

1 A bill to be entitled
 2 An act relating to location of medical marijuana
 3 centers, retail vape shops, and on-premises
 4 consumption of alcohol; amending s. 381.986, F.S.;
 5 revising the authorized distance between the location
 6 of certain medical marijuana treatment centers and
 7 specified religious or educational institutions upon a
 8 specified date; creating s. 386.2065, F.S.; specifying
 9 the authorized distance between the location of retail
 10 vape shops and specified religious or educational
 11 institutions upon a specified date; providing
 12 applicability; amending s. 562.45, F.S.; revising the
 13 authorized distance between the location of businesses
 14 that allow on-premises consumption of alcoholic
 15 beverages and specified religious or educational
 16 institutions upon a specified date; removing local
 17 governments' ability to approve such a location for
 18 specified purposes; providing an effective date.
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20 Be It Enacted by the Legislature of the State of Florida:
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22 Section 1. Paragraphs (a) and (c) of subsection (11) of
 23 section 381.986, Florida Statutes, are amended to read:

24 381.986 Medical use of marijuana.—

25 (11) PREEMPTION.—Regulation of cultivation, processing,

26 | and delivery of marijuana by medical marijuana treatment centers
 27 | is preempted to the state except as provided in this subsection.

28 | (a)1. A medical marijuana treatment center cultivating or
 29 | processing facility may not be located within 500 feet of the
 30 | real property that comprises a public or private elementary
 31 | school, middle school, or secondary school.

32 | 2. Effective July 1, 2024, a new medical marijuana
 33 | treatment center cultivating or processing facility may not be
 34 | located within 1,500 feet of the real property that comprises a
 35 | religious institution or a public or private day care facility,
 36 | elementary school, middle school, or secondary school, or
 37 | postsecondary school

38 | (c)1. A medical marijuana treatment center dispensing
 39 | facility may not be located within 500 feet of the real property
 40 | that comprises a public or private elementary school, middle
 41 | school, or secondary school.

42 | 2. Effective July 1, 2024, a new medical marijuana
 43 | treatment center dispensing facility may not be located within
 44 | 1,500 feet of the real property that comprises a religious
 45 | institution or a public or private day care facility, elementary
 46 | school, middle school, ~~or~~ secondary school, or postsecondary
 47 | school unless the county or municipality approves the location
 48 | through a formal proceeding open to the public at which the
 49 | county or municipality determines that the location promotes the
 50 | public health, safety, and general welfare of the community.

51 Section 2. Section 386.2065, Florida Statutes, is created
 52 to read:

53 386.2065 Regulation of retail vape shops; applicability.-

54 (a) Effective July 1, 2024, a new retail vape shop as
 55 defined under s. 386.203 may not be located within 1,500 feet of
 56 the real property that comprises a religious institution or a
 57 public or private day care facility, elementary school, middle
 58 school, secondary school, or postsecondary school.

59 (b) This section does not apply to a retail vape shop
 60 operating before July 1, 2024.

61 Section 3. Paragraph (a) of subsection (2) of section
 62 562.45, Florida Statutes, is amended to read:

63 562.45 Penalties for violating Beverage Law; local
 64 ordinances; prohibiting regulation of certain activities or
 65 business transactions; requiring nondiscriminatory treatment;
 66 providing exceptions.-

67 (2)(a) Nothing contained in the Beverage Law may be
 68 construed to affect or impair the power or right of any county
 69 or incorporated municipality of the state to enact ordinances
 70 regulating the hours of business and location of place of
 71 business, and prescribing sanitary regulations therefor, of any
 72 licensee under the Beverage Law within the county or corporate
 73 limits of such municipality. However, except for premises
 74 licensed on or before July 1, 1999, and except for locations
 75 licensed as restaurants, which derive at least 51 percent of

76 | their gross revenues from the sale of food and nonalcoholic
77 | beverages, pursuant to chapter 509, a location for on-premises
78 | consumption of alcoholic beverages may not be located within 500
79 | feet of the real property that comprises a public or private
80 | elementary school, middle school, ~~or~~ secondary school. Effective
81 | July 1, 2024, a new location for on-premises consumption of
82 | alcoholic beverages may not be located within 1,500 feet of the
83 | real property that comprises a religious institution or a public
84 | or private day care facility, elementary school, middle school,
85 | ~~or~~ secondary school, or postsecondary school unless the county
86 | ~~or municipality approves the location as promoting the public~~
87 | ~~health, safety, and general welfare of the community under~~
88 | ~~proceedings as provided in s. 125.66(5), for counties, and s.~~
89 | ~~166.041(3)(c), for municipalities.~~ This restriction may not,
90 | however, be construed to prohibit the issuance of temporary
91 | permits to certain nonprofit organizations as provided for in s.
92 | 561.422. The division may not issue a change in the series of a
93 | license or approve a change of a licensee's location unless the
94 | licensee provides documentation of proper zoning from the
95 | appropriate county or municipal zoning authorities.

96 | Section 4. This act shall take effect July 1, 2024.