

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; providing applicability; creating s.  
 9           386.2065, F.S.; specifying the authorized distance  
 10          between the location of retail vape shops and  
 11          specified religious or educational institutions upon a  
 12          specified date; providing applicability; amending s.  
 13          562.45, F.S.; revising the authorized distance between  
 14          the location of businesses that allow on-premises  
 15          consumption of alcoholic beverages and specified  
 16          religious or educational institutions upon a specified  
 17          date; providing applicability; removing local  
 18          governments' ability to approve such a location for  
 19          specified purposes; providing an effective date.

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

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 23           Section 1. Paragraphs (a) and (c) of subsection (11) of  
 24           section 381.986, Florida Statutes, are amended to read:  
 25           381.986 Medical use of marijuana.—

26 (11) PREEMPTION.—Regulation of cultivation, processing,  
 27 and delivery of marijuana by medical marijuana treatment centers  
 28 is preempted to the state except as provided in this subsection.

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

33 2. Effective July 1, 2024, a new medical marijuana  
 34 treatment center cultivating or processing facility may not be  
 35 located within 1,500 feet of the real property that comprises a  
 36 religious institution or a public or private day care facility,  
 37 elementary school, middle school, secondary school, or  
 38 postsecondary school. This subparagraph does not apply to a  
 39 medical marijuana treatment center cultivating or processing  
 40 facility operating before July 1, 2024.

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

45 2. Effective July 1, 2024, a new medical marijuana  
 46 treatment center dispensing facility may not be located within  
 47 1,500 feet of the real property that comprises a religious  
 48 institution or a public or private day care facility, elementary  
 49 school, middle school, secondary school, or postsecondary  
 50 school. This subparagraph does not apply to a medical marijuana

51 ~~treatment center dispensing facility operating before July 1,~~  
52 ~~2024 unless the county or municipality approves the location~~  
53 ~~through a formal proceeding open to the public at which the~~  
54 ~~county or municipality determines that the location promotes the~~  
55 ~~public health, safety, and general welfare of the community.~~

56 Section 2. Section 386.2065, Florida Statutes, is created  
57 to read:

58 386.2065 Regulation of retail vape shops; applicability.-  
59 Effective July 1, 2024, a new retail vape shop as defined under  
60 s. 386.203 may not be located within 1,500 feet of the real  
61 property that comprises a religious institution or a public or  
62 private day care facility, elementary school, middle school,  
63 secondary school, or postsecondary school. This section does not  
64 apply to a retail vape shop operating before July 1, 2024.

65 Section 3. Paragraph (a) of subsection (2) of section  
66 562.45, Florida Statutes, is amended to read:

67 562.45 Penalties for violating Beverage Law; local  
68 ordinances; prohibiting regulation of certain activities or  
69 business transactions; requiring nondiscriminatory treatment;  
70 providing exceptions.-

71 (2)(a) Nothing contained in the Beverage Law may be  
72 construed to affect or impair the power or right of any county  
73 or incorporated municipality of the state to enact ordinances  
74 regulating the hours of business and location of place of  
75 business, and prescribing sanitary regulations therefor, of any

76 licensee under the Beverage Law within the county or corporate  
77 limits of such municipality. However, except for premises  
78 licensed on or before July 1, 1999, and except for locations  
79 licensed as restaurants, which derive at least 51 percent of  
80 their gross revenues from the sale of food and nonalcoholic  
81 beverages, pursuant to chapter 509, a location for on-premises  
82 consumption of alcoholic beverages may not be located within 500  
83 feet of the real property that comprises a public or private  
84 elementary school, middle school, ~~or~~ secondary school. Effective  
85 July 1, 2024, a new location for on-premises consumption of  
86 alcoholic beverages may not be located within 1,500 feet of the  
87 real property that comprises a religious institution or a public  
88 or private day care facility, elementary school, middle school,  
89 secondary school, or postsecondary school; however, this  
90 restriction does not apply to a location for on-premises  
91 consumption of alcoholic beverages operating before July 1, 2024  
92 ~~unless the county or municipality approves the location as~~  
93 ~~promoting the public health, safety, and general welfare of the~~  
94 ~~community under proceedings as provided in s. 125.66(5), for~~  
95 ~~counties, and s. 166.041(3)(c), for municipalities. This~~  
96 restriction may not, however, be construed to prohibit the  
97 issuance of temporary permits to certain nonprofit organizations  
98 as provided for in s. 561.422. The division may not issue a  
99 change in the series of a license or approve a change of a  
100 licensee's location unless the licensee provides documentation

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101 | of proper zoning from the appropriate county or municipal zoning  
102 | authorities.

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