

By Senator Bullard

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1                                   A bill to be entitled  
2       An act relating to recreational marijuana; amending s.  
3       20.165, F.S.; renaming the Division of Alcoholic  
4       Beverages and Tobacco of the Department of Business  
5       and Professional Regulation; amending s. 561.025,  
6       F.S.; renaming the Alcoholic Beverage and Tobacco  
7       Trust Fund; specifying distribution of funds;  
8       providing a directive to the Division of Law Revision  
9       and Information; creating ch. 566, F.S., relating to  
10      recreational marijuana; providing definitions relating  
11      to an excise tax on recreational marijuana; imposing  
12      an excise tax on recreational marijuana; providing for  
13      inflation adjustments to the tax rate; providing for  
14      collection of the tax; providing for distribution of  
15      tax revenues; requiring an annual report concerning  
16      tax revenues; providing definitions relating to  
17      regulation of recreational marijuana; prohibiting the  
18      use of false identification by persons under 21 years  
19      of age for specified activities relating to  
20      recreational marijuana; exempting certain activities  
21      involving marijuana from use and possession offenses;  
22      authorizing persons age 21 and over to engage in  
23      certain activities involving personal use of marijuana  
24      in limited amounts; providing limits on where persons  
25      may engage in specified activities; providing  
26      noncriminal penalties; providing for alternative  
27      sentencing; providing for licensure of marijuana  
28      establishments that may engage in the manufacture,  
29      possession, or purchase of marijuana, marijuana

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30 products, and marijuana accessories or sell marijuana,  
31 marijuana products, or marijuana accessories to a  
32 consumer; specifying duties of the Division of  
33 Alcoholic Beverages, Marijuana, and Tobacco; providing  
34 for enforcement of regulatory provisions; authorizing  
35 agreements with other entities for certain enforcement  
36 activities; requiring an annual report; providing for  
37 licensing of marijuana establishments; providing for  
38 license fees; providing for a license process;  
39 providing reasons that prohibit issuance or renewal of  
40 a license; providing limits on the number of retail  
41 marijuana stores in localities based on population;  
42 providing standards for prospective licensees;  
43 providing restrictions on the location of marijuana  
44 establishments; prohibiting certain activities by  
45 marijuana establishments; providing procedures when a  
46 marijuana establishment's license expires; authorizing  
47 localities to prohibit one or more types of marijuana  
48 establishments through local ordinance; authorizing  
49 localities to specify an entity within the locality to  
50 be responsible for processing applications for a  
51 license to operate a marijuana establishment;  
52 providing for submission of applications to localities  
53 if the division has not issued establishment licenses  
54 by a specified date; specifying duties of the Attorney  
55 General concerning federal subpoenas; providing an  
56 exemption from specified provisions for marijuana  
57 research; specifying that the chapter does not apply  
58 to employer drug policies or operating under the

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59 influence laws; specifying that the chapter does not  
60 allow persons under 21 years of age to engage in  
61 activities permitted therein; providing that the  
62 rights of property owners are not affected; requiring  
63 rulemaking by the division; specifying that conduct  
64 allowed by the chapter may not be considered the basis  
65 for the finding of a lack of good moral character as  
66 that term is used in law; providing for emergency  
67 rulemaking; amending s. 500.03, F.S.; providing that  
68 marijuana establishments that sell food containing  
69 marijuana are considered food service establishments  
70 for the purposes of specified regulations; creating s.  
71 500.105, F.S.; specifying that food products  
72 containing marijuana which are prepared in permitted  
73 food establishments and sold by licensed retail  
74 marijuana stores are not considered adulterated;  
75 amending s. 562.13, F.S.; prohibiting marijuana  
76 establishments from employing persons under 18 years  
77 of age; amending s. 569.0073, F.S.; exempting licensed  
78 marijuana establishments from specified provisions  
79 regulating the sale of pipes and smoking devices;  
80 amending ss. 893.13 and 893.135, F.S.; providing that  
81 conduct authorized under ch. 566, F.S., is not  
82 prohibited by specified controlled substance  
83 prohibitions; providing effective dates.

84  
85 Be It Enacted by the Legislature of the State of Florida:

86  
87 Section 1. Paragraph (b) of subsection (2) of section

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88 20.165, Florida Statutes, is amended to read:

89 20.165 Department of Business and Professional Regulation.-  
90 There is created a Department of Business and Professional  
91 Regulation.

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

94 (b) Division of Alcoholic Beverages, Marijuana, and  
95 Tobacco.

96 Section 2. Section 561.025, Florida Statutes, is amended to  
97 read:

98 561.025 Alcoholic Beverage, Marijuana, and Tobacco Trust  
99 Fund.—There is created within the State Treasury the Alcoholic  
100 Beverage, Marijuana, and Tobacco Trust Fund. All funds collected  
101 by the division under ss. 210.15, 210.40, or under s. 569.003  
102 and the Beverage Law with the exception of state funds collected  
103 pursuant to ss. 563.05, 564.06, and 565.12 shall be deposited in  
104 the State Treasury to the credit of the trust fund,  
105 notwithstanding any other provision of law to the contrary. In  
106 addition, funds collected by the division under chapter 566  
107 shall be deposited into the trust fund, except that funds from  
108 the excise tax in s. 566.012 shall be deposited as provided in  
109 s. 566.013. Moneys deposited to the credit of the trust fund  
110 shall be used to operate the division and to provide a  
111 proportionate share of the operation of the office of the  
112 secretary and the Division of Administration of the Department  
113 of Business and Professional Regulation; except that:

114 (1) The revenue transfer provisions of ss. 561.32 and  
115 561.342(1) and (2) shall continue in full force and effect, and  
116 the division shall cause such revenue to be returned to the

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117 municipality or county in the manner provided for in s. 561.32  
118 or s. 561.342(1) and (2).~~;~~ and

119 (2) Ten percent of the revenues derived from retail tobacco  
120 products dealer permit fees collected under s. 569.003 shall be  
121 transferred to the Department of Education to provide for  
122 teacher training and for research and evaluation to reduce and  
123 prevent the use of tobacco products by children.

124 (3) Until January 1, 2023, an amount equal to 5 percent of  
125 the revenues received by the division during the previous month  
126 pursuant to the tax imposed by s. 566.012 shall be transferred  
127 to the Department of Health to be used to provide grants for the  
128 purpose of producing peer-reviewed research on marijuana's  
129 beneficial uses and safety.

130 Section 3. The Division of Law Revision and Information is  
131 directed to prepare a reviser's bill for the 2015 Regular  
132 Session of the Legislature to redesignate the Division of  
133 Alcoholic Beverages and Tobacco of the Department of Business  
134 and Professional Regulation as the "Division of Alcoholic  
135 Beverages, Marijuana, and Tobacco" and the Alcoholic Beverage  
136 and Tobacco Trust Fund as the "Alcoholic Beverage, Marijuana,  
137 and Tobacco Trust Fund," respectively, wherever those terms  
138 appear in the Florida Statutes.

139 Section 4. Chapter 566, Florida Statutes, consisting of  
140 sections 566.011 through 566.042, is created to read:

141 CHAPTER 566

142 RECREATIONAL MARIJUANA

143 PART I

144 EXCISE TAX

145 566.011 Definitions.—As used in this part, the term:

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146       (1) "Department" means the Department of Business and  
147 Professional Regulation.

148       (2) "Division" means the Division of Alcoholic Beverages,  
149 Marijuana, and Tobacco of the department.

150       (3) "Marijuana" means all parts of the plant of the genus  
151 cannabis, whether growing or not, the seeds thereof, the resin  
152 extracted from any part of the plant, and every compound,  
153 manufacture, salt, derivative, mixture, or preparation of the  
154 plant, its seeds, or its resin, including marijuana concentrate.  
155 The term does not include industrial hemp, fiber produced from  
156 the stalks, oil, cake made from the seeds of the plant,  
157 sterilized seed of the plant which is incapable of germination,  
158 or the weight of any ingredient combined with marijuana to  
159 prepare topical or oral administrations, food, drink, or any  
160 other product.

161       (4) "Marijuana cultivation facility" means an entity  
162 licensed to cultivate, prepare, and package and sell marijuana  
163 to retail marijuana stores, to marijuana product manufacturing  
164 facilities, and to other marijuana cultivation facilities, but  
165 not to consumers.

166       (5) "Marijuana establishment" means a marijuana cultivation  
167 facility, marijuana testing facility, marijuana product  
168 manufacturing facility, or retail marijuana store.

169       (6) "Marijuana product manufacturing facility" means an  
170 entity licensed to:

171       (a) Purchase marijuana;

172       (b) Manufacture, prepare, and package marijuana products;

173       or

174       (c) Sell marijuana and marijuana products to other

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175 marijuana product manufacturing facilities and to retail  
176 marijuana stores, but not to consumers.

177 (7) "Marijuana products" means concentrated marijuana and  
178 products that consist of marijuana and other ingredients and  
179 that are intended for use or consumption, including, but not  
180 limited to, edible products, ointments, and tinctures.

181 (8) "Marijuana testing facility" means an entity licensed  
182 to analyze and certify the safety and potency of marijuana.

183 (9) "Retail marijuana store" means an entity licensed to  
184 purchase marijuana from a marijuana cultivation facility and  
185 marijuana products from a marijuana product manufacturing  
186 facility and to sell marijuana and marijuana products to  
187 consumers.

188 566.012 Excise tax on marijuana.-

189 (1) An excise tax is imposed on the sale or transfer of  
190 marijuana from a marijuana cultivation facility to a retail  
191 marijuana store or marijuana product manufacturing facility.  
192 Each marijuana cultivation facility shall pay an excise tax at  
193 the rate of \$50 per ounce, or proportionate part thereof, on  
194 marijuana that is sold or transferred from a marijuana  
195 cultivation facility pursuant to part II.

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

198 (a) Beginning in 2016, on or about February 15 of each  
199 year, the department shall calculate the adjusted excise tax  
200 rates by multiplying the rates in effect on the calculation date  
201 by an inflation index computed as provided in paragraph (b). The  
202 adjusted rates must be rounded to the nearest cent and become  
203 effective on the first day of July immediately after the

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204 calculation. The division shall publish the annually adjusted  
205 excise tax rates and shall provide all necessary forms and  
206 reports.

207 (b) The inflation index is the Consumer Price Index for All  
208 Urban Consumers, U.S. City Average, or successor reports, as  
209 reported by the United States Department of Labor, Bureau of  
210 Labor Statistics, for the calendar year ending on December 31  
211 immediately before the calculation date, divided by the Consumer  
212 Price Index for the previous calendar year. The inflation index  
213 may not be less than one.

214 (c)1. A marijuana cultivation facility subject to the  
215 licensing requirements of s. 566.036 shall file, on or before  
216 the last day of each month, a return on a form prescribed and  
217 furnished by the division together with payment of the tax due  
218 under this part. The return must report all marijuana products  
219 held, purchased, manufactured, brought in, or caused to be  
220 brought in from outside the state or shipped or transported to a  
221 retail marijuana store or marijuana product manufacturing  
222 facility within the state during the previous calendar month. A  
223 marijuana cultivation facility shall keep a complete and  
224 accurate record at its principal place of business to  
225 substantiate all receipts and sales of marijuana products.

226 2. The return must include further information as the  
227 division may prescribe. Tax previously paid on marijuana  
228 products that are returned to a marijuana establishment because  
229 the product has become unfit for use, sale, or consumption and  
230 for marijuana products that are returned to a marijuana  
231 cultivation facility and that are subsequently destroyed by the  
232 marijuana cultivation facility may be taken as a credit on a



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233 subsequent return. The division may either witness the  
234 destruction of the product or may accept another form of proof  
235 that the product has been destroyed by the marijuana cultivation  
236 facility.

237 3. A person who is not a marijuana cultivation facility  
238 licensed pursuant to s. 566.034 who imports, receives, or  
239 otherwise acquires marijuana products for use or consumption in  
240 the state from a person other than a licensed marijuana  
241 cultivation facility shall file, on or before the last day of  
242 the month after each month in which marijuana products were  
243 acquired, a return on a form prescribed by the division together  
244 with payment of the tax imposed by this part at the rate  
245 provided in subsection (1). The return must report the quantity  
246 of marijuana products imported, received, or otherwise acquired  
247 from a person other than a licensed marijuana cultivation  
248 facility during the previous calendar month and additional  
249 information that the division may require.

250 (d) If a marijuana cultivation facility fails to make tax  
251 payments as required by this section, the division may revoke  
252 the marijuana cultivation facility's license.

253 566.013 Distribution of revenues.—Revenues derived from the  
254 tax imposed by this part must be credited to the General Revenue  
255 Fund. On or before the last day of each month, the Chief  
256 Financial Officer shall transfer 15 percent of the revenue  
257 received by the division during the preceding month pursuant to  
258 the tax imposed by s. 566.012 to the Alcoholic Beverage,  
259 Marijuana, and Tobacco Trust Fund established under s. 561.025.  
260 On or before the last day of each month, the Chief Financial  
261 Officer shall transfer the remainder of the revenues to the

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262 General Revenue Fund.

263 566.014 Annual report.—The division shall report annually  
264 beginning January 30, 2016, the amount of tax revenue collected  
265 pursuant to s. 566.012 and the amount distributed pursuant to s.  
266 561.025(3) to the appropriations committees of each house of the  
267 Legislature.

268 PART II

269 MARIJUANA REGULATION

270 566.031 Definitions.—As used in this part, the term:

271 (1) "Consumer" means a person 21 years of age or older who  
272 purchases marijuana or marijuana products for personal use by  
273 persons 21 years of age or older, but not for resale to others.

274 (2) "Department" has the same meaning as provided in s.  
275 566.011.

276 (3) "Division" has the same meaning as provided in s.  
277 566.011.

278 (4) "Licensee" means any individual, partnership,  
279 corporation, firm, association, or other legal entity holding a  
280 marijuana establishment license within the state.

281 (5) "Locality" means a municipality or, in reference to a  
282 location in the unorganized territory, the county in which that  
283 locality is located.

284 (6) "Marijuana" has the same meaning as provided in s.  
285 566.011.

286 (7) "Marijuana accessories" means equipment, products, or  
287 materials of any kind which are used, intended, or designed for  
288 use in planting, propagating, cultivating, growing, harvesting,  
289 composting, manufacturing, compounding, converting, producing,  
290 processing, preparing, testing, analyzing, packaging,

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291 repackaging, storing, vaporizing, or containing marijuana or for  
292 ingesting, inhaling, or otherwise introducing marijuana into the  
293 human body.

294 (8) "Marijuana cultivation facility" has the same meaning  
295 as provided in s. 566.011.

296 (9) "Marijuana establishment" has the same meaning as  
297 provided in s. 566.011.

298 (10) "Marijuana product manufacturing facility" has the  
299 same meaning as provided in s. 566.011.

300 (11) "Marijuana testing facility" has the same meaning as  
301 provided in s. 566.011.

302 (12) "Minor" means a person under 21 years of age.

303 (13) "Retail marijuana store" has the same meaning as  
304 provided in s. 566.011.

305 (14) "Seedling" means a marijuana plant that has no  
306 flowers, is less than 12 inches in height, and is less than 12  
307 inches in diameter.

308 566.0311 False identification.—

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

313 (a) Ordering, purchasing, or attempting to purchase or  
314 otherwise procuring or attempting to procure marijuana; or

315 (b) Gaining access to marijuana.

316 (2)(a) A minor who violates subsection (2) commits:

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

319 2. For a second offense, a noncriminal violation subject to

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320 a civil penalty of at least \$300 and not more than \$600, which  
321 may be suspended only as provided in paragraph (b).

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

325  
326 When a minor is adjudged to have committed a first offense under  
327 subsection (1), the judge shall inform that minor that the  
328 noncriminal penalties for the second and subsequent offenses are  
329 mandatory and may be suspended only as provided in paragraph  
330 (b). Failure to inform the minor that subsequent noncriminal  
331 penalties are mandatory is not a ground for suspension of any  
332 subsequent civil penalty.

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

338 566.032 Exemption from criminal and noncriminal penalties,  
339 seizure, or forfeiture.—Notwithstanding chapter 893 or any other  
340 provision of law, and except as provided in this part, the  
341 actions specified in this part are legal under the laws of this  
342 state and do not constitute a civil or criminal offense under  
343 the laws of this state or the law of any political subdivision  
344 within this state or serve as a basis for seizure or forfeiture  
345 of assets under state law.

346 566.033 Personal use of marijuana.—

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

348 (a) Use, possess, or transport marijuana accessories and up

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349 to 2 1/2 ounces of marijuana.

350 (b) Transfer or furnish, without remuneration, up to 2 1/2  
351 ounces of marijuana and up to six seedlings to a person who is  
352 21 years of age or older.

353 (c) Possess, grow, cultivate, process, or transport up to  
354 six marijuana plants, including seedlings, and possess the  
355 marijuana produced by the marijuana plants on the premises where  
356 the plants were grown.

357 (d) Purchase up to 2 1/2 ounces of marijuana, up to six  
358 seedlings, and marijuana accessories from a retail marijuana  
359 store.

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

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

366 (b) A person who elects to cultivate marijuana shall take  
367 reasonable precautions to ensure the plants are secure from  
368 unauthorized access or access by a person under 21 years of age.  
369 Reasonable precautions include, but are not limited to,  
370 cultivating marijuana in a fully enclosed secure outdoor area,  
371 locked closet, or locked room inaccessible to persons under 21  
372 years of age.

373 (3) A person may smoke or ingest marijuana in a nonpublic  
374 place, including a private residence.

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

377 (b) The prohibitions and limitations on smoking tobacco

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378 products in specified areas in part II of chapter 386 apply to  
379 marijuana.

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

383 566.034 Marijuana establishments.—

384 (1) A marijuana establishment may engage in the  
385 manufacture, possession, or purchase of marijuana, marijuana  
386 products, or marijuana accessories and sell marijuana, marijuana  
387 products, or marijuana accessories to a consumer as described in  
388 this section.

389 (a) A retail marijuana store may:

390 1. Possess, display, or transport marijuana, marijuana  
391 products, or marijuana accessories.

392 2. Purchase marijuana from a marijuana cultivation  
393 facility.

394 3. Purchase marijuana or marijuana products from a  
395 marijuana product manufacturing facility.

396 4. Sell marijuana, marijuana products, or marijuana  
397 accessories to consumers.

398 (b) A marijuana cultivation facility may:

399 1. Cultivate, harvest, process, package, transport,  
400 display, or possess marijuana.

401 2. Deliver or transfer marijuana to a marijuana testing  
402 facility.

403 3. Sell marijuana to another marijuana cultivation  
404 facility, a marijuana product manufacturing facility, or a  
405 retail marijuana store.

406 4. Purchase marijuana from another marijuana cultivation

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407 facility.

408 (c) A marijuana product manufacturing facility may:

409 1. Package, process, transport, manufacture, display, or  
410 possess marijuana or marijuana products.

411 2. Deliver or transfer marijuana or marijuana products to a  
412 marijuana testing facility.

413 3. Sell marijuana or marijuana products to a retail  
414 marijuana store or marijuana product manufacturing facility.

415 4. Purchase marijuana from a marijuana cultivation  
416 facility.

417 5. Purchase marijuana or marijuana products from a  
418 marijuana product manufacturing facility.

419 (d) A marijuana testing facility may possess, cultivate,  
420 process, repackage, store, transport, display, transfer, or  
421 deliver marijuana or marijuana products.

422  
423 A marijuana establishment may lease or otherwise allow the use  
424 of property owned, occupied, or controlled by a person,  
425 corporation, or other entity for any of the activities conducted  
426 lawfully in accordance with this subsection.

427 (2) This section does not prevent the imposition of  
428 penalties for violating this chapter or state or local rules  
429 adopted pursuant to this chapter.

430 566.035 Duties of the division.—The division shall:

431 (1) Enforce the laws and rules relating to the  
432 manufacturing, processing, labeling, storing, transporting,  
433 testing, and selling of marijuana by marijuana establishments  
434 and administer those laws relating to licensing and the  
435 collection of taxes.

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436 (2) Adopt rules consistent with this chapter for the  
437 administration and enforcement of laws regulating and licensing  
438 marijuana establishments.

439 (3) If determined necessary by the division, enter into a  
440 memorandum of understanding with the Department of Law  
441 Enforcement, a county sheriff, or other state or municipal law  
442 enforcement agency to perform inspections of marijuana  
443 establishments.

444 (4) Issue licenses for a marijuana cultivation facility,  
445 marijuana testing facility, marijuana product manufacturing  
446 facility, and retail marijuana store.

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

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

452 (7) Post on the department's publicly accessible website  
453 this chapter and all rules adopted under this chapter. The  
454 division shall notify all licensees of changes in the law and  
455 rules through a publicly accessible website posting within 90  
456 days after adjournment of each session of the Legislature. The  
457 division shall update the posting on the department's publicly  
458 accessible website to reflect new laws and rules before the  
459 effective date of the laws and rules.

460 (8) Certify monthly to the Chief Financial Officer a  
461 complete statement of revenues and expenses for licenses issued  
462 and for revenues collected by the division and submit an annual  
463 report that includes a complete statement of the revenues and  
464 expenses for the division to the Governor, the Speaker of the



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465 House of Representatives, and the President of the Senate.

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

470 (a) Continue to possess marijuana during the time its  
471 license is suspended, but may not dispense, transfer, or sell  
472 marijuana. If the marijuana establishment is a marijuana  
473 cultivation facility, it may continue to cultivate marijuana  
474 plants during the time its license is suspended. Marijuana may  
475 not be removed from the licensed premises except as authorized  
476 by the division and only for the purpose of destruction.

477 (b) Possess marijuana for up to 7 days after revocation of  
478 its license, during which time the marijuana establishment shall  
479 dispose of its inventory of marijuana in accordance with  
480 division rules.

481 (10) Beginning January 15, 2016, and annually thereafter,  
482 report to the committees of each house of the Legislature having  
483 jurisdiction over marijuana regulation. The report must include,  
484 but is not limited to, all rules adopted by the division and  
485 statistics regarding the number of marijuana establishment  
486 applications received, the number of applicants licensed, and  
487 the licensing fees collected within the previous year.

488 566.036 Licensing of marijuana establishments.-

489 (1) An applicant for a marijuana establishment license  
490 shall file an application on the form prescribed by the division  
491 for the type of marijuana establishment license sought, along  
492 with the application fee, not to exceed \$5,000, as set by rule.  
493 An applicant may apply for and be granted more than one type of

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494 marijuana establishment license, except that a person licensed  
495 as a marijuana testing facility may not hold another marijuana  
496 establishment license. The division shall begin accepting and  
497 processing applications on August 1, 2015.

498 (2) Upon receiving an application for a marijuana  
499 establishment license, the division shall immediately forward a  
500 copy of the application and 50 percent of the license  
501 application fee to the locality in which the applicant desires  
502 to operate.

503 (3) The division shall issue or renew a license to operate  
504 a marijuana establishment to an applicant who meets the  
505 requirements of the division as set forth in rule and in  
506 subsection (9) within 90 days after the date of receipt of the  
507 application unless:

508 (a) The division finds the applicant is not in compliance  
509 with this section or rules adopted by the division;

510 (b) The division is notified by the relevant locality that  
511 the applicant is not in compliance with an ordinance, rule, or  
512 regulation in effect at the time of application; or

513 (c) The number of marijuana establishments allowed in the  
514 locality has been limited pursuant to s. 566.037 or is limited  
515 by subsection (5) and the division has already licensed the  
516 maximum number of marijuana establishments allowed in the  
517 locality for the category of license that is sought.

518 (4) The following shall control when more than one  
519 application is received by the division for establishment of a  
520 marijuana establishment in the same locality:

521 (a) If a greater number of applications are received from  
522 qualified applicants to operate a marijuana establishment in a

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523 locality than are allowed under the limits enacted by the  
524 locality pursuant to s. 566.037 or pursuant to subsection (5),  
525 the division shall solicit and consider input from the locality  
526 regarding the locality's preference or preferences for  
527 licensure. Within 90 days after the date that the first  
528 application is received, the division may issue the maximum  
529 number of applicable licenses for each type of marijuana  
530 establishment license application received.

531 (b) In a competitive application process to determine which  
532 applicants will receive licenses for a marijuana establishment,  
533 the division shall give preference to an applicant who has at  
534 least 1 year of previous experience in operating another  
535 business in this state in compliance with state law.

536 (c) The division may not grant a license for a marijuana  
537 establishment to an applicant who has already received a license  
538 to operate the same type of marijuana establishment if doing so  
539 would prevent another qualified applicant from receiving a  
540 license.

541 (5) Unless the locality has prohibited retail marijuana  
542 stores or has enacted a lower limit on the number of retail  
543 marijuana stores, the division shall license no more than:

544 (a) One retail marijuana store per each 5,000 persons in a  
545 locality with a population of more than 20,000.

546 (b) Two retail marijuana stores in a locality with a  
547 population of at least 5,001 but less than 20,000.

548 (c) One retail marijuana store in a locality with a  
549 population of at least 2,000 but less than 5,001.

550  
551 The division may license one retail marijuana store in a

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552 locality where the population is less than 2,000 if the  
553 municipality or county commissioners for the locality has not  
554 prohibited retail marijuana stores. The division may grant a  
555 locality's request to allow additional marijuana stores. The  
556 division may consider the impact of seasonal population or  
557 tourism and other related information provided by the locality  
558 requesting an additional marijuana establishment location.

559 (6) Upon denial of an application, the division shall  
560 notify the applicant in writing of the specific reason for its  
561 denial.

562 (7) All licenses under this part are valid for 1 year from  
563 the date of issuance.

564 (8) A prospective licensee as a marijuana establishment:

565 (a) May not have been convicted of a disqualifying drug  
566 offense. For purposes of this section, "disqualifying drug  
567 offense" means a conviction for a violation of a state or  
568 federal controlled substance law which is a crime punishable by  
569 imprisonment for 1 year or more. It does not include an offense  
570 for which the sentence, including any term of probation,  
571 incarceration, or supervised release, was completed 10 or more  
572 years before application for licensure or an offense that  
573 consisted of conduct that would be permitted under this part.

574 (b) May not have had a previous license revoked for a  
575 marijuana establishment.

576 (c) If the applicant is a corporation, may not be issued a  
577 license if any of the principal officers of the corporation  
578 would be personally ineligible under paragraph (a) or paragraph  
579 (b).

580 (9) A marijuana establishment:

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581 (a) May not be located within 500 feet of the property line  
582 of a preexisting public or private school. The distance must be  
583 measured from the main entrance of the marijuana establishment  
584 to the main entrance of the school by the ordinary course of  
585 travel.

586 (b) Shall implement appropriate security measures,  
587 consistent with rules issued by the division, which are designed  
588 to prevent:

589 1. Unauthorized entrance into areas containing marijuana.

590 2. The theft of marijuana located on the premises or in  
591 transit to or from the premises by the licensee.

592 3. Tampering with or adulteration of the marijuana  
593 products.

594 4. Unauthorized access to marijuana or marijuana  
595 accessories.

596 5. Access to marijuana by or sales of marijuana to minors.

597 (c) Shall prepare and maintain documents that include  
598 procedures for the oversight of all aspects of operations and  
599 procedures to ensure accurate recordkeeping.

600 (d) Shall make available for inspection its license at the  
601 premises to which that license applies. A licensee may not  
602 refuse a representative of the division the right at any time to  
603 inspect the entire licensed premises or to audit the books and  
604 records of the licensee.

605 (e) May not sell marijuana to a minor or to a visibly  
606 intoxicated person.

607 (f) If the licensee is a retail marijuana store, may not  
608 allow a minor to enter or remain on the premises unless the  
609 minor is an employee of the division, a law enforcement officer,

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610 emergency personnel, or a contractor performing work on the  
611 facility that is not directly related to marijuana, such as  
612 installing or maintaining security devices or performing  
613 electrical wiring.

614 (g) May not sell marijuana between the hours of 1 a.m. and  
615 6 a.m.

616 (h) May not employ as a manager or leave in charge of the  
617 licensed premises any person who, by reason of conviction for a  
618 disqualifying drug offense or because of a revocation of that  
619 person's marijuana establishment license, is not eligible for a  
620 marijuana establishment license.

621 (i) If a retail marijuana store, may not offer any free  
622 merchandise, a rebate, or a gift to a consumer.

623 (j) If a retail marijuana store, may sell or furnish  
624 marijuana to a consumer only from the premises licensed by the  
625 department. A retail marijuana store may not, directly or  
626 indirectly, by any agent or employee, travel from locality to  
627 locality, or from place to place within the same locality,  
628 selling, bartering, carrying for sale, or exposing for sale  
629 marijuana from a vehicle.

630 (10) A person who intentionally provides false information  
631 on an application for a marijuana establishment license violates  
632 s. 837.06.

633 (11) When a licensee's license expires:

634 (a) A licensee who unintentionally fails to renew a license  
635 upon its expiration date and continues to engage in activities  
636 allowed by s. 566.034 may not be charged with illegal sales for  
637 a period of 7 days after the expiration date. A licensee who  
638 continues to make sales of marijuana after having been properly

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639 notified of the expired license may be charged with illegally  
640 selling marijuana.

641 (b) At least 30 days before expiration of a licensee's  
642 license issued pursuant to this part, the division shall notify  
643 the licensee by the most expedient means available:

644 1. That the licensee's license is scheduled to expire.

645 2. The date of expiration.

646 3. That all sales of marijuana must be suspended after the  
647 date of expiration and remain suspended until the license is  
648 properly renewed.

649  
650 Failure by the division to notify a licensee pursuant to this  
651 paragraph does not excuse a licensee from being charged with a  
652 violation of this part.

653 566.037 Local control.-

654 (1) A locality may prohibit the operation of one or more  
655 types of marijuana establishments through the enactment of an  
656 ordinance.

657 (2) If a locality does not prohibit the operation of a  
658 marijuana establishment pursuant to subsection (1), the  
659 following conditions apply:

660 (a) No later than September 1, 2015, a locality may enact  
661 an ordinance or regulation specifying the entity within the  
662 locality which is responsible for processing applications  
663 submitted for a licensee to operate a marijuana establishment  
664 within the boundaries of the locality. The locality may provide  
665 that the entity may issue such licenses if issuance by the  
666 locality becomes necessary because of a failure by the division  
667 to adopt rules pursuant to s. 566.035 or because of a failure by

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668 the division to process and issue licenses as required by s.  
669 566.036.

670 (b) A locality may enact ordinances, rules, or regulations  
671 pursuant to this paragraph as long as those ordinances, rules,  
672 or regulations do not conflict with this section or with rules  
673 issued pursuant to s. 566.035. The ordinances may:

674 1. Govern the time, place, and manner of operations and  
675 number of marijuana establishments.

676 2. Establish procedures for the issuance, suspension, and  
677 revocation of a license issued by the locality in accordance  
678 with paragraph (c) or paragraph (d).

679 3. Establish a schedule of annual operating, licensing, and  
680 application fees for a marijuana establishment. This  
681 subparagraph applies only if the application fee or licensing  
682 fee is submitted to a locality in accordance with paragraph (c)  
683 or (d).

684 4. Establish noncriminal penalties for violation of an  
685 ordinance, rule, or regulation governing the time, place, and  
686 manner that a marijuana establishment may operate in that  
687 locality.

688 (c) If the division does not begin issuing licenses by  
689 January 1, 2016, an applicant may submit an application directly  
690 to the locality in which it wants to operate. A locality that  
691 receives an application pursuant to this paragraph shall issue a  
692 license to an applicant within 90 days after receipt of the  
693 application unless the locality finds, and notifies the  
694 applicant, that the applicant is not in compliance with an  
695 ordinance, rule, or regulation made pursuant to s. 566.035 or  
696 paragraph (b) in effect at the time of application. The locality



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697 shall notify the division if the locality issues an annual  
698 license to the applicant.

699 (d) If the division does not issue a license to an  
700 applicant within 90 days after receipt of the application filed  
701 in accordance with s. 566.036 and does not notify the applicant  
702 of the specific reason for denial, in writing and within 90 days  
703 after receipt of the application, the applicant may resubmit its  
704 application directly to the locality, and the locality may issue  
705 an annual license to the applicant. A locality issuing a license  
706 to an applicant shall do so within 90 days after receipt of the  
707 resubmitted application unless the locality finds, and notifies  
708 the applicant, that the applicant is not in compliance with an  
709 ordinance, rule, or regulation made pursuant to s. 566.035 or  
710 paragraph (b) in effect at the time the application is  
711 resubmitted. The locality shall notify the division if the  
712 locality issues an annual license to the applicant. If an  
713 application is submitted to a locality under this paragraph, the  
714 division shall forward to the locality the application fee paid  
715 by the applicant to the division upon request by the locality.

716 (e) A license issued by a locality in accordance with  
717 paragraph (c) or paragraph (d) has the same effect as a license  
718 issued by the division in accordance with s. 566.036, and the  
719 holder of that license is not subject to regulation or  
720 enforcement by the division during the term of that license. A  
721 subsequent or renewed license may be issued under this paragraph  
722 on an annual basis if the division has not adopted rules  
723 required by s. 566.035 at least 90 days before the date upon  
724 which such subsequent or renewed license would be effective, or  
725 if the division has adopted rules pursuant to s. 566.041 but has

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726 not, at least 90 days after the adoption of those rules, issued  
727 any marijuana establishment licenses pursuant to s. 566.036.

728 566.038 Defense of state law.—The Attorney General shall,  
729 to the best of the abilities of the office and in good faith,  
730 advocate to quash any federal subpoena for records involving  
731 marijuana establishments.

732 566.039 Research.—Notwithstanding the provisions of this  
733 part regulating the distribution of marijuana, a scientific or  
734 medical researcher who has previously published peer-reviewed  
735 research may purchase, possess, and securely store marijuana for  
736 purposes of conducting research. A scientific or medical  
737 researcher may administer and distribute marijuana to a  
738 participant in research who is at least 21 years of age after  
739 receiving informed consent from that participant.

740 566.040 Construction.—

741 (1) EMPLOYMENT POLICIES.—This chapter does not require an  
742 employer to permit or accommodate the use, consumption,  
743 possession, transfer, display, transportation, sale, or growing  
744 of marijuana in the workplace or to affect the ability of  
745 employers to have policies restricting the use of marijuana by  
746 their employees.

747 (2) OPERATING UNDER THE INFLUENCE.—This chapter does not  
748 exempt a person from the laws prohibiting operating under the  
749 influence under chapter 316 or chapter 327.

750 (3) TRANSFER TO MINOR.—This chapter does not permit the  
751 transfer of marijuana, with or without remuneration, to a minor  
752 or to allow a minor to purchase, possess, use, transport, grow,  
753 or consume marijuana.

754 (4) RESTRICTION ON USE OF PROPERTY.—This chapter does not

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755 prohibit any person, employer, school, hospital, detention  
756 facility, corporation, or other entity that occupies, owns, or  
757 controls real property from prohibiting or otherwise regulating  
758 the possession, consumption, use, display, transfer,  
759 distribution, sale, transportation, or growing of marijuana on  
760 or in that real property.

761 566.041 Rulemaking.—The division shall adopt any rules  
762 necessary to administer and enforce the provisions of this  
763 chapter.

764 566.042 Good moral character.—Engaging in conduct allowed  
765 by this chapter may not be the basis for a finding of a lack of  
766 good moral character as that term is used in the Florida  
767 Statutes.

768 Section 5. Section 566.037, Florida Statutes, as created by  
769 this act, which relates to local control, shall take effect upon  
770 this act becoming a law.

771 Section 6. Rulemaking.—This section shall take effect upon  
772 this act becoming a law.

773 (1) By June 1, 2015, the Division of Alcoholic Beverages,  
774 Marijuana, and Tobacco of the Department of Business and  
775 Professional Regulation shall adopt emergency rules for the  
776 administration and the enforcement of laws regulating and  
777 licensing marijuana establishments pursuant to part II of  
778 chapter 566, Florida Statutes, as created by this act. These  
779 rules must be developed by the division and may not be  
780 contracted out to an entity outside the division. These rules  
781 may not prohibit the operation of marijuana establishments,  
782 either expressly or through restrictions that make the operation  
783 of marijuana establishments unreasonably impracticable. As used

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784 in this section, "unreasonably impracticable" means that the  
785 measures necessary to comply with the rules require such a high  
786 investment of risk, money, time, or other resource or asset that  
787 the operation of a marijuana establishment is not worthy of  
788 being carried out in practice by a reasonably prudent  
789 businessperson.

790 (2) Rules adopted pursuant to this section must include:

791 (a) Provisions for administering and enforcing part II of  
792 chapter 566, Florida Statutes, including oversight requirements  
793 and noncriminal penalties for violations.

794 (b) The form and content of applications for each type of  
795 marijuana establishment license, registration renewal forms, and  
796 associated licensing and renewal fee schedules, except that an  
797 application, licensing, or renewal fee may not exceed \$5,000.

798 (c) Procedures allowing an applicant who has been denied a  
799 license due to failure to meet the requirements for licensing to  
800 correct the reason for failure.

801 (d) Procedures and timelines for background checks and  
802 appeals.

803 (e) Rules governing the transfer of a license, which must  
804 be substantially the same as rules governing the transfer of a  
805 beverage license under chapter 561, Florida Statutes.

806 (f) Minimum standards for employment, including  
807 requirements for background checks, restrictions against hiring  
808 persons under 21 years of age, and safeguards to protect against  
809 unauthorized employee access to marijuana.

810 (g) Minimum recordkeeping requirements, including the  
811 recording of the disposal of marijuana that is not sold. Rules  
812 developed pursuant to this subsection may not require a consumer

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813 to provide a retail marijuana store with personal information  
814 other than government-issued identification to determine the  
815 consumer's age or require the retail marijuana store to acquire  
816 and record personal information about its consumers.

817 (h) Health and safety rules and standards for the  
818 manufacture of marijuana products and the cultivation of  
819 marijuana.

820 (i) Labeling requirements for marijuana and marijuana  
821 products sold or distributed by a marijuana establishment.

822 (j) Restrictions on the advertising, signage, and display  
823 of marijuana and marijuana products.

824 (k) Minimum security requirements, including standards to  
825 reasonably protect against unauthorized access to marijuana at  
826 all stages of the licensee's possession, transportation,  
827 storage, and cultivation of marijuana; these security  
828 requirements may not prohibit outdoor cultivation in an  
829 enclosed, secured space.

830 (l) Procedures for enforcing s. 566.035(9) and (10),  
831 Florida Statutes, including noncriminal penalties for  
832 violations, procedures for suspending or terminating the license  
833 of a licensee who violates licensing provisions or the rules  
834 adopted pursuant to this section, and procedures for appeals of  
835 penalties or licensing actions.

836 (m) Any other oversight requirements that the division  
837 determines are necessary to administer the laws relating to  
838 licensing marijuana establishments.

839 (3) Rules adopted pursuant to this section may not prohibit  
840 a locality, as defined in s. 566.031, Florida Statutes, from  
841 limiting the number of each type of licensee who may operate in

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842 the locality or from enacting reasonable regulations applicable  
843 to licensees.

844 Section 7. Paragraph (p) of subsection (1) of section  
845 500.03, Florida Statutes, is amended to read:

846 500.03 Definitions; construction; applicability.—

847 (1) For the purpose of this chapter, the term:

848 (p) "Food establishment" means any factory, food outlet, or  
849 any other facility manufacturing, processing, packing, holding,  
850 or preparing food or selling food at wholesale or retail. The  
851 term does not include any business or activity that is regulated  
852 under s. 500.80, chapter 509, or chapter 601. The term includes  
853 a retail marijuana store that sells food containing marijuana  
854 pursuant to chapter 566. The term includes tomato packinghouses  
855 and repackers but does not include any other establishments that  
856 pack fruits and vegetables in their raw or natural states,  
857 including those fruits or vegetables that are washed, colored,  
858 or otherwise treated in their unpeeled, natural form before they  
859 are marketed.

860 Section 8. Section 500.105, Florida Statutes, is created to  
861 read:

862 500.105 Retail marijuana store food products containing  
863 marijuana.—Food products containing marijuana which are prepared  
864 in a food establishment that holds a permit under s. 500.12, if  
865 required, and which are sold by a retail marijuana store  
866 licensed under chapter 566 are not considered adulterated under  
867 this chapter due to the presence of marijuana.

868 Section 9. Subsection (1) of section 562.13, Florida  
869 Statutes, is amended to read:

870 562.13 Employment of minors or certain other persons by

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871 certain vendors prohibited; exceptions.—

872 (1) Unless otherwise provided in this section, it is  
873 unlawful for a ~~any~~ vendor licensed under the Beverage Law or a  
874 licensee under chapter 566 to employ a ~~any~~ person under 18 years  
875 of age.

876 Section 10. Subsection (1) of section 569.0073, Florida  
877 Statutes, is amended to read:

878 569.0073 Special provisions; smoking pipes and smoking  
879 devices.—

880 (1) A person may not ~~It is unlawful for any person to~~ offer  
881 for sale at retail any of the items listed in subsection (2)  
882 unless such person:

883 (a) Has a retail tobacco products dealer permit under s.  
884 569.003 or is a marijuana establishment licensed under s.  
885 566.036. The provisions of this chapter apply to any person that  
886 offers for retail sale any of the items listed in subsection  
887 (2); and

888 (b)1. Derives at least 75 percent of its annual gross  
889 revenues from the retail sale of cigarettes, cigars, and other  
890 tobacco products or marijuana products sold in compliance with  
891 chapter 566; or

892 2. Derives no more than 25 percent of its annual gross  
893 revenues from the retail sale of the items listed in subsection  
894 (2).

895 Section 11. Subsection (11) is added to section 893.13,  
896 Florida Statutes, to read:

897 893.13 Prohibited acts; penalties.—

898 (11) Subsections (1)-(8) are not applicable to conduct  
899 authorized under chapter 566.

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900 Section 12. Subsection (1) of section 893.135, Florida  
901 Statutes, is amended to read:

902 893.135 Trafficking; mandatory sentences; suspension or  
903 reduction of sentences; conspiracy to engage in trafficking.—

904 (1) Except as authorized in this chapter, ~~or in~~ chapter  
905 499, or chapter 566 and notwithstanding ~~the provisions of~~ s.  
906 893.13:

907 (a) A ~~Any~~ person who knowingly sells, purchases,  
908 manufactures, delivers, or brings into this state, or who is  
909 knowingly in actual or constructive possession of, in excess of  
910 25 pounds of cannabis, or 300 or more cannabis plants, commits a  
911 felony of the first degree, which felony shall be known as  
912 "trafficking in cannabis," punishable as provided in s. 775.082,  
913 s. 775.083, or s. 775.084. If the quantity of cannabis involved:

914 1. Is in excess of 25 pounds, but less than 2,000 pounds,  
915 or is 300 or more cannabis plants, but not more than 2,000  
916 cannabis plants, such person shall be sentenced to a mandatory  
917 minimum term of imprisonment of 3 years, and the defendant shall  
918 be ordered to pay a fine of \$25,000.

919 2. Is 2,000 pounds or more, but less than 10,000 pounds, or  
920 is 2,000 or more cannabis plants, but not more than 10,000  
921 cannabis plants, such person shall be sentenced to a mandatory  
922 minimum term of imprisonment of 7 years, and the defendant shall  
923 be ordered to pay a fine of \$50,000.

924 3. Is 10,000 pounds or more, or is 10,000 or more cannabis  
925 plants, such person shall be sentenced to a mandatory minimum  
926 term of imprisonment of 15 calendar years and pay a fine of  
927 \$200,000.

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929 For the purpose of this paragraph, a plant, including, but not  
930 limited to, a seedling or cutting, is a "cannabis plant" if it  
931 has some readily observable evidence of root formation, such as  
932 root hairs. To determine if a piece or part of a cannabis plant  
933 severed from the cannabis plant is itself a cannabis plant, the  
934 severed piece or part must have some readily observable evidence  
935 of root formation, such as root hairs. Callous tissue is not  
936 readily observable evidence of root formation. The viability and  
937 sex of a plant and the fact that the plant may or may not be a  
938 dead harvested plant are not relevant in determining if the  
939 plant is a "cannabis plant" or in the charging of an offense  
940 under this paragraph. Upon conviction, the court shall impose  
941 the longest term of imprisonment provided for in this paragraph.

942 (b)1. A ~~Any~~ person who knowingly sells, purchases,  
943 manufactures, delivers, or brings into this state, or who is  
944 knowingly in actual or constructive possession of, 28 grams or  
945 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
946 mixture containing cocaine, but less than 150 kilograms of  
947 cocaine or any such mixture, commits a felony of the first  
948 degree, which felony shall be known as "trafficking in cocaine,"  
949 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
950 If the quantity involved:

951 a. Is 28 grams or more, but less than 200 grams, such  
952 person shall be sentenced to a mandatory minimum term of  
953 imprisonment of 3 years, and the defendant shall be ordered to  
954 pay a fine of \$50,000.

955 b. Is 200 grams or more, but less than 400 grams, such  
956 person shall be sentenced to a mandatory minimum term of  
957 imprisonment of 7 years, and the defendant shall be ordered to

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958 pay a fine of \$100,000.

959 c. Is 400 grams or more, but less than 150 kilograms, such  
960 person shall be sentenced to a mandatory minimum term of  
961 imprisonment of 15 calendar years and pay a fine of \$250,000.

962 2. A ~~Any~~ person who knowingly sells, purchases,  
963 manufactures, delivers, or brings into this state, or who is  
964 knowingly in actual or constructive possession of, 150 kilograms  
965 or more of cocaine, as described in s. 893.03(2)(a)4., commits  
966 the first degree felony of trafficking in cocaine. A person who  
967 has been convicted of the first degree felony of trafficking in  
968 cocaine under this subparagraph shall be punished by life  
969 imprisonment and is ineligible for any form of discretionary  
970 early release except pardon or executive clemency or conditional  
971 medical release under s. 947.149. However, if the court  
972 determines that, in addition to committing any act specified in  
973 this paragraph:

974 a. The person intentionally killed an individual or  
975 counseled, commanded, induced, procured, or caused the  
976 intentional killing of an individual and such killing was the  
977 result; or

978 b. The person's conduct in committing that act led to a  
979 natural, though not inevitable, lethal result,  
980  
981 such person commits the capital felony of trafficking in  
982 cocaine, punishable as provided in ss. 775.082 and 921.142. A  
983 ~~Any~~ person sentenced for a capital felony under this paragraph  
984 shall also be sentenced to pay the maximum fine provided under  
985 subparagraph 1.

986 3. A ~~Any~~ person who knowingly brings into this state 300

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987 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
988 and who knows that the probable result of such importation would  
989 be the death of a ~~any~~ person, commits capital importation of  
990 cocaine, a capital felony punishable as provided in ss. 775.082  
991 and 921.142. A ~~Any~~ person sentenced for a capital felony under  
992 this paragraph shall also be sentenced to pay the maximum fine  
993 provided under subparagraph 1.

994 (c)1. A ~~Any~~ person who knowingly sells, purchases,  
995 manufactures, delivers, or brings into this state, or who is  
996 knowingly in actual or constructive possession of, 4 grams or  
997 more of any morphine, opium, oxycodone, hydrocodone,  
998 hydromorphone, or any salt, derivative, isomer, or salt of an  
999 isomer thereof, including heroin, as described in s.  
1000 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more  
1001 of any mixture containing any such substance, but less than 30  
1002 kilograms of such substance or mixture, commits a felony of the  
1003 first degree, which felony shall be known as "trafficking in  
1004 illegal drugs," punishable as provided in s. 775.082, s.  
1005 775.083, or s. 775.084. If the quantity involved:  
1006 a. Is 4 grams or more, but less than 14 grams, such person  
1007 shall be sentenced to a mandatory minimum term of imprisonment  
1008 of 3 years, and the defendant shall be ordered to pay a fine of  
1009 \$50,000.  
1010 b. Is 14 grams or more, but less than 28 grams, such person  
1011 shall be sentenced to a mandatory minimum term of imprisonment  
1012 of 15 years, and the defendant shall be ordered to pay a fine of  
1013 \$100,000.  
1014 c. Is 28 grams or more, but less than 30 kilograms, such  
1015 person shall be sentenced to a mandatory minimum term of

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1016 imprisonment of 25 calendar years and pay a fine of \$500,000.

1017 2. A ~~Any~~ person who knowingly sells, purchases,  
1018 manufactures, delivers, or brings into this state, or who is  
1019 knowingly in actual or constructive possession of, 30 kilograms  
1020 or more of any morphine, opium, oxycodone, hydrocodone,  
1021 hydromorphone, or any salt, derivative, isomer, or salt of an  
1022 isomer thereof, including heroin, as described in s.  
1023 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
1024 more of any mixture containing any such substance, commits the  
1025 first degree felony of trafficking in illegal drugs. A person  
1026 who has been convicted of the first degree felony of trafficking  
1027 in illegal drugs under this subparagraph shall be punished by  
1028 life imprisonment and is ineligible for any form of  
1029 discretionary early release except pardon or executive clemency  
1030 or conditional medical release under s. 947.149. However, if the  
1031 court determines that, in addition to committing any act  
1032 specified in this paragraph:

1033 a. The person intentionally killed an individual or  
1034 counseled, commanded, induced, procured, or caused the  
1035 intentional killing of an individual and such killing was the  
1036 result; or

1037 b. The person's conduct in committing that act led to a  
1038 natural, though not inevitable, lethal result,  
1039  
1040 such person commits the capital felony of trafficking in illegal  
1041 drugs, punishable as provided in ss. 775.082 and 921.142. A ~~Any~~  
1042 person sentenced for a capital felony under this paragraph shall  
1043 also be sentenced to pay the maximum fine provided under  
1044 subparagraph 1.

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1045           3. A ~~Any~~ person who knowingly brings into this state 60  
1046 kilograms or more of any morphine, opium, oxycodone,  
1047 hydrocodone, hydromorphone, or any salt, derivative, isomer, or  
1048 salt of an isomer thereof, including heroin, as described in s.  
1049 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or  
1050 more of any mixture containing any such substance, and who knows  
1051 that the probable result of such importation would be the death  
1052 of a ~~any~~ person, commits capital importation of illegal drugs, a  
1053 capital felony punishable as provided in ss. 775.082 and  
1054 921.142. A ~~Any~~ person sentenced for a capital felony under this  
1055 paragraph shall also be sentenced to pay the maximum fine  
1056 provided under subparagraph 1.

1057           (d)1. A ~~Any~~ person who knowingly sells, purchases,  
1058 manufactures, delivers, or brings into this state, or who is  
1059 knowingly in actual or constructive possession of, 28 grams or  
1060 more of phencyclidine or of any mixture containing  
1061 phencyclidine, as described in s. 893.03(2)(b), commits a felony  
1062 of the first degree, which felony shall be known as "trafficking  
1063 in phencyclidine," punishable as provided in s. 775.082, s.  
1064 775.083, or s. 775.084. If the quantity involved:

1065           a. Is 28 grams or more, but less than 200 grams, such  
1066 person shall be sentenced to a mandatory minimum term of  
1067 imprisonment of 3 years, and the defendant shall be ordered to  
1068 pay a fine of \$50,000.

1069           b. Is 200 grams or more, but less than 400 grams, such  
1070 person shall be sentenced to a mandatory minimum term of  
1071 imprisonment of 7 years, and the defendant shall be ordered to  
1072 pay a fine of \$100,000.

1073           c. Is 400 grams or more, such person shall be sentenced to

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1074 a mandatory minimum term of imprisonment of 15 calendar years  
1075 and pay a fine of \$250,000.

1076 2. A ~~Any~~ person who knowingly brings into this state 800  
1077 grams or more of phencyclidine or of any mixture containing  
1078 phencyclidine, as described in s. 893.03(2)(b), and who knows  
1079 that the probable result of such importation would be the death  
1080 of a ~~any~~ person commits capital importation of phencyclidine, a  
1081 capital felony punishable as provided in ss. 775.082 and  
1082 921.142. A ~~Any~~ person sentenced for a capital felony under this  
1083 paragraph shall also be sentenced to pay the maximum fine  
1084 provided under subparagraph 1.

1085 (e)1. A ~~Any~~ person who knowingly sells, purchases,  
1086 manufactures, delivers, or brings into this state, or who is  
1087 knowingly in actual or constructive possession of, 200 grams or  
1088 more of methaqualone or of any mixture containing methaqualone,  
1089 as described in s. 893.03(1)(d), commits a felony of the first  
1090 degree, which felony shall be known as "trafficking in  
1091 methaqualone," punishable as provided in s. 775.082, s. 775.083,  
1092 or s. 775.084. If the quantity involved:

1093 a. Is 200 grams or more, but less than 5 kilograms, such  
1094 person shall be sentenced to a mandatory minimum term of  
1095 imprisonment of 3 years, and the defendant shall be ordered to  
1096 pay a fine of \$50,000.

1097 b. Is 5 kilograms or more, but less than 25 kilograms, such  
1098 person shall be sentenced to a mandatory minimum term of  
1099 imprisonment of 7 years, and the defendant shall be ordered to  
1100 pay a fine of \$100,000.

1101 c. Is 25 kilograms or more, such person shall be sentenced  
1102 to a mandatory minimum term of imprisonment of 15 calendar years

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1103 and pay a fine of \$250,000.

1104 2. A ~~Any~~ person who knowingly brings into this state 50  
1105 kilograms or more of methaqualone or of any mixture containing  
1106 methaqualone, as described in s. 893.03(1)(d), and who knows  
1107 that the probable result of such importation would be the death  
1108 of a ~~any~~ person commits capital importation of methaqualone, a  
1109 capital felony punishable as provided in ss. 775.082 and  
1110 921.142. A ~~Any~~ person sentenced for a capital felony under this  
1111 paragraph shall also be sentenced to pay the maximum fine  
1112 provided under subparagraph 1.

1113 (f)1. A ~~Any~~ person who knowingly sells, purchases,  
1114 manufactures, delivers, or brings into this state, or who is  
1115 knowingly in actual or constructive possession of, 14 grams or  
1116 more of amphetamine, as described in s. 893.03(2)(c)2., or  
1117 methamphetamine, as described in s. 893.03(2)(c)4., or of any  
1118 mixture containing amphetamine or methamphetamine, or  
1119 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine  
1120 in conjunction with other chemicals and equipment utilized in  
1121 the manufacture of amphetamine or methamphetamine, commits a  
1122 felony of the first degree, which felony shall be known as  
1123 "trafficking in amphetamine," punishable as provided in s.  
1124 775.082, s. 775.083, or s. 775.084. If the quantity involved:

1125 a. Is 14 grams or more, but less than 28 grams, such person  
1126 shall be sentenced to a mandatory minimum term of imprisonment  
1127 of 3 years, and the defendant shall be ordered to pay a fine of  
1128 \$50,000.

1129 b. Is 28 grams or more, but less than 200 grams, such  
1130 person shall be sentenced to a mandatory minimum term of  
1131 imprisonment of 7 years, and the defendant shall be ordered to

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1132 pay a fine of \$100,000.

1133 c. Is 200 grams or more, such person shall be sentenced to  
1134 a mandatory minimum term of imprisonment of 15 calendar years  
1135 and pay a fine of \$250,000.

1136 2. A ~~Any~~ person who knowingly manufactures or brings into  
1137 this state 400 grams or more of amphetamine, as described in s.  
1138 893.03(2)(c)2., or methamphetamine, as described in s.  
1139 893.03(2)(c)4., or of any mixture containing amphetamine or  
1140 methamphetamine, or phenylacetone, phenylacetic acid,  
1141 pseudoephedrine, or ephedrine in conjunction with other  
1142 chemicals and equipment used in the manufacture of amphetamine  
1143 or methamphetamine, and who knows that the probable result of  
1144 such manufacture or importation would be the death of a ~~any~~  
1145 person commits capital manufacture or importation of  
1146 amphetamine, a capital felony punishable as provided in ss.  
1147 775.082 and 921.142. A ~~Any~~ person sentenced for a capital felony  
1148 under this paragraph shall also be sentenced to pay the maximum  
1149 fine provided under subparagraph 1.

1150 (g)1. A ~~Any~~ person who knowingly sells, purchases,  
1151 manufactures, delivers, or brings into this state, or who is  
1152 knowingly in actual or constructive possession of, 4 grams or  
1153 more of flunitrazepam or any mixture containing flunitrazepam as  
1154 described in s. 893.03(1)(a) commits a felony of the first  
1155 degree, which felony shall be known as "trafficking in  
1156 flunitrazepam," punishable as provided in s. 775.082, s.  
1157 775.083, or s. 775.084. If the quantity involved:

1158 a. Is 4 grams or more but less than 14 grams, such person  
1159 shall be sentenced to a mandatory minimum term of imprisonment  
1160 of 3 years, and the defendant shall be ordered to pay a fine of



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1161 \$50,000.

1162 b. Is 14 grams or more but less than 28 grams, such person  
1163 shall be sentenced to a mandatory minimum term of imprisonment  
1164 of 7 years, and the defendant shall be ordered to pay a fine of  
1165 \$100,000.

1166 c. Is 28 grams or more but less than 30 kilograms, such  
1167 person shall be sentenced to a mandatory minimum term of  
1168 imprisonment of 25 calendar years and pay a fine of \$500,000.

1169 2. A ~~Any~~ person who knowingly sells, purchases,  
1170 manufactures, delivers, or brings into this state or who is  
1171 knowingly in actual or constructive possession of 30 kilograms  
1172 or more of flunitrazepam or any mixture containing flunitrazepam  
1173 as described in s. 893.03(1)(a) commits the first degree felony  
1174 of trafficking in flunitrazepam. A person who has been convicted  
1175 of the first degree felony of trafficking in flunitrazepam under  
1176 this subparagraph shall be punished by life imprisonment and is  
1177 ineligible for any form of discretionary early release except  
1178 pardon or executive clemency or conditional medical release  
1179 under s. 947.149. However, if the court determines that, in  
1180 addition to committing any act specified in this paragraph:

1181 a. The person intentionally killed an individual or  
1182 counseled, commanded, induced, procured, or caused the  
1183 intentional killing of an individual and such killing was the  
1184 result; or

1185 b. The person's conduct in committing that act led to a  
1186 natural, though not inevitable, lethal result,

1187  
1188 such person commits the capital felony of trafficking in  
1189 flunitrazepam, punishable as provided in ss. 775.082 and

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1190 921.142. A ~~Any~~ person sentenced for a capital felony under this  
1191 paragraph shall also be sentenced to pay the maximum fine  
1192 provided under subparagraph 1.

1193 (h)1. A ~~Any~~ person who knowingly sells, purchases,  
1194 manufactures, delivers, or brings into this state, or who is  
1195 knowingly in actual or constructive possession of, 1 kilogram or  
1196 more of gamma-hydroxybutyric acid (GHB), as described in s.  
1197 893.03(1) (d), or any mixture containing gamma-hydroxybutyric  
1198 acid (GHB), commits a felony of the first degree, which felony  
1199 shall be known as "trafficking in gamma-hydroxybutyric acid  
1200 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.  
1201 775.084. If the quantity involved:

1202 a. Is 1 kilogram or more but less than 5 kilograms, such  
1203 person shall be sentenced to a mandatory minimum term of  
1204 imprisonment of 3 years, and the defendant shall be ordered to  
1205 pay a fine of \$50,000.

1206 b. Is 5 kilograms or more but less than 10 kilograms, such  
1207 person shall be sentenced to a mandatory minimum term of  
1208 imprisonment of 7 years, and the defendant shall be ordered to  
1209 pay a fine of \$100,000.

1210 c. Is 10 kilograms or more, such person shall be sentenced  
1211 to a mandatory minimum term of imprisonment of 15 calendar years  
1212 and pay a fine of \$250,000.

1213 2. A ~~Any~~ person who knowingly manufactures or brings into  
1214 this state 150 kilograms or more of gamma-hydroxybutyric acid  
1215 (GHB), as described in s. 893.03(1) (d), or any mixture  
1216 containing gamma-hydroxybutyric acid (GHB), and who knows that  
1217 the probable result of such manufacture or importation would be  
1218 the death of a ~~any~~ person commits capital manufacture or

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1219 importation of gamma-hydroxybutyric acid (GHB), a capital felony  
1220 punishable as provided in ss. 775.082 and 921.142. A ~~Any~~ person  
1221 sentenced for a capital felony under this paragraph shall also  
1222 be sentenced to pay the maximum fine provided under subparagraph  
1223 1.

1224 (i)1. A ~~Any~~ person who knowingly sells, purchases,  
1225 manufactures, delivers, or brings into this state, or who is  
1226 knowingly in actual or constructive possession of, 1 kilogram or  
1227 more of gamma-butyrolactone (GBL), as described in s.  
1228 893.03(1)(d), or any mixture containing gamma-butyrolactone  
1229 (GBL), commits a felony of the first degree, which felony shall  
1230 be known as "trafficking in gamma-butyrolactone (GBL),"   
1231 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
1232 If the quantity involved:

1233 a. Is 1 kilogram or more but less than 5 kilograms, such  
1234 person shall be sentenced to a mandatory minimum term of  
1235 imprisonment of 3 years, and the defendant shall be ordered to  
1236 pay a fine of \$50,000.

1237 b. Is 5 kilograms or more but less than 10 kilograms, such  
1238 person shall be sentenced to a mandatory minimum term of  
1239 imprisonment of 7 years, and the defendant shall be ordered to  
1240 pay a fine of \$100,000.

1241 c. Is 10 kilograms or more, such person shall be sentenced  
1242 to a mandatory minimum term of imprisonment of 15 calendar years  
1243 and pay a fine of \$250,000.

1244 2. A ~~Any~~ person who knowingly manufactures or brings into  
1245 the state 150 kilograms or more of gamma-butyrolactone (GBL), as  
1246 described in s. 893.03(1)(d), or any mixture containing gamma-  
1247 butyrolactone (GBL), and who knows that the probable result of

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1248 such manufacture or importation would be the death of a a ~~any~~  
1249 person commits capital manufacture or importation of gamma-  
1250 butyrolactone (GBL), a capital felony punishable as provided in  
1251 ss. 775.082 and 921.142. A ~~Any~~ person sentenced for a capital  
1252 felony under this paragraph shall also be sentenced to pay the  
1253 maximum fine provided under subparagraph 1.

1254 (j)1. A ~~Any~~ person who knowingly sells, purchases,  
1255 manufactures, delivers, or brings into this state, or who is  
1256 knowingly in actual or constructive possession of, 1 kilogram or  
1257 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of  
1258 any mixture containing 1,4-Butanediol, commits a felony of the  
1259 first degree, which felony shall be known as "trafficking in  
1260 1,4-Butanediol," punishable as provided in s. 775.082, s.  
1261 775.083, or s. 775.084. If the quantity involved:

1262 a. Is 1 kilogram or more, but less than 5 kilograms, such  
1263 person shall be sentenced to a mandatory minimum term of  
1264 imprisonment of 3 years, and the defendant shall be ordered to  
1265 pay a fine of \$50,000.

1266 b. Is 5 kilograms or more, but less than 10 kilograms, such  
1267 person shall be sentenced to a mandatory minimum term of  
1268 imprisonment of 7 years, and the defendant shall be ordered to  
1269 pay a fine of \$100,000.

1270 c. Is 10 kilograms or more, such person shall be sentenced  
1271 to a mandatory minimum term of imprisonment of 15 calendar years  
1272 and pay a fine of \$500,000.

1273 2. A ~~Any~~ person who knowingly manufactures or brings into  
1274 this state 150 kilograms or more of 1,4-Butanediol as described  
1275 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,  
1276 and who knows that the probable result of such manufacture or

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1277 importation would be the death of a ~~any~~ person commits capital  
1278 manufacture or importation of 1,4-Butanediol, a capital felony  
1279 punishable as provided in ss. 775.082 and 921.142. A ~~Any~~ person  
1280 sentenced for a capital felony under this paragraph shall also  
1281 be sentenced to pay the maximum fine provided under subparagraph  
1282 1.

1283 (k)1. A ~~Any~~ person who knowingly sells, purchases,  
1284 manufactures, delivers, or brings into this state, or who is  
1285 knowingly in actual or constructive possession of, 10 grams or  
1286 more of any of the following substances described in s.

1287 893.03(1)(c):

- 1288 a. 3,4-Methylenedioxymethamphetamine (MDMA);
- 1289 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 1290 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 1291 d. 2,5-Dimethoxyamphetamine;
- 1292 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 1293 f. N-ethylamphetamine;
- 1294 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 1295 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 1296 i. 4-methoxyamphetamine;
- 1297 j. 4-methoxymethamphetamine;
- 1298 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 1299 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 1300 m. 3,4-Methylenedioxyamphetamine;
- 1301 n. N,N-dimethylamphetamine; or
- 1302 o. 3,4,5-Trimethoxyamphetamine,

1303  
1304 individually or in any combination of or any mixture containing  
1305 any substance listed in sub-subparagraphs a.-o., commits a

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1306 felony of the first degree, which felony shall be known as  
1307 "trafficking in Phenethylamines," punishable as provided in s.  
1308 775.082, s. 775.083, or s. 775.084.

1309 2. If the quantity involved:

1310 a. Is 10 grams or more but less than 200 grams, such person  
1311 shall be sentenced to a mandatory minimum term of imprisonment  
1312 of 3 years, and the defendant shall be ordered to pay a fine of  
1313 \$50,000.

1314 b. Is 200 grams or more, but less than 400 grams, such  
1315 person shall be sentenced to a mandatory minimum term of  
1316 imprisonment of 7 years, and the defendant shall be ordered to  
1317 pay a fine of \$100,000.

1318 c. Is 400 grams or more, such person shall be sentenced to  
1319 a mandatory minimum term of imprisonment of 15 calendar years  
1320 and pay a fine of \$250,000.

1321 3. A ~~Any~~ person who knowingly manufactures or brings into  
1322 this state 30 kilograms or more of any of the following  
1323 substances described in s. 893.03(1)(c):

1324 a. 3,4-Methylenedioxymethamphetamine (MDMA);

1325 b. 4-Bromo-2,5-dimethoxyamphetamine;

1326 c. 4-Bromo-2,5-dimethoxyphenethylamine;

1327 d. 2,5-Dimethoxyamphetamine;

1328 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);

1329 f. N-ethylamphetamine;

1330 g. N-Hydroxy-3,4-methylenedioxyamphetamine;

1331 h. 5-Methoxy-3,4-methylenedioxyamphetamine;

1332 i. 4-methoxyamphetamine;

1333 j. 4-methoxymethamphetamine;

1334 k. 4-Methyl-2,5-dimethoxyamphetamine;

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- 1335           1. 3,4-Methylenedioxy-N-ethylamphetamine;  
 1336           m. 3,4-Methylenedioxyamphetamine;  
 1337           n. N,N-dimethylamphetamine; or  
 1338           o. 3,4,5-Trimethoxyamphetamine,  
 1339  
 1340 individually or in any combination of or any mixture containing  
 1341 any substance listed in sub-subparagraphs a.-o., and who knows  
 1342 that the probable result of such manufacture or importation  
 1343 would be the death of a ~~any~~ person commits capital manufacture  
 1344 or importation of Phenethylamines, a capital felony punishable  
 1345 as provided in ss. 775.082 and 921.142. A ~~Any~~ person sentenced  
 1346 for a capital felony under this paragraph shall also be  
 1347 sentenced to pay the maximum fine provided under subparagraph 1.  
 1348           (1)1. A ~~Any~~ person who knowingly sells, purchases,  
 1349 manufactures, delivers, or brings into this state, or who is  
 1350 knowingly in actual or constructive possession of, 1 gram or  
 1351 more of lysergic acid diethylamide (LSD) as described in s.  
 1352 893.03(1)(c), or of any mixture containing lysergic acid  
 1353 diethylamide (LSD), commits a felony of the first degree, which  
 1354 felony shall be known as "trafficking in lysergic acid  
 1355 diethylamide (LSD)," punishable as provided in s. 775.082, s.  
 1356 775.083, or s. 775.084. If the quantity involved:  
 1357           a. Is 1 gram or more, but less than 5 grams, such person  
 1358 shall be sentenced to a mandatory minimum term of imprisonment  
 1359 of 3 years, and the defendant shall be ordered to pay a fine of  
 1360 \$50,000.  
 1361           b. Is 5 grams or more, but less than 7 grams, such person  
 1362 shall be sentenced to a mandatory minimum term of imprisonment  
 1363 of 7 years, and the defendant shall be ordered to pay a fine of

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1364 \$100,000.

1365 c. Is 7 grams or more, such person shall be sentenced to a  
1366 mandatory minimum term of imprisonment of 15 calendar years and  
1367 pay a fine of \$500,000.

1368 2. A ~~Any~~ person who knowingly manufactures or brings into  
1369 this state 7 grams or more of lysergic acid diethylamide (LSD)  
1370 as described in s. 893.03(1)(c), or any mixture containing  
1371 lysergic acid diethylamide (LSD), and who knows that the  
1372 probable result of such manufacture or importation would be the  
1373 death of a ~~any~~ person commits capital manufacture or importation  
1374 of lysergic acid diethylamide (LSD), a capital felony punishable  
1375 as provided in ss. 775.082 and 921.142. A ~~Any~~ person sentenced  
1376 for a capital felony under this paragraph shall also be  
1377 sentenced to pay the maximum fine provided under subparagraph 1.

1378 Section 13. Except as otherwise expressly provided in this  
1379 act, this act shall take effect July 1, 2015.