participating students' job placements within  
8344 the cannabis business industry within a year of the student's  
8345 completion.

8346 (j) The board shall report annually to the department on  
8347 the race, ethnicity, and gender of all students participating in  
8348 the cannabis curriculum necessary to obtain a certificate, and  
8349 of those students who obtain a certificate.

8350 (5) FACULTY.—

8351 (a) All faculty members shall be required to maintain  
8352 registration as an agent-in-charge and have a valid agent  
8353 identification card before teaching or participating in the  
8354 licensee's cannabis curriculum that involves instruction offered  
8355 in the enclosed, locked facility or facilities.

8356 (b) All faculty receiving an agent-in-charge or agent  
8357 identification card must successfully pass a background check

8358 required by s. 566.3018, Florida Statutes, before participating  
 8359 in a licensee's cannabis curriculum that involves instruction  
 8360 offered in the enclosed, locked facility.

8361 (6) ENFORCEMENT.—

8362 (a) The department has the authority to suspend or revoke  
 8363 any faculty agent-in-charge or agent identification card for any  
 8364 violation found under this section.

8365 (b) The department has the authority to suspend or revoke  
 8366 any Program license for any violation found under this section.

8367 (c) The board shall revoke the authority to offer the  
 8368 certificate of any Florida College System Institution that has  
 8369 had its license revoked by the department.

8370 (7) INSPECTION RIGHTS—

8371 (a) A licensee's enclosed, locked facilities are subject  
 8372 to random inspections by the department and the Department of  
 8373 Law Enforcement.

8374 (b) This section does not give the department or the  
 8375 Department of Law Enforcement a right of inspection or access to  
 8376 any location on the licensee's premises beyond the facilities  
 8377 licensed under this section.

8378 (8) FACULTY IDENTIFICATION CARD.—

8379 (a) The department shall:

8380 1. Establish by rule the information required in an  
 8381 initial application or renewal application for an agent  
 8382 identification card submitted under this section and the



8383 nonrefundable fee to accompany the initial application or  
8384 renewal application.

8385 2. Verify the information contained in an initial  
8386 application or renewal application for an agent identification  
8387 card submitted under this section, and approve or deny an  
8388 application within 30 days after receiving a completed initial  
8389 application or renewal application and all supporting  
8390 documentation required by rule.

8391 3. Issue an agent identification card to a qualifying  
8392 agent within 15 business days of approving the initial  
8393 application or renewal application;

8394 4. Enter the license number of the Florida college system  
8395 institution where the agent works.

8396 5. Allow for an electronic initial application and renewal  
8397 application process, and provide a confirmation by electronic or  
8398 other methods that an application has been submitted. Each  
8399 department may by rule require prospective agents to file their  
8400 applications by electronic means and to provide notices to the  
8401 agents by electronic means.

8402 (b) An agent must keep his or her identification card  
8403 visible at all times when in the enclosed, locked facility, or  
8404 facilities for which he or she is an agent.

8405 (c) The agent identification cards shall contain the  
8406 following:

8407 1. The name of the cardholder.

8408 |       2. The date of issuance and expiration date of the  
 8409 | identification card.

8410 |       3. A random 10-digit alphanumeric identification number  
 8411 | containing at least four numbers and at least four letters that  
 8412 | is unique to the holder.

8413 |       4. A photograph of the cardholder.

8414 |       5. The legal name of the Florida College System  
 8415 | Institution employing the agent.

8416 |       (d) An agent identification card shall be immediately  
 8417 | returned to the Florida College System Institution of the agent  
 8418 | upon termination of his or her employment.

8419 |       (e) Any agent identification card lost shall be reported  
 8420 | to the Department of Law Enforcement and the department  
 8421 | immediately upon discovery of the loss.

8422 |       (9) STUDY.—By December 31, 2028, the Board, must issue a  
 8423 | report to the Governor, the President of the Senate, and the  
 8424 | Speaker of the House of Representatives which includes, the  
 8425 | following:

8426 |       (a) The number of security incidents or infractions at  
 8427 | each licensee and any action taken or not taken;

8428 |       (b) Statistics, based on race, ethnicity, gender, and  
 8429 | participating Florida College System Institution of:

8430 |       1. Students enrolled in career in cannabis classes.

8431 |       2. Successful completion rates by Florida college system  
 8432 | institution students for the certificate.

8433           3. Postgraduate job placement of students who obtained a  
 8434 certificate, including both cannabis business establishment jobs  
 8435 and noncannabis business establishment jobs.

8436           4. Any other relevant information.

8437           (10) REPEAL.—This section is repealed on July 1, 2029.

8438           Section 17. Subsections (9), (10), and (16) of section  
 8439 210.01, Florida Statutes, are amended to read:

8440           210.01 Definitions.—When used in this part the following  
 8441 words shall have the meaning herein indicated:

8442           (9) "Agent" means any person authorized by the Division of  
 8443 Alcoholic Beverages, Marijuana, and Tobacco to purchase and  
 8444 affix adhesive stamps under this part.

8445           (10) "Division" means the Division of Alcoholic Beverages, l  
 8446 Marijuana, and Tobacco of the Department of Business and  
 8447 Professional Regulation.

8448           (16) "Manufacturer's representative" means a person who  
 8449 represents a manufacturer of cigarettes but who has no place of  
 8450 business in this state where cigarettes are stored. A  
 8451 manufacturer's representative is required to obtain any  
 8452 cigarettes required by her or him through a wholesale dealer in  
 8453 this state and to make such reports as may be required by the  
 8454 Division of Alcoholic Beverages, Marijuana, and Tobacco of the  
 8455 Department of Business and Professional Regulation.

8456           Section 18. Section 210.10, Florida Statutes, is amended  
 8457 to read:

8458           210.10 General powers of the Division of Alcoholic  
 8459 Beverages, Marijuana, and Tobacco.—The Division of Alcoholic  
 8460 Beverages, Marijuana, and Tobacco has authority to adopt rules  
 8461 pursuant to ss. 120.536(1) and 120.54 to implement the  
 8462 provisions of this part. All cigarette permits issued hereunder  
 8463 shall have printed thereon a notice to the effect that such  
 8464 permit is issued subject to the provisions of this part and such  
 8465 rules. The division shall provide upon request without charge to  
 8466 any applicant for a permit a copy of this part and the rules  
 8467 prescribed by it pursuant hereto.

8468           Section 19. Section 210.13, Florida Statutes, is amended  
 8469 to read:

8470           210.13 Determination of tax on failure to file a return.—  
 8471 If a dealer or other person required to remit the tax under this  
 8472 part fails to file any return required under this part or,  
 8473 having filed an incorrect or insufficient return, fails to file  
 8474 a correct or sufficient return, as the case may require, within  
 8475 10 days after the giving of notice to the dealer or other person  
 8476 by the Division of Alcoholic Beverages, Marijuana, and Tobacco  
 8477 that such return or corrected or sufficient return is required,  
 8478 the division shall determine the amount of tax due by such  
 8479 dealer or other person any time within 3 years after the making  
 8480 of the earliest sale included in such determination and give  
 8481 written notice of such determination to such dealer or other  
 8482 person. Such a determination shall finally and irrevocably fix

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8483 the tax unless the dealer or other person against whom it is  
8484 assessed, within 30 days after the giving of notice of such  
8485 determination, applies to the division for a hearing. Judicial  
8486 review shall not be granted unless the amount of tax stated in  
8487 the decision, with penalties thereon, if any, is first deposited  
8488 with the division, and an undertaking or bond filed in the court  
8489 in which such cause may be pending in such amount and with such  
8490 sureties as the court shall approve, conditioned that if such  
8491 proceeding be dismissed or the decision of the division  
8492 confirmed, the applicant for review will pay all costs and  
8493 charges which may accrue against the applicant in the  
8494 prosecution of the proceeding. At the option of the applicant,  
8495 such undertaking or bond may be in an additional sum sufficient  
8496 to cover the tax, penalties, costs, and charges aforesaid, in  
8497 which event the applicant shall not be required to pay such tax  
8498 and penalties precedent to the granting of such review by such  
8499 court.

8500 Section 20. Section 210.151, Florida Statutes, is amended  
8501 to read:

8502 210.151 Initial temporary cigarette permits.—When a person  
8503 has filed a completed application which does not on its face  
8504 disclose any reason for denying a cigarette permit under s.  
8505 210.15, the Division of Alcoholic Beverages, Marijuana, and  
8506 Tobacco of the Department of Business and Professional  
8507 Regulation shall issue a temporary initial permit of the same

8508 type and series for which the application has been submitted,  
 8509 which is valid for all purposes under this chapter.

8510 (1) A temporary initial permit shall be valid for up to 90  
 8511 days and may be extended by the division for up to an additional  
 8512 90 days for good cause. The division may at any time during such  
 8513 period grant or deny the permit applied for, notwithstanding s.  
 8514 120.60.

8515 (2) A temporary initial permit expires and may not be  
 8516 continued or extended beyond the date the division denies the  
 8517 permit applied for; beyond 14 days after the date the division  
 8518 approves the permit applied for; beyond the date the applicant  
 8519 pays the permit fee and the division issues the permit applied  
 8520 for; or beyond the date the temporary permit otherwise expires  
 8521 by law, whichever date occurs first.

8522 (3) Each applicant seeking a temporary initial cigarette  
 8523 permit shall pay to the division for such permit a fee of \$100.

8524 (4) Any fee or penalty collected under the provisions of  
 8525 this section shall be deposited into the Alcoholic Beverage,  
 8526 Marijuana, and Tobacco Trust Fund.

8527 Section 21. Subsection (1) of section 210.16, Florida  
 8528 Statutes, is amended to read:

8529 210.16 Revocation or suspension of permit.—

8530 (1) The Division of Alcoholic Beverages, Marijuana, and  
 8531 Tobacco is given full power and authority to revoke the permit  
 8532 of any person receiving a permit to engage in business under

8533 | this part or chapter 569 for violation of any of the provisions  
 8534 | of this part or chapter 569.

8535 |       Section 22. Subsection (2) of section 210.1605, Florida  
 8536 | Statutes, is amended to read:

8537 |           210.1605 Renewal of permit.—

8538 |           (2) Any fee or penalty collected under the provisions of  
 8539 | this section shall be deposited into the Alcoholic Beverage, l  
 8540 | Marijuana, and Tobacco Trust Fund.

8541 |       Section 23. Subsection (2) of section 210.20, Florida  
 8542 | Statutes, is amended to read:

8543 |           210.20 Employees and assistants; distribution of funds.—

8544 |           (2) As collections are received by the division from such  
 8545 | cigarette taxes, it shall pay the same into a trust fund in the  
 8546 | State Treasury designated "Cigarette Tax Collection Trust Fund"  
 8547 | which shall be paid and distributed as follows:

8548 |           (a) The division shall from month to month certify to the  
 8549 | Chief Financial Officer the amount derived from the cigarette  
 8550 | tax imposed by s. 210.02, less the service charges provided for  
 8551 | in s. 215.20 and less 0.9 percent of the amount derived from the  
 8552 | cigarette tax imposed by s. 210.02, which shall be deposited  
 8553 | into the Alcoholic Beverage, lMarijuana, and Tobacco Trust Fund,  
 8554 | specifying the amounts to be transferred from the Cigarette Tax  
 8555 | Collection Trust Fund and credited on the basis of 2.9 percent  
 8556 | of the net collections to the Revenue Sharing Trust Fund for  
 8557 | Counties and 29.3 percent of the net collections for the funding

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8558 of indigent health care to the Public Medical Assistance Trust  
8559 Fund.

8560 (b) ~~Beginning July 1, 2004, and continuing through June~~  
8561 ~~30, 2013, the division shall from month to month certify to the~~  
8562 ~~Chief Financial Officer the amount derived from the cigarette~~  
8563 ~~tax imposed by s. 210.02, less the service charges provided for~~  
8564 ~~in s. 215.20 and less 0.9 percent of the amount derived from the~~  
8565 ~~cigarette tax imposed by s. 210.02, which shall be deposited~~  
8566 ~~into the Alcoholic Beverage and Tobacco Trust Fund, specifying~~  
8567 ~~an amount equal to 1.47 percent of the net collections, and that~~  
8568 ~~amount shall be paid to the Board of Directors of the H. Lee~~  
8569 ~~Moffitt Cancer Center and Research Institute, established under~~  
8570 ~~s. 1004.43, by warrant drawn by the Chief Financial Officer.~~  
8571 ~~Beginning July 1, 2014, and continuing through June 30, 2021,~~  
8572 ~~the division shall from month to month certify to the Chief~~  
8573 ~~Financial Officer the amount derived from the cigarette tax~~  
8574 ~~imposed by s. 210.02, less the service charges provided for in~~  
8575 ~~s. 215.20 and less 0.9 percent of the amount derived from the~~  
8576 ~~cigarette tax imposed by s. 210.02, which shall be deposited~~  
8577 ~~into the Alcoholic Beverage and Tobacco Trust Fund, specifying~~  
8578 ~~an amount equal to 4.04 percent of the net collections, and that~~  
8579 ~~amount shall be paid to the Board of Directors of the H. Lee~~  
8580 ~~Moffitt Cancer Center and Research Institute, established under~~  
8581 ~~s. 1004.43, by warrant drawn by the Chief Financial Officer.~~  
8582 Beginning July 1, 2021, and continuing through June 30, 2024,



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8583 the division shall from month to month certify to the Chief  
8584 Financial Officer the amount derived from the cigarette tax  
8585 imposed by s. 210.02, less the service charges provided for in  
8586 s. 215.20 and less 0.9 percent of the amount derived from the  
8587 cigarette tax imposed by s. 210.02, which shall be deposited  
8588 into the Alcoholic Beverage, Marijuana, and Tobacco Trust Fund,  
8589 specifying an amount equal to 7 percent of the net collections,  
8590 and that amount shall be paid to the Board of Directors of the  
8591 H. Lee Moffitt Cancer Center and Research Institute, established  
8592 under s. 1004.43, by warrant drawn by the Chief Financial  
8593 Officer. Beginning July 1, 2024, and continuing through June 30,  
8594 2054, the division shall from month to month certify to the  
8595 Chief Financial Officer the amount derived from the cigarette  
8596 tax imposed by s. 210.02, less the service charges provided for  
8597 in s. 215.20 and less 0.9 percent of the amount derived from the  
8598 cigarette tax imposed by s. 210.02, which shall be deposited  
8599 into the Alcoholic Beverage, Marijuana, and Tobacco Trust Fund,  
8600 specifying an amount equal to 10 percent of the net collections,  
8601 and that amount shall be paid to the Board of Directors of the  
8602 H. Lee Moffitt Cancer Center and Research Institute, established  
8603 under s. 1004.43, by warrant drawn by the Chief Financial  
8604 Officer. These funds are appropriated monthly out of the  
8605 Cigarette Tax Collection Trust Fund, to be used for lawful  
8606 purposes, including constructing, furnishing, equipping,  
8607 financing, operating, and maintaining cancer research and

8608 clinical and related facilities; furnishing, equipping,  
8609 operating, and maintaining other properties owned or leased by  
8610 the H. Lee Moffitt Cancer Center and Research Institute; and  
8611 paying costs incurred in connection with purchasing, financing,  
8612 operating, and maintaining such equipment, facilities, and  
8613 properties. In fiscal years 2004-2005 and thereafter, the  
8614 appropriation to the H. Lee Moffitt Cancer Center and Research  
8615 Institute authorized by this paragraph shall not be less than  
8616 the amount that would have been paid to the H. Lee Moffitt  
8617 Cancer Center and Research Institute in fiscal year 2001-2002,  
8618 had this paragraph been in effect.

8619 (c) Beginning July 1, 2017, and continuing through June  
8620 30, 2033, the division shall from month to month certify to the  
8621 Chief Financial Officer the amount derived from the cigarette  
8622 tax imposed by s. 210.02, less the service charges provided for  
8623 in s. 215.20 and less 0.9 percent of the amount derived from the  
8624 cigarette tax imposed by s. 210.02, which shall be deposited  
8625 into the Alcoholic Beverage, Marijuana, and Tobacco Trust Fund,  
8626 specifying an amount equal to 1 percent of the net collections,  
8627 not to exceed \$3 million annually, and that amount shall be  
8628 deposited into the Biomedical Research Trust Fund in the  
8629 Department of Health. These funds are appropriated annually from  
8630 the Biomedical Research Trust Fund for the advancement of cures  
8631 for cancers afflicting pediatric populations through basic or  
8632 applied research, including, but not limited to, clinical trials

8633 and nontoxic drug discovery. These funds are not included in the  
8634 calculation for the distribution of funds pursuant to s.  
8635 381.915; however, these funds shall be distributed to cancer  
8636 centers participating in the Florida Consortium of National  
8637 Cancer Institute Centers Program in the same proportion as is  
8638 allocated to each cancer center in accordance with s. 381.915  
8639 and are in addition to any funds distributed pursuant to that  
8640 section.

8641 Section 24. Subsection (4) of section 210.25, Florida  
8642 Statutes, is amended to read:

8643 210.25 Definitions.—As used in this part:

8644 (4) "Division" means the Division of Alcoholic Beverages,  
8645 Marijuana, and Tobacco of the Department of Business and  
8646 Professional Regulation.

8647 Section 25. Section 210.405, Florida Statutes, is amended  
8648 to read:

8649 210.405 Initial temporary permits for other tobacco  
8650 products.—When a person has filed a completed application which  
8651 does not on its face disclose any reason for denying a permit  
8652 for other tobacco products under s. 210.40, the Division of  
8653 Alcoholic Beverages, Marijuana, and Tobacco of the Department of  
8654 Business and Professional Regulation shall issue a temporary  
8655 initial permit of the same type and series for which the  
8656 application has been submitted, which is valid for all purposes  
8657 under this chapter.

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8658 (1) A temporary initial permit shall be valid for up to 90  
8659 days and may be extended by the division for up to an additional  
8660 90 days for good cause. The division may at any time during such  
8661 period grant or deny the permit applied for, notwithstanding s.  
8662 120.60.

8663 (2) A temporary initial permit expires and may not be  
8664 continued or extended beyond the date the division denies the  
8665 permit applied for; beyond 14 days after the date the division  
8666 approves the permit applied for; beyond the date the applicant  
8667 pays the permit fee and the division issues the permit applied  
8668 for; or beyond the date the temporary permit otherwise expires  
8669 by law, whichever date occurs first.

8670 (3) Each applicant seeking a temporary initial permit for  
8671 other tobacco products shall pay to the division for such permit  
8672 a fee of \$25.

8673 (4) Any fee or penalty collected under the provisions of  
8674 this section shall be deposited into the Alcoholic Beverage, and  
8675 Marijuana, and Tobacco Trust Fund.

8676 Section 26. Subsection (2) of section 210.51, Florida  
8677 Statutes, is amended to read:

8678 210.51 Renewal of permit.—

8679 (2) Any fee or penalty collected under the provisions of  
8680 this section shall be deposited into the Alcoholic Beverage, and  
8681 Marijuana, and Tobacco Trust Fund.

8682 Section 27. Paragraphs (c) and (s) of subsection (8) of

8683 section 213.053, Florida Statutes, are amended to read:  
 8684 213.053 Confidentiality and information sharing.—  
 8685 (8) Notwithstanding any other provision of this section,  
 8686 the department may provide:

8687 (c) Information relative to chapter 212 and chapters 561  
 8688 through 568 to the Division of Alcoholic Beverages, Marijuana,  
 8689 and Tobacco of the Department of Business and Professional  
 8690 Regulation in the conduct of its official duties.

8691 (s) Information relative to ss. 211.0251, 212.1831,  
 8692 220.1875, 561.1211, 624.51055, and 1002.395 to the Department of  
 8693 Education and the Division of Alcoholic Beverages, Marijuana,  
 8694 and Tobacco in the conduct of official business.

8695  
 8696 Disclosure of information under this subsection shall be  
 8697 pursuant to a written agreement between the executive director  
 8698 and the agency. Such agencies, governmental or nongovernmental,  
 8699 shall be bound by the same requirements of confidentiality as  
 8700 the Department of Revenue. Breach of confidentiality is a  
 8701 misdemeanor of the first degree, punishable as provided by s.  
 8702 775.082 or s. 775.083.

8703 Section 28. Paragraph (a) of subsection (2) of section  
 8704 282.709, Florida Statutes, is amended to read:

8705 282.709 State agency law enforcement radio system and  
 8706 interoperability network.—

8707 (2) The Joint Task Force on State Agency Law Enforcement

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8708 | Communications is created adjunct to the department to advise  
8709 | the department of member-agency needs relating to the planning,  
8710 | designing, and establishment of the statewide communication  
8711 | system.

8712 |         (a) The Joint Task Force on State Agency Law Enforcement  
8713 | Communications shall consist of the following members:

8714 |             1. A representative of the Division of Alcoholic  
8715 | Beverages, Marijuana, and Tobacco of the Department of Business  
8716 | and Professional Regulation who shall be appointed by the  
8717 | secretary of the department.

8718 |             2. A representative of the Division of Florida Highway  
8719 | Patrol of the Department of Highway Safety and Motor Vehicles  
8720 | who shall be appointed by the executive director of the  
8721 | department.

8722 |             3. A representative of the Department of Law Enforcement  
8723 | who shall be appointed by the executive director of the  
8724 | department.

8725 |             4. A representative of the Fish and Wildlife Conservation  
8726 | Commission who shall be appointed by the executive director of  
8727 | the commission.

8728 |             5. A representative of the Division of Law Enforcement of  
8729 | the Department of Environmental Protection who shall be  
8730 | appointed by the secretary of the department.

8731 |             6. A representative of the Department of Corrections who  
8732 | shall be appointed by the secretary of the department.

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8733 7. A representative of the Department of Financial  
8734 Services who shall be appointed by the Chief Financial Officer.

8735 8. A representative of the Department of Agriculture and  
8736 Consumer Services who shall be appointed by the Commissioner of  
8737 Agriculture.

8738 9. A representative of the Florida Sheriffs Association  
8739 who shall be appointed by the president of the Florida Sheriffs  
8740 Association.

8741 Section 29. Paragraph (d) of subsection (1) of section  
8742 322.212, Florida Statutes, is amended to read:

8743 322.212 Unauthorized possession of, and other unlawful  
8744 acts in relation to, driver license or identification card.—

8745 (1) It is unlawful for any person to:

8746 (d) Knowingly sell, manufacture, or deliver, or knowingly  
8747 offer to sell, manufacture, or deliver, a blank, forged, stolen,  
8748 fictitious, counterfeit, or unlawfully issued driver license or  
8749 identification card, or an instrument in the similitude of a  
8750 driver license or identification card, unless that person is  
8751 authorized to do so by the department. A violation of this  
8752 section may be investigated by any law enforcement agency,  
8753 including the Division of Alcoholic Beverages, Marijuana, and  
8754 Tobacco.

8755  
8756 The term "driver license" includes a driver license issued by  
8757 the department or its agents or a driver license issued by any

8758 | state or jurisdiction that issues licenses recognized in this  
 8759 | state for the operation of a motor vehicle. The term  
 8760 | "identification card" includes any identification card issued by  
 8761 | the department or its agents or any identification card issued  
 8762 | by any state or jurisdiction that issues identification cards  
 8763 | recognized in this state for the purpose of indicating a  
 8764 | person's true name and age. This subsection does not prohibit a  
 8765 | person from possessing or displaying another person's driver  
 8766 | license or identification card for a lawful purpose.

8767 | Section 30. Subsections (1) and (3) of section 386.207,  
 8768 | Florida Statutes, are amended to read:

8769 | 386.207 Administration; enforcement; civil penalties.—

8770 | (1) The department or the Division of Hotels and  
 8771 | Restaurants or the Division of Alcoholic Beverages, Marijuana,  
 8772 | and Tobacco of the Department of Business and Professional  
 8773 | Regulation shall enforce this part based upon each department's  
 8774 | specific areas of regulatory authority and to implement such  
 8775 | enforcement shall adopt, in consultation with the State Fire  
 8776 | Marshal, rules specifying procedures to be followed by  
 8777 | enforcement personnel in investigating complaints and notifying  
 8778 | alleged violators and rules specifying procedures by which  
 8779 | appeals may be taken by aggrieved parties.

8780 | (3) The department or the Division of Hotels and  
 8781 | Restaurants or the Division of Alcoholic Beverages, Marijuana,  
 8782 | and Tobacco of the Department of Business and Professional



8783 Regulation, upon notification of observed violations of this  
8784 part, shall issue to the proprietor or other person in charge of  
8785 such enclosed indoor workplace a notice to comply with this  
8786 part. If the person fails to comply within 30 days after receipt  
8787 of the notice, the department or the Division of Hotels and  
8788 Restaurants or the Division of Alcoholic Beverages, Marijuana,  
8789 and Tobacco of the Department of Business and Professional  
8790 Regulation shall assess against the person a civil penalty of  
8791 not less than \$250 and not more than \$750 for the first  
8792 violation and not less than \$500 and not more than \$2,000 for  
8793 each subsequent violation. The imposition of the fine must be in  
8794 accordance with chapter 120. If a person refuses to comply with  
8795 this part, after having been assessed such penalty, the  
8796 department or the Division of Hotels and Restaurants or the  
8797 Division of Alcoholic Beverages, Marijuana, and Tobacco of the  
8798 Department of Business and Professional Regulation may file a  
8799 complaint in the circuit court of the county in which the  
8800 enclosed indoor workplace is located to require compliance.

8801 Section 31. Paragraph (b) of subsection (1) of section  
8802 402.62, Florida Statutes, is amended to read:

8803 402.62 Strong Families Tax Credit.—

8804 (1) DEFINITIONS.—As used in this section, the term:

8805 (b) "Division" means the Division of Alcoholic Beverages,   
8806 Marijuana, and Tobacco of the Department of Business and  
8807 Professional Regulation.

8808 Section 32. Subsections (3), (5), and (6) of section  
 8809 403.708, Florida Statutes, are amended to read:

8810 403.708 Prohibition; penalty.—

8811 (3) The Division of Alcoholic Beverages, Marijuana, and  
 8812 Tobacco of the Department of Business and Professional  
 8813 Regulation may impose a fine of not more than \$100 on any person  
 8814 currently licensed pursuant to s. 561.14 for each violation of  
 8815 subsection (2). If the violation is of a continuing nature, each  
 8816 day during which such violation occurs constitutes a separate  
 8817 offense and is subject to a separate fine.

8818 (5) Fifty percent of each fine collected pursuant to  
 8819 subsections (3) and (4) shall be deposited into the Solid Waste  
 8820 Management Trust Fund. The balance of fines collected pursuant  
 8821 to subsection (3) shall be deposited into the Alcoholic  
 8822 Beverage, Marijuana, and Tobacco Trust Fund for the use of the  
 8823 division for inspection and enforcement of this section. The  
 8824 balance of fines collected pursuant to subsection (4) shall be  
 8825 deposited into the General Inspection Trust Fund for the use of  
 8826 the Department of Agriculture and Consumer Services for  
 8827 inspection and enforcement of this section.

8828 (6) The Division of Alcoholic Beverages, Marijuana, and  
 8829 Tobacco and the Department of Agriculture and Consumer Services  
 8830 shall coordinate their responsibilities under this section to  
 8831 ensure that inspections and enforcement are accomplished in an  
 8832 efficient, cost-effective manner.

8833           Section 33. Subsection (2) of section 455.116, Florida  
 8834 Statutes, is amended to read:  
 8835           455.116 Regulation trust funds.—The following trust funds  
 8836 shall be placed in the department:  
 8837           (2) Alcoholic Beverage, Marijuana, and Tobacco Trust Fund.  
 8838           Section 34. Subsections (1) and (11) of section 561.01,  
 8839 Florida Statutes, are amended to read:  
 8840           561.01 Definitions.—As used in the Beverage Law:  
 8841           (1) "Division" means the Division of Alcoholic Beverages, Marijuana,  
 8842 and Tobacco of the Department of Business and  
 8843 Professional Regulation.  
 8844           (11) "Licensed premises" means not only rooms where  
 8845 alcoholic beverages are stored or sold by the licensee, but also  
 8846 all other rooms in the building which are so closely connected  
 8847 therewith as to admit of free passage from drink parlor to other  
 8848 rooms over which the licensee has some dominion or control and  
 8849 shall also include all of the area embraced within the sketch,  
 8850 appearing on or attached to the application for the license  
 8851 involved and designated as such on said sketch, in addition to  
 8852 that included or designated by general law. The area embraced  
 8853 within the sketch may include a sidewalk or other outside area  
 8854 which is contiguous to the licensed premises. When the sketch  
 8855 includes a sidewalk or other outside area, written approval from  
 8856 the county or municipality attesting to compliance with local  
 8857 ordinances must be submitted to the division to authorize

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8858 inclusion of sidewalks and outside areas in licensed premises.  
8859 The division may approve applications for temporary expansion of  
8860 the licensed premises to include a sidewalk or other outside  
8861 area for special events upon the payment of a \$100 application  
8862 fee, stipulation of the timeframe for the special event, and  
8863 submission of a sketch outlining the expanded premises and  
8864 accompanied by written approval from the county or municipality  
8865 as required in this subsection. All moneys collected from the  
8866 fees assessed under this subsection shall be deposited into the  
8867 Alcoholic Beverage, Marijuana, and Tobacco Trust Fund.

8868 Section 35. Section 561.02, Florida Statutes, is amended  
8869 to read:

8870 561.02 Creation and duties of Division of Alcoholic  
8871 Beverages, Marijuana, and Tobacco.—There is created within the  
8872 Department of Business and Professional Regulation the Division  
8873 of Alcoholic Beverages, Marijuana, and Tobacco, which shall  
8874 supervise the conduct, management, and operation of the  
8875 manufacturing, packaging, distribution, and sale within the  
8876 state of all alcoholic beverages and shall enforce the  
8877 provisions of the Beverage Law and the tobacco law and rules and  
8878 regulations of the division in connection therewith. It is the  
8879 express legislative intent that the state retain primary  
8880 regulatory authority over the activities of licensees under the  
8881 Beverage Law within the power of the state and the Division of  
8882 Alcoholic Beverages, Marijuana, and Tobacco of the Department of

8883 Business and Professional Regulation. However, none of the  
 8884 provisions of the Beverage Law shall apply to ethyl alcohol  
 8885 intended for use or used for the following purposes:

8886 (1) Scientific, chemical, mechanical, industrial, or  
 8887 medicinal purposes;

8888 (2) Patented, patent, proprietary, medicinal,  
 8889 pharmaceutical, antiseptic, toilet, scientific, chemical,  
 8890 mechanical or industrial preparations, or products unfit for  
 8891 beverage purposes;

8892 (3) Flavoring extracts and syrups, unfit for beverage  
 8893 purposes.

8894 Section 36. Paragraph (a) of subsection (1) and  
 8895 subsections (2) and (3) of section 561.121, Florida Statutes,  
 8896 are amended to read:

8897 561.121 Deposit of revenue.—

8898 (1) All state funds collected pursuant to ss. 563.05,  
 8899 564.06, 565.02(9), and 565.12 shall be paid into the State  
 8900 Treasury and disbursed in the following manner:

8901 (a) Two percent of monthly collections of the excise taxes  
 8902 on alcoholic beverages established in ss. 563.05, 564.06, and  
 8903 565.12 and the tax on alcoholic beverages, cigarettes, and other  
 8904 tobacco products established in s. 565.02(9) shall be deposited  
 8905 into the Alcoholic Beverage, Marijuana, and Tobacco Trust Fund  
 8906 to meet the division's appropriation for the state fiscal year.

8907 (2) The unencumbered balance in the Alcoholic Beverage,

8908 Marijuana, and Tobacco Trust Fund at the close of each fiscal  
 8909 year may not exceed \$2 million. These funds shall be held in  
 8910 reserve for use in the event that trust fund revenues are unable  
 8911 to meet the division's appropriation for the next fiscal year.  
 8912 In the event of a revenue shortfall, these funds shall be spent  
 8913 pursuant to subsection (3). Notwithstanding subsection (1), if  
 8914 the unencumbered balance on June 30 in any fiscal year is less  
 8915 than \$2 million, the department is authorized to retain the  
 8916 difference between the June 30 unencumbered balance in the trust  
 8917 fund and \$2 million from the July collections of state funds  
 8918 collected pursuant to ss. 563.05, 564.06, and 565.12 and the tax  
 8919 on alcoholic beverages, cigarettes, and other tobacco products  
 8920 established in s. 565.02(9). Any unencumbered funds in excess of  
 8921 reserve funds shall be transferred unallocated to the General  
 8922 Revenue Fund by August 31 of the next fiscal year.

8923 (3) Funds deposited into the Alcoholic Beverage,  
 8924 Marijuana, and Tobacco Trust Fund pursuant to subsection (1)  
 8925 shall be used for administration and enforcement of chapters  
 8926 210, 561, 562, 563, 564, 565, 567, 568, and 569.

8927 Section 37. Subsection (6) of section 561.14, Florida  
 8928 Statutes, is amended to read:

8929 561.14 License and registration classification.—Licenses  
 8930 and registrations referred to in the Beverage Law shall be  
 8931 classified as follows:

8932 (6) Bottle clubs. It is the finding of the Legislature

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8933 that bottle clubs are susceptible to a distinct and separate  
8934 classification under the Beverage Law for purposes of regulating  
8935 establishments permitting the consumption of alcoholic  
8936 beverages. Any person operating a bottle club must be licensed  
8937 pursuant to this chapter and may not hold any other alcoholic  
8938 beverage license for such premises while licensed as a bottle  
8939 club. Nothing in this subsection shall be construed to permit  
8940 the purchase at wholesale or retail of alcoholic beverages for  
8941 supplying or reselling to the patrons pursuant to a license  
8942 issued under this chapter. Any such business shall be subject to  
8943 all general, special, and local laws regulating vendors of  
8944 alcoholic beverages. Bottle club licenses shall be issued at a  
8945 fee of \$500 annually and shall be renewed in accordance with the  
8946 schedule set out in ss. 561.26 and 561.27. This subsection shall  
8947 include bottle clubs in existence on January 1, 1991. The  
8948 Division of Alcoholic Beverages, Marijuana, and Tobacco is  
8949 hereby authorized to adopt rules to carry out the purposes of  
8950 this section.

8951 Section 38. Paragraph (a) of subsection (2) and paragraph  
8952 (b) of subsection (12) of section 561.20, Florida Statutes, are  
8953 amended to read:

8954 561.20 Limitation upon number of licenses issued.—

8955 (2)(a) The limitation of the number of licenses as  
8956 provided in this section does not prohibit the issuance of a  
8957 special license to:

8958 | 1. Any bona fide hotel, motel, or motor court of not fewer  
 8959 | than 80 guest rooms in any county having a population of less  
 8960 | than 50,000 residents, and of not fewer than 100 guest rooms in  
 8961 | any county having a population of 50,000 residents or greater;  
 8962 | or any bona fide hotel or motel located in a historic structure,  
 8963 | as defined in s. 561.01(20), with fewer than 100 guest rooms  
 8964 | which derives at least 51 percent of its gross revenue from the  
 8965 | rental of hotel or motel rooms, which is licensed as a public  
 8966 | lodging establishment by the Division of Hotels and Restaurants;  
 8967 | provided, however, that a bona fide hotel or motel with no fewer  
 8968 | than 10 and no more than 25 guest rooms which is a historic  
 8969 | structure, as defined in s. 561.01(20), in a municipality that  
 8970 | on the effective date of this act has a population, according to  
 8971 | the University of Florida's Bureau of Economic and Business  
 8972 | Research Estimates of Population for 1998, of no fewer than  
 8973 | 25,000 and no more than 35,000 residents and that is within a  
 8974 | constitutionally chartered county may be issued a special  
 8975 | license. This special license shall allow the sale and  
 8976 | consumption of alcoholic beverages only on the licensed premises  
 8977 | of the hotel or motel. In addition, the hotel or motel must  
 8978 | derive at least 60 percent of its gross revenue from the rental  
 8979 | of hotel or motel rooms and the sale of food and nonalcoholic  
 8980 | beverages; provided that this subparagraph shall supersede local  
 8981 | laws requiring a greater number of hotel rooms;  
 8982 | 2. Any condominium accommodation of which no fewer than



8983 | 100 condominium units are wholly rentable to transients and  
 8984 | which is licensed under chapter 509, except that the license  
 8985 | shall be issued only to the person or corporation that operates  
 8986 | the hotel or motel operation and not to the association of  
 8987 | condominium owners;

8988 |         3. Any condominium accommodation of which no fewer than 50  
 8989 | condominium units are wholly rentable to transients, which is  
 8990 | licensed under chapter 509, and which is located in any county  
 8991 | having home rule under s. 10 or s. 11, Art. VIII of the State  
 8992 | Constitution of 1885, as amended, and incorporated by reference  
 8993 | in s. 6(e), Art. VIII of the State Constitution, except that the  
 8994 | license shall be issued only to the person or corporation that  
 8995 | operates the hotel or motel operation and not to the association  
 8996 | of condominium owners;

8997 |         4. A food service establishment that has 2,500 square feet  
 8998 | of service area, is equipped to serve meals to 150 persons at  
 8999 | one time, and derives at least 51 percent of its gross food and  
 9000 | beverage revenue from the sale of food and nonalcoholic  
 9001 | beverages during the first 120-day operating period and the  
 9002 | first 12-month operating period thereafter. Subsequent audit  
 9003 | timeframes must be based upon the audit percentage established  
 9004 | by the most recent audit and conducted on a staggered scale as  
 9005 | follows: level 1, 51 percent to 60 percent, every year; level 2,  
 9006 | 61 percent to 75 percent, every 2 years; level 3, 76 percent to  
 9007 | 90 percent, every 3 years; and level 4, 91 percent to 100

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9008 | percent, every 4 years. A licensee under this subparagraph may  
9009 | sell or deliver alcoholic beverages in a sealed container for  
9010 | off-premises consumption if the sale or delivery is accompanied  
9011 | by the sale of food within the same order. Such authorized sale  
9012 | or delivery includes wine-based and liquor-based beverages  
9013 | prepared by the licensee or its employee and packaged in a  
9014 | container sealed by the licensee or its employee. This  
9015 | subparagraph may not be construed to authorize public food  
9016 | service establishments licensed under this subparagraph to sell  
9017 | a bottle of distilled spirits sealed by a manufacturer. Any sale  
9018 | or delivery of malt beverages must comply with the container  
9019 | size, labeling, and filling requirements imposed under s.  
9020 | 563.06. Any delivery of an alcoholic beverage under this  
9021 | subparagraph must comply with s. 561.57. An alcoholic beverage  
9022 | drink prepared by the vendor and sold or delivered for  
9023 | consumption off the premises must be placed in a container  
9024 | securely sealed by the licensee or its employees with an  
9025 | unbroken seal that prevents the beverage from being immediately  
9026 | consumed before removal from the premises. Such alcoholic  
9027 | beverage also must be placed in a bag or other container that is  
9028 | secured in such a manner that it is visibly apparent if the  
9029 | container has been subsequently opened or tampered with, and a  
9030 | dated receipt for the alcoholic beverage and food must be  
9031 | provided by the licensee and attached to the bag or container.  
9032 | If transported in a motor vehicle, an alcoholic beverage that is

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9033 | not in a container sealed by the manufacturer must be placed in  
9034 | a locked compartment, a locked trunk, or the area behind the  
9035 | last upright seat of a motor vehicle. It is a violation of the  
9036 | prohibition in s. 562.11 to allow any person under the age of 21  
9037 | to deliver alcoholic beverages on behalf of a vendor. The vendor  
9038 | or the agent or employee of the vendor must verify the age of  
9039 | the person making the delivery of the alcoholic beverage before  
9040 | allowing any person to take possession of an alcoholic beverage  
9041 | for the purpose of making a delivery on behalf of a vendor under  
9042 | this section. A food service establishment granted a special  
9043 | license on or after January 1, 1958, pursuant to general or  
9044 | special law may not operate as a package store and may not sell  
9045 | intoxicating beverages under such license after the hours of  
9046 | serving or consumption of food have elapsed. Failure by a  
9047 | licensee to meet the required percentage of food and  
9048 | nonalcoholic beverage gross revenues during the covered  
9049 | operating period shall result in revocation of the license or  
9050 | denial of the pending license application. A licensee whose  
9051 | license is revoked or an applicant whose pending application is  
9052 | denied, or any person required to qualify on the special license  
9053 | application, is ineligible to have any interest in a subsequent  
9054 | application for such a license for a period of 120 days after  
9055 | the date of the final denial or revocation;

9056 |         5. Any caterer, deriving at least 51 percent of its gross  
9057 | food and beverage revenue from the sale of food and nonalcoholic

9058 beverages at each catered event, licensed by the Division of  
9059 Hotels and Restaurants under chapter 509. This subparagraph does  
9060 not apply to a culinary education program, as defined in s.  
9061 381.0072(2), which is licensed as a public food service  
9062 establishment by the Division of Hotels and Restaurants and  
9063 provides catering services. Notwithstanding any law to the  
9064 contrary, a licensee under this subparagraph shall sell or serve  
9065 alcoholic beverages only for consumption on the premises of a  
9066 catered event at which the licensee is also providing prepared  
9067 food, and shall prominently display its license at any catered  
9068 event at which the caterer is selling or serving alcoholic  
9069 beverages. A licensee under this subparagraph shall purchase all  
9070 alcoholic beverages it sells or serves at a catered event from a  
9071 vendor licensed under s. 563.02(1), s. 564.02(1), or licensed  
9072 under s. 565.02(1) subject to the limitation imposed in  
9073 subsection (1), as appropriate. A licensee under this  
9074 subparagraph may not store any alcoholic beverages to be sold or  
9075 served at a catered event. Any alcoholic beverages purchased by  
9076 a licensee under this subparagraph for a catered event that are  
9077 not used at that event must remain with the customer; provided  
9078 that if the vendor accepts unopened alcoholic beverages, the  
9079 licensee may return such alcoholic beverages to the vendor for a  
9080 credit or reimbursement. Regardless of the county or counties in  
9081 which the licensee operates, a licensee under this subparagraph  
9082 shall pay the annual state license tax set forth in s.

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9083 565.02(1)(b). A licensee under this subparagraph must maintain  
9084 for a period of 3 years all records and receipts for each  
9085 catered event, including all contracts, customers' names, event  
9086 locations, event dates, food purchases and sales, alcoholic  
9087 beverage purchases and sales, nonalcoholic beverage purchases  
9088 and sales, and any other records required by the department by  
9089 rule to demonstrate compliance with the requirements of this  
9090 subparagraph. Notwithstanding any law to the contrary, any  
9091 vendor licensed under s. 565.02(1) subject to the limitation  
9092 imposed in subsection (1), may, without any additional licensure  
9093 under this subparagraph, serve or sell alcoholic beverages for  
9094 consumption on the premises of a catered event at which prepared  
9095 food is provided by a caterer licensed under chapter 509. If a  
9096 licensee under this subparagraph also possesses any other  
9097 license under the Beverage Law, the license issued under this  
9098 subparagraph may not authorize the holder to conduct activities  
9099 on the premises to which the other license or licenses apply  
9100 that would otherwise be prohibited by the terms of that license  
9101 or the Beverage Law. This section does not permit the licensee  
9102 to conduct activities that are otherwise prohibited by the  
9103 Beverage Law or local law. The Division of Alcoholic Beverages,  
9104 Marijuana, and Tobacco is hereby authorized to adopt rules to  
9105 administer the license created in this subparagraph, to include  
9106 rules governing licensure, recordkeeping, and enforcement. The  
9107 first \$300,000 in fees collected by the division each fiscal

9108 | year pursuant to this subparagraph shall be deposited in the  
 9109 | Department of Children and Families' Operations and Maintenance  
 9110 | Trust Fund to be used only for alcohol and drug abuse education,  
 9111 | treatment, and prevention programs. The remainder of the fees  
 9112 | collected shall be deposited into the Hotel and Restaurant Trust  
 9113 | Fund created pursuant to s. 509.072; or

9114 |         6. A culinary education program as defined in s.  
 9115 | 381.0072(2) which is licensed as a public food service  
 9116 | establishment by the Division of Hotels and Restaurants.

9117 |         a. This special license shall allow the sale and  
 9118 | consumption of alcoholic beverages on the licensed premises of  
 9119 | the culinary education program. The culinary education program  
 9120 | shall specify designated areas in the facility where the  
 9121 | alcoholic beverages may be consumed at the time of application.  
 9122 | Alcoholic beverages sold for consumption on the premises may be  
 9123 | consumed only in areas designated under s. 561.01(11) and may  
 9124 | not be removed from the designated area. Such license shall be  
 9125 | applicable only in and for designated areas used by the culinary  
 9126 | education program.

9127 |         b. If the culinary education program provides catering  
 9128 | services, this special license shall also allow the sale and  
 9129 | consumption of alcoholic beverages on the premises of a catered  
 9130 | event at which the licensee is also providing prepared food. A  
 9131 | culinary education program that provides catering services is  
 9132 | not required to derive at least 51 percent of its gross revenue

9133 | from the sale of food and nonalcoholic beverages.  
 9134 | Notwithstanding any law to the contrary, a licensee that  
 9135 | provides catering services under this sub-subparagraph shall  
 9136 | prominently display its beverage license at any catered event at  
 9137 | which the caterer is selling or serving alcoholic beverages.  
 9138 | Regardless of the county or counties in which the licensee  
 9139 | operates, a licensee under this sub-subparagraph shall pay the  
 9140 | annual state license tax set forth in s. 565.02(1)(b). A  
 9141 | licensee under this sub-subparagraph must maintain for a period  
 9142 | of 3 years all records required by the department by rule to  
 9143 | demonstrate compliance with the requirements of this sub-  
 9144 | subparagraph.

9145 |       c. If a licensee under this subparagraph also possesses  
 9146 | any other license under the Beverage Law, the license issued  
 9147 | under this subparagraph does not authorize the holder to conduct  
 9148 | activities on the premises to which the other license or  
 9149 | licenses apply that would otherwise be prohibited by the terms  
 9150 | of that license or the Beverage Law. This subparagraph does not  
 9151 | permit the licensee to conduct activities that are otherwise  
 9152 | prohibited by the Beverage Law or local law. Any culinary  
 9153 | education program that holds a license to sell alcoholic  
 9154 | beverages shall comply with the age requirements set forth in  
 9155 | ss. 562.11(4), 562.111(2), and 562.13.

9156 |       d. The Division of Alcoholic Beverages, Marijuana, and  
 9157 | Tobacco may adopt rules to administer the license created in

9158 | this subparagraph, to include rules governing licensure,  
 9159 | recordkeeping, and enforcement.

9160 |       e. A license issued pursuant to this subparagraph does not  
 9161 | permit the licensee to sell alcoholic beverages by the package  
 9162 | for off-premises consumption.

9163 |  
 9164 | However, any license heretofore issued to any such hotel, motel,  
 9165 | motor court, or restaurant or hereafter issued to any such  
 9166 | hotel, motel, or motor court, including a condominium  
 9167 | accommodation, under the general law may not be moved to a new  
 9168 | location, such license being valid only on the premises of such  
 9169 | hotel, motel, motor court, or restaurant. Licenses issued to  
 9170 | hotels, motels, motor courts, or restaurants under the general  
 9171 | law and held by such hotels, motels, motor courts, or  
 9172 | restaurants on May 24, 1947, shall be counted in the quota  
 9173 | limitation contained in subsection (1). Any license issued for  
 9174 | any hotel, motel, or motor court under this law shall be issued  
 9175 | only to the owner of the hotel, motel, or motor court or, in the  
 9176 | event the hotel, motel, or motor court is leased, to the lessee  
 9177 | of the hotel, motel, or motor court; and the license shall  
 9178 | remain in the name of the owner or lessee so long as the license  
 9179 | is in existence. Any special license now in existence heretofore  
 9180 | issued under this law cannot be renewed except in the name of  
 9181 | the owner of the hotel, motel, motor court, or restaurant or, in  
 9182 | the event the hotel, motel, motor court, or restaurant is



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9183 leased, in the name of the lessee of the hotel, motel, motor  
9184 court, or restaurant in which the license is located and must  
9185 remain in the name of the owner or lessee so long as the license  
9186 is in existence. Any license issued under this section shall be  
9187 marked "Special," and nothing herein provided shall limit,  
9188 restrict, or prevent the issuance of a special license for any  
9189 restaurant or motel which shall hereafter meet the requirements  
9190 of the law existing immediately before the effective date of  
9191 this act, if construction of such restaurant has commenced  
9192 before the effective date of this act and is completed within 30  
9193 days thereafter, or if an application is on file for such  
9194 special license at the time this act takes effect; and any such  
9195 licenses issued under this proviso may be annually renewed as  
9196 now provided by law. Nothing herein prevents an application for  
9197 transfer of a license to a bona fide purchaser of any hotel,  
9198 motel, motor court, or restaurant by the purchaser of such  
9199 facility or the transfer of such license pursuant to law.

9200 (12)

9201 (b) A special license shall be issued under this  
9202 subsection upon filing an application at the district office and  
9203 paying a \$25 fee. Such fee shall be deposited in the Alcoholic  
9204 Beverages, Marijuana, and Tobacco Trust Fund.

9205 Section 39. Paragraph (b) of subsection (1) of section  
9206 561.221, Florida Statutes, is amended to read:

9207 561.221 Licensing of manufacturers and distributors as

9208 vendors and of vendors as manufacturers; conditions and  
 9209 limitations.—

9210 (1)

9211 (b) The Division of Alcoholic Beverages, Marijuana, and  
 9212 Tobacco shall issue permits to a certified Florida Farm Winery  
 9213 to conduct tasting and sales of wine produced by certified  
 9214 Florida Farm Wineries at Florida fairs, trade shows,  
 9215 expositions, and festivals. The certified Florida Farm Winery  
 9216 shall pay all entry fees and shall have a winery representative  
 9217 present during the event. The permit is limited to the length of  
 9218 the event.

9219 Section 40. Paragraph (b) of subsection (4) of section  
 9220 561.32, Florida Statutes, is amended to read:

9221 561.32 Transfer of licenses; change of officers or  
 9222 directors; transfer of interest.—

9223 (4)

9224 (b) A license issued under s. 561.20(1) may be transferred  
 9225 as provided by law within the 3-year period only upon payment to  
 9226 the division of a transfer fee in an amount equal to 15 times  
 9227 the annual license fee specified in s. 565.02(1)(b)-(f) in the  
 9228 county in which the license is valid. However, if the county is  
 9229 only authorized for the issuance of liquor licenses for package  
 9230 sales only, the transfer fee shall be in an amount equal to 15  
 9231 times the annual license fee specified in s. 565.02(1)(a).

9232 Subsequent to any such transfer, the transferee shall be subject

9233 to the provisions of the beverage laws with respect to the  
 9234 requirement for initial issuance of a license. Any change of  
 9235 ownership in any manner, either directly or indirectly,  
 9236 including any change in stock, partnership shares, or other form  
 9237 of ownership of any entity holding the license shall be  
 9238 considered a transfer and subject to the fees set forth in this  
 9239 paragraph. The transfer fees provided for in this paragraph  
 9240 shall be in addition to any other transfer fee provided for by  
 9241 this section. The funds collected pursuant to this paragraph  
 9242 shall be deposited in the Alcoholic Beverages, Marijuana, and  
 9243 Tobacco Trust Fund and shall be used by the division to defray  
 9244 the costs of operation.

9245 Section 41. Subsection (1) of section 561.545, Florida  
 9246 Statutes, is amended to read:

9247 561.545 Certain shipments of beverages prohibited;  
 9248 penalties; exceptions.—The Legislature finds that the direct  
 9249 shipment of alcoholic beverages by persons in the business of  
 9250 selling alcoholic beverages to residents of this state in  
 9251 violation of the Beverage Law poses a serious threat to the  
 9252 public health, safety, and welfare; to state revenue  
 9253 collections; and to the economy of the state. The Legislature  
 9254 further finds that the penalties for illegal direct shipment of  
 9255 alcoholic beverages to residents of this state should be made  
 9256 adequate to ensure compliance with the Beverage Law and that the  
 9257 measures provided for in this section are fully consistent with

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9258 | the powers conferred upon the state by the Twenty-first  
9259 | Amendment to the United States Constitution.

9260 |       (1) Any person in the business of selling alcoholic  
9261 | beverages who knowingly and intentionally ships, or causes to be  
9262 | shipped, any alcoholic beverage from an out-of-state location  
9263 | directly to any person in this state who does not hold a valid  
9264 | manufacturer's or wholesaler's license or exporter's  
9265 | registration issued by the Division of Alcoholic Beverages, l  
9266 | Marijuana, and Tobacco or who is not a state-bonded warehouse is  
9267 | in violation of this section.

9268 |       Section 42. Paragraph (a) of subsection (1) of section  
9269 | 561.68, Florida Statutes, is amended to read:

9270 |       561.68 Licensure; distributor's salespersons.—

9271 |       (1)(a) Before any person may solicit or sell to vendors or  
9272 | become employed as a salesperson of spirituous or vinous  
9273 | beverages for a licensed Florida distributor in accordance with  
9274 | the provisions of this section, such person shall file with the  
9275 | district supervisor of the district of the Division of Alcoholic  
9276 | Beverage, Marijuana, and Tobacco in which the distributor's  
9277 | premises is located a sworn application for a license on forms  
9278 | provided by the division. Prior to any application being  
9279 | approved, the division shall require the applicant to file a fee  
9280 | of \$50 and file a set of fingerprints on regular United States  
9281 | Department of Justice forms. The licensure requirement provided  
9282 | in this paragraph does not apply to the solicitation or sale of

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9283 | cider.

9284 | Section 43. Subsection (6) of section 561.695, Florida  
9285 | Statutes, is amended to read:

9286 | 561.695 Stand-alone bar enforcement; qualification;  
9287 | penalties.—

9288 | (6) The Division of Alcoholic Beverages, Marijuana, and  
9289 | Tobacco shall have the power to enforce part II of chapter 386  
9290 | and to audit a licensed vendor that operates a business that  
9291 | meets the definition of a stand-alone bar in s. 386.203 for  
9292 | compliance with this section.

9293 | Section 44. Subsection (1) of section 561.703, Florida  
9294 | Statutes, is amended to read:

9295 | 561.703 Definitions relating to Florida Responsible Vendor  
9296 | Act.—As used in this act, the term:

9297 | (1) "Division" means the Division of Alcoholic Beverages, l  
9298 | Marijuana, and Tobacco of the Department of Business and  
9299 | Professional Regulation.

9300 | Section 45. Subsection (1) of section 562.025, Florida  
9301 | Statutes, is amended to read:

9302 | 562.025 Possession of beverages as food ingredients.—This  
9303 | chapter shall not be construed to prohibit the owner or employee  
9304 | of a public food service establishment from possessing or using  
9305 | alcoholic beverages manufactured pursuant to law as ingredients  
9306 | to enhance the flavor of food prepared in connection with the  
9307 | operation of such establishment, provided that such public food

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9308 service establishment meets the following criteria:

9309 (1) Such public food service establishment shall hold a  
9310 license which allows consumption of alcoholic beverages on the  
9311 premises, issued by the Division of Alcoholic Beverages, l  
9312 Marijuana, and Tobacco; and

9313  
9314 Every such establishment shall maintain a menu on the premises  
9315 which menu shall clearly designate the food containing alcoholic  
9316 beverages. Daily specials need not be so posted. Alcoholic  
9317 beverages may be used by the above licensees only as ingredients  
9318 to enhance the flavor of food prepared and served on the  
9319 licensed premises. It is the intention of this section to allow  
9320 the use of such alcoholic beverages by the aforementioned  
9321 licensees in the actual cooking of food and in the enhancement  
9322 of the flavor of certain foods and desserts. This section shall  
9323 not be construed so as to permit any other use of alcoholic  
9324 beverages by such licensees or the purchase of spirituous  
9325 beverages except from a licensed vendor.

9326 Section 46. Subsection (1) of section 562.111, Florida  
9327 Statutes, is amended to read:

9328 562.111 Possession of alcoholic beverages by persons under  
9329 age 21 prohibited.—

9330 (1) It is unlawful for any person under the age of 21  
9331 years, except a person employed under the provisions of s.  
9332 562.13 acting in the scope of her or his employment, to have in

9333 her or his possession alcoholic beverages, except that nothing  
 9334 contained in this subsection shall preclude the employment of  
 9335 any person 18 years of age or older in the sale, preparation, or  
 9336 service of alcoholic beverages in licensed premises in any  
 9337 establishment licensed by the Division of Alcoholic Beverages, l  
 9338 Marijuana, and Tobacco or the Division of Hotels and  
 9339 Restaurants. Notwithstanding the provisions of s. 562.45, any  
 9340 person under the age of 21 who is convicted of a violation of  
 9341 this subsection is guilty of a misdemeanor of the second degree,  
 9342 punishable as provided in s. 775.082 or s. 775.083; however, any  
 9343 person under the age of 21 who has been convicted of a violation  
 9344 of this subsection and who is thereafter convicted of a further  
 9345 violation of this subsection is, upon conviction of the further  
 9346 offense, guilty of a misdemeanor of the first degree, punishable  
 9347 as provided in s. 775.082 or s. 775.083.

9348 Section 47. Paragraph (c) of subsection (2) of section  
 9349 562.45, Florida Statutes, is amended to read:

9350 562.45 Penalties for violating Beverage Law; local  
 9351 ordinances; prohibiting regulation of certain activities or  
 9352 business transactions; requiring nondiscriminatory treatment;  
 9353 providing exceptions.—

9354 (2)

9355 (c) A county or municipality may not enact any ordinance  
 9356 that regulates or prohibits those activities or business  
 9357 transactions of a licensee regulated by the Division of

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9358 | Alcoholic Beverages, Marijuana, and Tobacco under the Beverage  
 9359 | Law. Except as otherwise provided in the Beverage Law, a local  
 9360 | government, when enacting ordinances designed to promote and  
 9361 | protect the general health, safety, and welfare of the public,  
 9362 | shall treat a licensee in a nondiscriminatory manner and in a  
 9363 | manner that is consistent with the manner of treatment of any  
 9364 | other lawful business transacted in this state. Nothing in this  
 9365 | section shall be construed to affect or impair the enactment or  
 9366 | enforcement by a county or municipality of any zoning, land  
 9367 | development or comprehensive plan regulation or other ordinance  
 9368 | authorized under ss. 1, 2, and 5, Art. VIII of the State  
 9369 | Constitution.

9370 |       Section 48. Subsection (2) of section 569.002, Florida  
 9371 | Statutes, is amended to read:

9372 |           569.002 Definitions.—As used in this part, the term:

9373 |           (2) "Division" means the Division of Alcoholic Beverages, l  
 9374 | Marijuana, and Tobacco of the Department of Business and  
 9375 | Professional Regulation.

9376 |       Section 49. Paragraph (c) of subsection (1) and subsection  
 9377 | (4) of section 569.003, Florida Statutes, are amended to read:

9378 |           569.003 Retail tobacco products dealer permits;  
 9379 | application; qualifications; fees; renewal; duplicates.—

9380 |           (1)

9381 |           (c) Permits shall be issued annually, upon payment of the  
 9382 | annual permit fee prescribed by the division. The division shall



9383 | fix the fee in an amount sufficient to meet the costs incurred  
9384 | by it in carrying out its permitting, enforcement, and  
9385 | administrative responsibilities under this part, but the fee may  
9386 | not exceed \$50. The proceeds of the fee shall be deposited into  
9387 | the Alcoholic Beverage, Marijuana, and Tobacco Trust Fund.

9388 |         (4) If a permit has been destroyed or lost, the dealer may  
9389 | apply to the division for the issuance of a duplicate permit.  
9390 | The division shall issue a duplicate permit upon payment of a  
9391 | \$15 fee, which the division shall deposit into the Alcoholic  
9392 | Beverage, Marijuana, and Tobacco Trust Fund.

9393 |         Section 50. Subsections (1) and (4) of section 569.12,  
9394 | Florida Statutes, are amended to read:

9395 |             569.12 Jurisdiction; tobacco product and nicotine product  
9396 | enforcement officers or agents; enforcement.—

9397 |             (1) In addition to the Division of Alcoholic Beverages,   
9398 | Marijuana, and Tobacco of the Department of Business and  
9399 | Professional Regulation, any law enforcement officer certified  
9400 | under s. 943.10(1), (6), or (8) shall enforce the provisions of  
9401 | this chapter.

9402 |             (4) A citation issued to any person violating the  
9403 | provisions of s. 569.11 or s. 569.42 shall be in a form  
9404 | prescribed by the Division of Alcoholic Beverages, Marijuana,  
9405 | and Tobacco of the Department of Business and Professional  
9406 | Regulation and shall contain:

9407 |             (a) The date and time of issuance.

9408 (b) The name and address of the person to whom the  
 9409 citation is issued.

9410 (c) The date and time the civil infraction was committed.

9411 (d) The facts constituting reasonable cause.

9412 (e) The number of the Florida statute violated.

9413 (f) The name and authority of the citing officer.

9414 (g) The procedure for the person to follow in order to  
 9415 contest the citation, perform the required community service,  
 9416 attend the required anti-tobacco or anti-tobacco and anti-  
 9417 nicotine program, or to pay the civil penalty.

9418 Section 51. Subsection (2) of section 569.31, Florida  
 9419 Statutes, is amended to read:

9420 569.31 Definitions.—As used in this part, the term:

9421 (2) "Division" means the Division of Alcoholic Beverages,  
 9422 Marijuana, and Tobacco of the Department of Business and  
 9423 Professional Regulation.

9424 Section 52. Subsections (1) and (3) of section 616.265,  
 9425 Florida Statutes, are amended to read:

9426 616.265 Issuance of beverage license to the authority.—

9427 (1) The Division of Alcoholic Beverages, Marijuana, and  
 9428 Tobacco of the Department of Business and Professional  
 9429 Regulation is authorized, upon application, to issue a beverage  
 9430 license, as contemplated in ss. 561.17 and 565.02, to the  
 9431 Florida State Fair Authority for use by the authority or by a  
 9432 concessionaire under contract with the authority within the

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9433 Florida State Fairgrounds in Hillsborough County; however, the  
9434 license issued pursuant to this section shall not permit the  
9435 licensee or its transferee assigns to sell alcoholic beverages  
9436 in sealed containers for consumption off the Florida State  
9437 Fairgrounds.

9438 (3) The Florida State Fair Authority may transfer the  
9439 beverage license authorized in this section to a concessionaire  
9440 under contract with the Florida State Fair Authority to furnish  
9441 alcoholic beverages within the Florida State Fairgrounds. The  
9442 contract with the concessionaire must contain a provision that  
9443 the concessionaire agrees not to discriminate on the basis of  
9444 race, sex, age, or religion. The Florida State Fair Authority  
9445 shall make application for the transfer of the license to the  
9446 concessionaire, and the application shall be approved by the  
9447 Director of the Division of Alcoholic Beverages, Marijuana, and  
9448 Tobacco in compliance with the applicable provisions of chapter  
9449 561. However, any transfer of the beverage license authorized in  
9450 this section to a concessionaire operating under contract with  
9451 the Florida State Fair Authority shall be on the condition that,  
9452 if the concession contract is terminated at any time and for any  
9453 cause, the concessionaire shall immediately retransfer the  
9454 beverage license to the Florida State Fair Authority. In the  
9455 event of the failure or refusal of the concessionaire so to  
9456 retransfer the beverage license, it shall be retransferred to  
9457 the Florida State Fair Authority upon proper request made in

9458 | writing to the Division of Alcoholic Beverages, Marijuana, and  
 9459 | Tobacco of the Department of Business and Professional  
 9460 | Regulation. Thereafter, the beverage license may again be  
 9461 | transferred upon the same terms and conditions to any new  
 9462 | concessionaire under contract with the Florida State Fair  
 9463 | Authority. It is the intent and purpose of this section that the  
 9464 | beverage license be at all times the property of the Florida  
 9465 | State Fair Authority, subject to its transfer, from time to  
 9466 | time, to enable the concessionaire under contract with the  
 9467 | Florida State Fair Authority to furnish alcoholic beverages  
 9468 | within the Florida State Fairgrounds while operating under the  
 9469 | beverage license authorized by this section.

9470 |         Section 53. Paragraphs (a) and (c) of subsection (3) of  
 9471 | section 633.142, Florida Statutes, are amended to read:

9472 |             633.142 Reduced Cigarette Ignition Propensity Standard and  
 9473 | Firefighter Protection Act; preemption.—

9474 |             (3) DEFINITIONS.—For the purposes of this section:

9475 |             (a) "Agent" means any person authorized by the Division of  
 9476 | Alcoholic Beverages, Marijuana, and Tobacco of the Department of  
 9477 | Business and Professional Regulation to purchase and affix  
 9478 | stamps on packages of cigarettes.

9479 |             (c) "Division" means the Division of Alcoholic Beverages, and  
 9480 | Marijuana, and Tobacco of the Department of Business and  
 9481 | Professional Regulation.

9482 |         Section 54. Section 812.171, Florida Statutes, is amended

9483 to read:

9484 812.171 Definition.—As used in this act, the term  
 9485 "convenience business" means any place of business that is  
 9486 primarily engaged in the retail sale of groceries, or both  
 9487 groceries and gasoline, that is open for business at any time  
 9488 between the hours of 11 p.m. and 5 a.m., and that is licensed by  
 9489 the Division of Alcoholic Beverages, Marijuana, and Tobacco  
 9490 within the Department of Business and Professional Regulation  
 9491 pursuant to chapter 210, chapter 561, chapter 562, chapter 563,  
 9492 chapter 564, chapter 565, or chapter 569, as applicable. The  
 9493 term "convenience business" does not include:

9494 (1) A business that is solely or primarily a restaurant.

9495 (2) A business that always has at least five employees on  
 9496 the premises after 11 p.m. and before 5 a.m.

9497 (3) A business that has at least 10,000 square feet of  
 9498 retail floor space.

9499 (4) A business in which the owner or members of his or her  
 9500 family work between the hours of 11 p.m. and 5 a.m.

9501 Section 55. Subsections (3), (4), (5), and (6) of section  
 9502 812.173, Florida Statutes, are amended to read:

9503 812.173 Convenience business security.—

9504 (3) Every convenience business shall be equipped with a  
 9505 silent alarm to law enforcement or a private security agency,  
 9506 unless an application for an exemption, adopted by rule by the  
 9507 Division of Alcoholic Beverages, Marijuana, and Tobacco, is made

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9508 | to and granted by the Division of Alcoholic Beverages,  
9509 | Marijuana, and Tobacco. An application for exemption must be in  
9510 | writing and must be accompanied by an administrative fee of \$25  
9511 | for each store for which an exemption would apply.

9512 |         (4) If a murder, robbery, sexual battery, aggravated  
9513 | assault, aggravated battery, or kidnapping or false  
9514 | imprisonment, as those crimes are identified and defined by  
9515 | Florida Statutes, occurs or has occurred at a convenience  
9516 | business since July 1, 1989, and arises out of the operation of  
9517 | the convenience business, that convenience business shall notify  
9518 | the Division of Alcoholic Beverages, Marijuana, and Tobacco in  
9519 | writing and shall implement at least one of the following  
9520 | security measures within 30 days after a judicial determination  
9521 | that one or more of the aforementioned identified crimes  
9522 | occurred at the convenience business:

9523 |         (a) Provide at least two employees on the premises at all  
9524 | times after 11 p.m. and before 5 a.m.;

9525 |         (b) Install for use by employees at all times after 11  
9526 | p.m. and before 5 a.m. a secured safety enclosure of transparent  
9527 | polycarbonate or other material that meets at least one of the  
9528 | following minimum standards:

9529 |             1. American Society for Testing and Materials Standard  
9530 | D3935 (classification PC110 B 3 0800700) and that has a  
9531 | thickness of at least 0.375 inches and has an impact strength of  
9532 | at least 200 foot pounds; or

9533           2. Underwriters Laboratory Standard UL 752 for medium  
 9534 power small arms (level one), Bullet Resisting Equipment;  
 9535           (c) Provide a security guard on the premises at all times  
 9536 after 11 p.m. and before 5 a.m.;

9537           (d) Lock the business premises throughout the hours of 11  
 9538 p.m. to 5 a.m., and only transact business through an indirect  
 9539 pass-through trough, trapdoor, or window; or

9540           (e) Close the business at all times after 11 p.m. and  
 9541 before 5 a.m.

9542           (5) For purposes of this section, any convenience business  
 9543 that by law implemented any of the security measures set forth  
 9544 in paragraphs (4) (a)-(e) and has maintained said measures as  
 9545 required by the Division of Alcoholic Beverages, Marijuana, and  
 9546 Tobacco without any occurrence or incidence of the crimes  
 9547 identified by subsection (4) for a period of no less than 24  
 9548 months immediately preceding the filing of a notice of  
 9549 exemption, may file with the department a notice of exemption  
 9550 from these enhanced security measures. In no event shall this  
 9551 exemption be interpreted to preclude full compliance with the  
 9552 security measures set forth in subsection (4) should any  
 9553 occurrence or incidence of the crimes identified by subsection  
 9554 (4) cause subsection (4) to be statutorily applicable. As of  
 9555 July 1, 2021, the Division of Alcoholic Beverages, Marijuana,  
 9556 and Tobacco will provide notice to any convenience business to  
 9557 which a subsection (4) incident occurred between July 1, 2019,

9558 | and July 1, 2021. In no event shall the state or the Division of  
 9559 | Alcoholic Beverages, Marijuana, and Tobacco incur any liability  
 9560 | for the regulation and enforcement of this act.

9561 | (6) The Division of Alcoholic Beverages, Marijuana, and  
 9562 | Tobacco has the authority to investigate the premises and  
 9563 | records of any licensee in order to determine whether the  
 9564 | licensee is a convenience business and subject to this act.

9565 | Section 56. Section 812.174, Florida Statutes, is amended  
 9566 | to read:

9567 | 812.174 Training of employees.—The owner or principal  
 9568 | operator of a convenience business or convenience businesses  
 9569 | shall provide proper robbery deterrence and safety training by  
 9570 | an approved curriculum to its retail employees within 60 days of  
 9571 | employment. A proposed curriculum shall be submitted in writing  
 9572 | to the Division of Alcoholic Beverages, Marijuana, and Tobacco  
 9573 | with an administrative fee not to exceed \$100. The Division of  
 9574 | Alcoholic Beverages, Marijuana, and Tobacco shall review and  
 9575 | approve or disapprove the curriculum in writing within 60 days  
 9576 | after receipt. The state shall have no liability for approving  
 9577 | or disapproving a training curriculum under this section.  
 9578 | Approval shall be given to a curriculum which trains and  
 9579 | familiarizes retail employees with the security principles,  
 9580 | devices, and measures required by s. 812.173. Disapproval of a  
 9581 | curriculum shall be subject to the provisions of chapter 120. No  
 9582 | person shall be liable for ordinary negligence due to



9583 implementing an approved curriculum if the training was actually  
 9584 provided. A curriculum must be submitted for reapproval  
 9585 biennially on or before the date established by rule by the  
 9586 Division of Alcoholic Beverages, Marijuana, and Tobacco and must  
 9587 be accompanied by an administrative fee not to exceed \$100.

9588 Section 57. Section 812.175, Florida Statutes, is amended  
 9589 to read:

9590 812.175 Enforcement; civil fine.—

9591 (1) The violation of any provision of this act by any  
 9592 owner or principal operator of a convenience business shall  
 9593 result in a notice of violation from the Division of Alcoholic,  
 9594 Marijuana, Beverages and Tobacco. Violators shall have 30 days  
 9595 after receipt of the notice to provide proof of compliance to  
 9596 the Division of Alcoholic Beverages, Marijuana, and Tobacco. If  
 9597 the violation continues after the 30-day period, the Division of  
 9598 Alcoholic Beverages, Marijuana, and Tobacco may impose a civil  
 9599 fine not to exceed \$5,000. The Division of Alcoholic Beverages,  
 9600 Marijuana, and Tobacco has the authority to investigate any  
 9601 alleged violation and may compromise any alleged violation by  
 9602 accepting from the owner or principal operator an amount not to  
 9603 exceed \$5,000. The Division of Alcoholic Beverages, Marijuana,  
 9604 and Tobacco may suspend the imposition of any fine conditioned  
 9605 upon terms the Division of Alcoholic Beverages, Marijuana, and  
 9606 Tobacco in its discretion deems appropriate. Notices of  
 9607 violation and civil fines are subject to chapter 120.

9608 (2) Moneys received by the Division of Alcoholic  
 9609 Beverages, Marijuana, and Tobacco pursuant to this act must be  
 9610 deposited in the General Revenue Fund.

9611 (3) The Division of Alcoholic Beverages, Marijuana, and  
 9612 Tobacco is given full power and authority to petition for an  
 9613 injunction when it is determined that the health, safety, and  
 9614 public welfare is threatened by continued operation of a  
 9615 convenience business in violation of this act. In any action for  
 9616 injunction, the Division of Alcoholic Beverages, Marijuana, and  
 9617 Tobacco may seek a civil penalty not to exceed \$5,000 per  
 9618 violation, plus attorney's fees and costs.

9619 (4) The Division of Alcoholic Beverages, Marijuana, and  
 9620 Tobacco may enter into agreements with local governments to  
 9621 assist in the enforcement of ss. 812.1701-812.175. Such  
 9622 agreements may include provision for reimbursement of  
 9623 investigative and enforcement costs incurred by such local  
 9624 governments.

9625 Section 58. Section 812.176, Florida Statutes, is amended  
 9626 to read:

9627 812.176 Rulemaking authority.—The Division of Alcoholic  
 9628 Beverages, Marijuana, and Tobacco shall have the power to adopt  
 9629 rules pursuant to chapter 120 as necessary to implement the  
 9630 Convenience Business Security Act. The security measures and  
 9631 training provisions of ss. 812.173 and 812.174 shall meet the  
 9632 requirements of the department as set forth by rule.

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9633 Section 59. Subsection (1) of section 832.06, Florida  
9634 Statutes, is amended to read:

9635 832.06 Prosecution for worthless checks given tax  
9636 collector for licenses or taxes; refunds.—

9637 (1) Whenever any person, firm, or corporation violates the  
9638 provisions of s. 832.05 by drawing, making, uttering, issuing,  
9639 or delivering to any county tax collector any check, draft, or  
9640 other written order on any bank or depository for the payment of  
9641 money or its equivalent for any tag, title, lien, tax (except ad  
9642 valorem taxes), penalty, or fee relative to a boat, airplane,  
9643 motor vehicle, driver license, or identification card; any  
9644 occupational license, beverage license, or sales or use tax; or  
9645 any hunting or fishing license, the county tax collector, after  
9646 the exercise of due diligence to locate the person, firm, or  
9647 corporation which drew, made, uttered, issued, or delivered the  
9648 check, draft, or other written order for the payment of money,  
9649 or to collect the same by the exercise of due diligence and  
9650 prudence, shall swear out a complaint in the proper court  
9651 against the person, firm, or corporation for the issuance of the  
9652 worthless check or draft. If the state attorney cannot sign the  
9653 information due to lack of proof, as determined by the state  
9654 attorney in good faith, for a prima facie case in court, he or  
9655 she shall issue a certificate so stating to the tax collector.  
9656 If payment of the dishonored check, draft, or other written  
9657 order, together with court costs expended, is not received in

9658 full by the county tax collector within 30 days after service of  
 9659 the warrant, 30 days after conviction, or 60 days after the  
 9660 collector swears out the complaint or receives the certificate  
 9661 of the state attorney, whichever is first, the county tax  
 9662 collector shall make a written report to this effect to the  
 9663 Department of Highway Safety and Motor Vehicles relative to  
 9664 motor vehicles and vessels, to the Department of Revenue  
 9665 relative to occupational licenses and the sales and use tax, to  
 9666 the Division of Alcoholic Beverages, Marijuana, and Tobacco of  
 9667 the Department of Business and Professional Regulation relative  
 9668 to beverage licenses, or to the Fish and Wildlife Conservation  
 9669 Commission relative to hunting and fishing licenses, containing  
 9670 a statement of the amount remaining unpaid on the worthless  
 9671 check or draft. If the information is not signed, the  
 9672 certificate of the state attorney is issued, and the written  
 9673 report of the amount remaining unpaid is made, the county tax  
 9674 collector may request the sum be forthwith refunded by the  
 9675 appropriate governmental entity, agency, or department. If a  
 9676 warrant has been issued and served, he or she shall certify to  
 9677 that effect, together with the court costs and amount remaining  
 9678 unpaid on the check. The county tax collector may request that  
 9679 the sum of money certified by him or her be forthwith refunded  
 9680 by the Department of Highway Safety and Motor Vehicles, the  
 9681 Department of Revenue, the Division of Alcoholic Beverages, and  
 9682 Marijuana, and Tobacco of the Department of Business and

9683 Professional Regulation, or the Fish and Wildlife Conservation  
 9684 Commission to the county tax collector. Within 30 days after  
 9685 receipt of the request, the Department of Highway Safety and  
 9686 Motor Vehicles, the Department of Revenue, the Division of  
 9687 Alcoholic Beverages, Marijuana, and Tobacco of the Department of  
 9688 Business and Professional Regulation, or the Fish and Wildlife  
 9689 Conservation Commission, upon being satisfied as to the  
 9690 correctness of the certificate of the tax collector, or the  
 9691 report, shall refund to the county tax collector the sums of  
 9692 money so certified or reported. If any officer of any court  
 9693 issuing the warrant is unable to serve it within 60 days after  
 9694 the issuance and delivery of it to the officer for service, the  
 9695 officer shall make a written return to the county tax collector  
 9696 to this effect. Thereafter, the county tax collector may certify  
 9697 that the warrant has been issued and that service has not been  
 9698 had upon the defendant and further certify the amount of the  
 9699 worthless check or draft and the amount of court costs expended  
 9700 by the county tax collector, and the county tax collector may  
 9701 file the certificate with the Department of Highway Safety and  
 9702 Motor Vehicles relative to motor vehicles and vessels, with the  
 9703 Department of Revenue relative to occupational licenses and the  
 9704 sales and use tax, with the Division of Alcoholic Beverages, and  
 9705 Marijuana, and Tobacco of the Department of Business and  
 9706 Professional Regulation relative to beverage licenses, or with  
 9707 the Fish and Wildlife Conservation Commission relative to

9708 | hunting and fishing licenses, together with a request that the  
 9709 | sums of money so certified be forthwith refunded by the  
 9710 | Department of Highway Safety and Motor Vehicles, the Department  
 9711 | of Revenue, the Division of Alcoholic Beverages, Marijuana, and  
 9712 | Tobacco of the Department of Business and Professional  
 9713 | Regulation, or the Fish and Wildlife Conservation Commission to  
 9714 | the county tax collector, and within 30 days after receipt of  
 9715 | the request, the Department of Highway Safety and Motor  
 9716 | Vehicles, the Department of Revenue, the Division of Alcoholic  
 9717 | Beverages, Marijuana, and Tobacco of the Department of Business  
 9718 | and Professional Regulation, or the Fish and Wildlife  
 9719 | Conservation Commission, upon being satisfied as to the  
 9720 | correctness of the certificate, shall refund the sums of money  
 9721 | so certified to the county tax collector.

9722 |       Section 60. Subsection (3) of section 877.18, Florida  
 9723 | Statutes, is amended to read:

9724 |       877.18 Identification card or document purporting to  
 9725 | contain applicant's age or date of birth; penalties for failure  
 9726 | to comply with requirements for sale or issuance.—

9727 |       (3) All records required to be maintained by this section  
 9728 | shall be available for inspection without warrant upon  
 9729 | reasonable demand by any law enforcement officer, including, but  
 9730 | not limited to, a state attorney investigator or an investigator  
 9731 | for the Division of Alcoholic Beverages, Marijuana, and Tobacco.

9732 |       Section 61. Paragraph (c) of subsection (6) of section

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9733 | 932.7055, Florida Statutes, is amended to read:  
 9734 |       932.7055 Disposition of liens and forfeited property.—  
 9735 |       (6) If the seizing agency is a state agency, all remaining  
 9736 | proceeds shall be deposited into the General Revenue Fund.  
 9737 | However, if the seizing agency is:  
 9738 |       (c) The Division of Alcoholic Beverages, Marijuana, and  
 9739 | Tobacco, the proceeds accrued pursuant to the Florida Contraband  
 9740 | Forfeiture Act shall be deposited into the Alcoholic Beverage, l  
 9741 | Marijuana, and Tobacco Trust Fund or into the department's  
 9742 | Federal Law Enforcement Trust Fund as provided in s. 561.027, as  
 9743 | applicable.  
 9744 |       Section 62. Paragraph (a) of subsection (3) of section  
 9745 | 943.0595, Florida Statutes, is amended to read:  
 9746 |       943.0595 Automatic sealing of criminal history records.—  
 9747 |       (3) PROCESS FOR AND EFFECT OF AUTOMATIC SEALING.—  
 9748 |       (a) Upon :  
 9749 |       1. The disposition of a criminal case resulting in a  
 9750 | criminal history record eligible for automatic sealing under  
 9751 | paragraph (2)(a), the clerk of the court shall transmit a  
 9752 | certified copy of the disposition of the criminal history record  
 9753 | to the department; ~~;~~ or  
 9754 |       2. The department determines, upon a request made under s.  
 9755 | 943.0856, that a record is eligible for sealing under s.  
 9756 | 943.0586(2)(a);  
 9757 |

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9758 | the department ~~which~~ shall immediately seal the criminal history  
 9759 | record ~~upon receipt of the certified copy.~~

9760 |         Section 63. Paragraph (d) of subsection (2) of section  
 9761 | 1002.395, Florida Statutes, is amended to read:

9762 |         1002.395 Florida Tax Credit Scholarship Program.—

9763 |         (2) DEFINITIONS.—As used in this section, the term:

9764 |         (d) "Division" means the Division of Alcoholic Beverages, \_\_\_\_\_  
 9765 | Marijuana, and Tobacco of the Department of Business and  
 9766 | Professional Regulation.

9767 |         Section 64. Paragraph (d) of subsection (1) of section  
 9768 | 1003.485, Florida Statutes, is amended to read:

9769 |         1003.485 The New Worlds Reading Initiative.—

9770 |         (1) DEFINITIONS.—As used in this section, the term:

9771 |         (d) "Division" means the Division of Alcoholic Beverages, \_\_\_\_\_  
 9772 | Marijuana, and Tobacco of the Department of Business and  
 9773 | Professional Regulation.

9774 |         Section 65. This act shall take effect July 1, 2022.