

1 A bill to be entitled
2 An act relating to legalization of recreational
3 marijuana; providing a short title; amending s.
4 20.165, F.S.; renaming the Division of Alcoholic
5 Beverages and Tobacco of the Department of Business
6 and Professional Regulation; amending s. 561.025,
7 F.S.; renaming the Alcoholic Beverage and Tobacco
8 Trust Fund; specifying distribution of funds;
9 providing directives to the Division of Law Revision;
10 creating ch. 566, F.S., entitled "Recreational
11 Marijuana"; providing definitions; exempting certain
12 activities involving marijuana from use and possession
13 offenses; authorizing persons age 21 and over to
14 engage in certain activities involving personal use of
15 marijuana in limited amounts; providing limits on
16 where persons may engage in specified activities;
17 prohibiting the use of false identification by persons
18 under 21 years of age for specified activities
19 relating to recreational marijuana; providing
20 noncriminal penalties; providing for personal
21 cultivation; specifying possession limits; specifying
22 duties of the Division of Alcoholic Beverages,
23 Marijuana, and Tobacco; creating a cannabis equity
24 program; providing for fee waiver and loan programs;
25 establishing special provisions for equity applicants

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

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

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

101 regulation of on-premises cannabis consumption;
102 authorizing establishment of restricted cannabis
103 zones; providing a process for local governments to
104 create such zones; providing requirements for such
105 zones; providing for enforcement of tax provisions;
106 providing for search, seizure, and forfeiture of
107 cannabis in certain circumstances; requiring a report
108 concerning a grant program; amending s. 500.03, F.S.;
109 providing that marijuana establishments that sell food
110 containing marijuana are considered food service
111 establishments for the purposes of specified
112 regulations; creating s. 500.105, F.S.; specifying
113 that food products containing marijuana that are
114 prepared in permitted food establishments and sold by
115 licensed retail marijuana stores are not considered
116 adulterated; amending s. 562.13, F.S.; providing that
117 it is unlawful for marijuana establishments to employ
118 persons under 18 years of age; amending s. 569.0073,
119 F.S.; exempting licensed marijuana establishments from
120 specified provisions regulating the sale of pipes and
121 smoking devices; amending s. 893.03, F.S.; removing
122 cannabis from the schedule of controlled substances;
123 amending ss. 893.13 and 893.135, F.S.; providing that
124 conduct authorized under chapter 566, F.S., is not
125 prohibited by specified controlled substance

126 prohibitions; removing restrictions of possession and
127 sale of cannabis; creating s. 893.13501, F.S.;
128 providing for retroactive effect of amendments to ss.
129 893.03, 893.13, and 893.135, F.S., by this act;
130 providing for sentencing review for certain offenders;
131 requiring notice to certain offenders; providing
132 procedures for resentencing or release of offenders;
133 providing exceptions; amending s. 921.0022, F.S.;
134 conforming provisions to changes made by the act;
135 creating s. 943.0586, F.S.; providing definitions;
136 authorizing an individual convicted of certain crimes
137 to obtain sealing of his or her criminal history
138 record or petition the court for expunction of his or
139 her criminal history record under certain
140 circumstances; requiring the individual to first
141 obtain a certificate of eligibility from the
142 Department of Law Enforcement; requiring the
143 department to adopt rules establishing the procedures
144 for applying for and issuing such certificates;
145 requiring the department to issue a certificate under
146 certain circumstances; providing for the expiration of
147 and reapplication for the certificate; providing for
148 sealing of certain records up the department's
149 determination of eligibility; providing requirements
150 for the petition for expunction; providing criminal

151 penalties; providing for the court's authority over
152 its own procedures, with an exception; requiring the
153 court to order the expunction of a criminal history
154 record under certain circumstances; providing that
155 expunction of certain criminal history records does
156 not affect eligibility for expunction of other
157 criminal history records; providing procedures for
158 processing expunction petitions and orders; providing
159 that a person granted an expunction may lawfully deny
160 or fail to acknowledge the underlying arrest or
161 conviction, with exceptions; providing that a person
162 may not be deemed to have committed perjury or
163 otherwise held liable for giving a false statement if
164 he or she fails to recite or acknowledge an expunged
165 criminal history record; amending s. 943.0595, F.S.;
166 conforming provisions to changes made by the act;
167 providing effective dates.

168
169 WHEREAS, cannabis prohibition had a devastating impact on
170 communities across Florida and across the United States, and

171 WHEREAS, persons convicted of a cannabis offense and their
172 families suffer the long-term consequences of prohibition while
173 some individuals have a more difficult time entering the
174 cannabis industry due, in part, to a lack of access to capital,

175 business space, technical support, and regulatory compliance
 176 assistance, and

177 WHEREAS, offering technical support, regulatory compliance
 178 assistance, and assistance with securing the capital necessary
 179 to begin a business will further reduce barriers to licensure
 180 and employment in the regulated industry, and

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

184 WHEREAS, it is the intent of the Legislature in enacting
 185 this act to ensure that persons most harmed by cannabis
 186 criminalization and poverty be offered assistance to enter the
 187 multi-billion dollar cannabis industry as entrepreneurs or as
 188 employees with high quality, well-paying jobs, and

189 WHEREAS, it is the intent of the Legislature in enacting
 190 this act that the cannabis industry be representative of the
 191 state's population, and that barriers to entering the industry
 192 are reduced through support of cannabis equity programs, NOW,
 193 THEREFORE,

194
 195 Be It Enacted by the Legislature of the State of Florida:

196
 197 Section 1. This act may be cited as the "Florida Adult Use
 198 and Equity Act."

199 Section 2. Paragraph (b) of subsection (2) of section

200 20.165, Florida Statutes, is amended to read:

201 20.165 Department of Business and Professional
 202 Regulation.—There is created a Department of Business and
 203 Professional Regulation.

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

206 (b) Division of Alcoholic Beverages, Marijuana, and
 207 Tobacco.

208 Section 3. Section 561.025, Florida Statutes, is amended
 209 to read:

210 561.025 Alcoholic Beverage, Marijuana, and Tobacco Trust
 211 Fund.—There is created within the State Treasury the Alcoholic
 212 Beverage, Marijuana, and Tobacco Trust Fund. All funds collected
 213 by the division under ss. 210.15, 210.40, or under s. 569.003
 214 and the Beverage Law with the exception of state funds collected
 215 pursuant to ss. 563.05, 564.06, and 565.12 shall be deposited in
 216 the State Treasury to the credit of the trust fund,
 217 notwithstanding any other provision of law to the contrary. In
 218 addition, funds collected by the division under chapter 566
 219 shall be deposited into the trust fund. Moneys deposited to the
 220 credit of the trust fund shall be used to operate the division
 221 and to provide a proportionate share of the operation of the
 222 office of the secretary and the Division of Administration of
 223 the Department of Business and Professional Regulation; except
 224 that:

225 (1) The revenue transfer provisions of ss. 561.32 and
 226 561.342(1) and (2) shall continue in full force and effect, and
 227 the division shall cause such revenue to be returned to the
 228 municipality or county in the manner provided for in s. 561.32
 229 or s. 561.342(1) and (2). ~~and~~

230 (2) Ten percent of the revenues derived from retail
 231 tobacco products dealer permit fees collected under s. 569.003
 232 shall be transferred to the Department of Education to provide
 233 for teacher training and for research and evaluation to reduce
 234 and prevent the use of tobacco products by children.

235 Section 4. (1) The Division of Law Revision is directed
 236 to prepare a reviser's bill for the 2022 Regular Session of the
 237 Legislature to:

238 (a) Redesignate the Division of Alcoholic Beverages and
 239 Tobacco of the Department of Business and Professional
 240 Regulation as the "Division of Alcoholic Beverages, Marijuana,
 241 and Tobacco" and the Alcoholic Beverage and Tobacco Trust Fund
 242 as the "Alcoholic Beverage, Marijuana, and Tobacco Trust Fund,"
 243 respectively, wherever those terms appear in the Florida
 244 Statutes.

245 (b) Correct any cross-references in the Florida Statutes
 246 that need revision due to the changes made by this act.

247 (2) Division of Law Revision is directed to substitute the
 248 date this act becomes law for the phrase "the effective date of
 249 this act" wherever it occurs in the text of this act or any bill

250 adhering to this act.

251 Section 5. Chapter 566, Florida Statutes, consisting of
252 sections 566.011 through 566.806, is created to read:

253 CHAPTER 566

254 RECREATIONAL MARIJUANA

255 566.011 Definitions.—As used in this chapter, the term:

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

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

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

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

272 (5) "Cannabis" means marijuana, hashish, and other
273 substances that are identified as including any parts of the
274 plant Cannabis sativa and including derivatives or subspecies,

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

290 (6) "Cannabis business establishment" means a cultivation
 291 center, craft grower, processing organization, dispensing
 292 organization, or transporting organization.

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

296 (8) "Cannabis container" means a sealed, traceable,
 297 container, or package used for the purpose of containment of
 298 cannabis or cannabis-infused product during transportation.

299 (9) "Cannabis equity program" means a program adopted or

300 operated by the state that focuses on inclusion and support of
301 individuals in Florida's cannabis industry who are linked to
302 populations or neighborhoods that were negatively or
303 disproportionately impacted by cannabis criminalization.

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

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

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

314 (c) Assistance in paying state regulatory and licensing
315 fees.

316 (d) Assistance securing business locations before or
317 during the application process.

318 (e) Assistance securing capital investments.

319 (f) Assistance with regulatory compliance.

320 (g) Assistance in recruitment, training, and retention of
321 a qualified and diverse workforce, including transitional
322 workers.

323 (10) "Cannabis flower" means marijuana, hashish, and other
324 substances that are identified as including any parts of and any

325 derivatives or subspecies from, the plant Cannabis sativa, such
326 as indica, of all strains of cannabis, including raw kief,
327 leaves, and buds, but not resin that has been extracted from any
328 part of such plant; or any compound, manufacture, salt,
329 derivative, mixture, or preparation of such plant, its seeds, or
330 resin.

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

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

344 (13) "Cannabis testing facility" means an entity
345 registered by the department to test cannabis for potency and
346 contaminants.

347 (14) "Clone" means a plant section from a female cannabis
348 plant not yet rootbound, growing in a water solution or other
349 propagation matrix, that is capable of developing into a new

350 plant.

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

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

365 (17) "Consumer" means a person 21 years of age or older
366 who purchases marijuana or marijuana products for personal use
367 by persons 21 years of age or older, but not for resale to

368 (18) "Craft grower" means a facility operated by an
369 organization or business that is licensed by the department to
370 cultivate, dry, cure, and package cannabis and perform other
371 necessary activities to make cannabis available for sale at a
372 dispensing organization or use at a processing organization. A
373 craft grower may contain up to 5,000 square feet of canopy space
374 on its premises for plants in the flowering state. The

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

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

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

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

400 (22) "Department" means the Department of Business and
401 Professional Regulation.

402 (23) "Dispensary" means a facility operated by a
403 dispensing organization at which activities licensed by this
404 chapter may occur.

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

415 (25) "Disproportionately impacted area" means a census
416 tract or comparable geographic area that, as determined by the
417 Department of Economic Opportunity, satisfies the following
418 criteria:

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

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

424 (c) At least 20 percent of the households in the area

425 receive assistance under the Supplemental Nutrition Assistance
426 Program.

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

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

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

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

446 (28) "Early approval adult use dispensing organization at
447 a secondary site" means a license that permits a medical
448 marijuana treatment center licensed under s. 381.986 as of the
449 effective date of this chapter to begin selling cannabis to

450 purchasers as permitted by this chapter on January 1, 2022, at a
451 different dispensary location from its existing registered
452 medical dispensary location.

453 (29) "Early approval adult use dispensing organization
454 license" means a license that permits a medical marijuana
455 treatment center licensed under s. 381.986 as of the effective
456 date of this chapter to begin selling cannabis to purchasers as
457 permitted by this chapter as of January 1, 2022.

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

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

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

470 1. Is the primary residence of the individual cultivating
471 five or fewer cannabis plants that are more than 5 inches tall;
472 and

473 2. Includes sleeping quarters and indoor plumbing. The
474 space must only be accessible by a key or code that is different

475 from any key or code that can be used to access the residential
476 building from the exterior; or

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

479 1. Includes sleeping quarters and indoor plumbing; and

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

484 (32) "Financial institution" has the same meaning as in s.
485 655.005, and also includes the holding companies, subsidiaries,
486 and affiliates of such financial organizations.

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

491 (a) If greater than two stigmas are visible at each
492 internode of the plant; or

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

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

499 (35) "Infuser organization" or "infuser" means a facility

500 operated by an organization or business that is licensed by the
501 department to directly incorporate cannabis or cannabis
502 concentrate into a product formulation to produce a cannabis-
503 infused product.

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

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

525 | or certification of the bona fide labor organization.

526 | (38) "Licensee" means any individual, partnership,
 527 | corporation, firm, association, or other legal entity holding a
 528 | marijuana establishment license within the state.

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

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

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

546 | (42) "Member of an impacted family" means an individual
 547 | who has a parent, legal guardian, child, spouse, or dependent,
 548 | or was a dependent of an individual who, before the effective
 549 | date of this chapter, was arrested for, convicted of, or

550 adjudicated delinquent for any offense that is eligible for
551 expungement under this chapter.

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

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

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

561 (46) "Ownership and control" means ownership of at least
562 51 percent of the business, including corporate stock if a
563 corporation, and control over the management and day-to-day
564 operations of the business and an interest in the capital,
565 assets, and profits and losses of the business proportionate to
566 percentage of ownership.

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

572 (48) "Primary residence" means a dwelling where a person
573 usually stays or stays more often than other locations. It may
574 be determined by, without limitation, presence, tax filings, the

575 address on a driver license, a state issued identification card,
576 or voter registration. A person may not have more than one
577 primary residence.

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

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

597 (51) "Processing organization agent" means a principal
598 officer, board member, employee, or agent of a processing
599 organization.

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

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

606 (54) "Residence" or "resided" means an individual's
 607 primary residence area as established by the following:

608 (a) A signed lease agreement that includes the applicant's
 609 name.

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

611 (c) School records.

612 (d) A voter registration card.

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

615 (f) A paycheck stub.

616 (g) A utility bill.

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

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

622 (56) "Smoking" means the inhalation of smoke caused by the
 623 combustion of cannabis.

624 (57) "Social equity applicant" means an applicant that is

625 a resident of this state who meets one of the following
626 criteria:

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

631 (b) An applicant with at least 51 percent ownership and
632 control by one or more individuals who:

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

636 2. Is a member of an impacted family;

637 (c) for applicants with a minimum of 10 full-time
638 employees, an applicant with at least 51 percent of current
639 employees who:

640 1. Currently reside in a disproportionately impacted area;

641 or

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

645

646 This chapter does not permit an employer to require an employee
647 to disclose sealed or expunged offenses, unless otherwise
648 required by law.

649 (58) "Tincture" means a cannabis-infused solution,

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

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

- 661 (a) Is homeless;
662 (b) Is a custodial single parent;
663 (c) Is receiving public assistance;
664 (d) Lacks a GED or high school diploma;
665 (e) Has a criminal record or other involvement with the
666 criminal justice system;
667 (f) Suffers from chronic unemployment;
668 (g) Is emancipated from the foster care system;
669 (h) Is a veteran; or
670 (i) Is over 65 years of age and is financially
671 compromised.

672 (60) "Transporting organization" or "transporter" means an
673 organization or business that is licensed by the department to
674 transport cannabis on behalf of a cannabis business

675 establishment or a community college licensed under the
676 Community College Cannabis Vocational Training Pilot Program.

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

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

682 566.012 Exemption from criminal and noncriminal penalties,
683 seizure, or forfeiture.—Notwithstanding chapter 893 or any other
684 provision of law, and except as provided in this chapter, the
685 actions specified in this chapter are legal under the laws of
686 this state and do not constitute a civil or criminal offense
687 under the laws of this state or under the laws of any political
688 subdivision within this state or serve as a basis for seizure or
689 forfeiture of assets under state law.

690 566.013 Personal use of marijuana.—

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

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

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

697 (c) Possess, grow, cultivate, process, or transport up to
698 six marijuana plants, including seedlings, and possess the
699 marijuana produced by the marijuana plants on the premises where

700 the plants were grown.

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

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

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

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

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

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

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

724 (c) A person who smokes marijuana in a public place other

725 than as governed by part II of chapter 386 commits a noncriminal
726 violation subject to a civil penalty of \$100.

727 566.0131 False identification.—

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

732 (a) Ordering, purchasing, attempting to purchase, or
733 otherwise procuring or attempting to procure marijuana; or

734 (b) Gaining access to marijuana.

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

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

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

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

744
745 When a minor is adjudged to have committed a first offense under
746 subsection (1), the judge shall inform that minor that the
747 noncriminal penalties for the second and subsequent offenses are
748 mandatory and may only be suspended as provided in paragraph
749 (b). Failure to inform the minor that subsequent noncriminal

750 penalties are mandatory is not a ground for suspension of any
751 subsequent civil penalty.

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

757 566.014 Personal cultivation.—

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

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

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

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

774 (2) Notwithstanding any other provision of law, and except

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

781 (3) Cultivating cannabis for personal use is subject to
782 the following limitations:

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

788 (b) Cannabis cultivation must take place in an enclosed,
789 locked space.

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

793 (d) Cannabis plants may not be stored or placed in a
794 location where they are subject to ordinary public view. A
795 registered qualifying patient who cultivates cannabis under this
796 section shall take reasonable precautions to ensure the plants
797 are secure from unauthorized access, including unauthorized
798 access by a person under 21 years of age.

799 (4) Cannabis cultivation may occur only on residential

800 property lawfully in possession of the cultivator or with the
801 consent of the person in lawful possession of the property. An
802 owner or lessor of residential property may prohibit the
803 cultivation of cannabis by a lessee.

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

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

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

819 566.015 Possession limits.-

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

- 823 1. Thirty grams of cannabis flower.
824 2. No more than 500 milligrams of THC contained in

825 cannabis-infused product.

826 3. Five grams of cannabis concentrate.

827 (b) For registered qualifying patients, any cannabis
 828 produced by cannabis plants grown under s. 566.012(2), provided
 829 any amount of cannabis produced in excess of 30 grams of raw
 830 cannabis or its equivalent must remain secured within the
 831 residence or residential property in which it was grown.

832 (2) (a) For a person who is 21 years of age or older and
 833 who is not a resident of this state, the possession limit is:

834 1. Fifteen grams of cannabis flower.

835 2. Two and one-half grams of cannabis concentrate.

836 3. Two hundred fifty milligrams of THC contained in a
 837 cannabis-infused product.

838 (b) The possession limits found in subparagraphs (a)1. and
 839 2. are to be considered cumulative.

840 (3) A person may not knowingly obtain, seek to obtain, or
 841 possess an amount of cannabis from a dispensing organization or
 842 craft grower that would cause him or her to exceed the
 843 possession limit under this section, including cannabis that is
 844 cultivated by a person under this chapter or obtained under s.
 845 381.986.

846 566.201 Duties of the division.—The division shall:

847 (1) Enforce the laws and rules relating to the
 848 manufacturing, processing, labeling, storing, transporting,
 849 testing, and selling of marijuana by marijuana establishments

850 and administer those laws relating to licensing and the
851 collection of taxes.

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

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

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

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

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

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

875 effective date of the laws and rules.

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

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

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

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

897 (10) Beginning January 15, 2023, and annually thereafter,
898 report to the committees of each house of the Legislature having
899 jurisdiction over marijuana regulation. The report must include,

900 but is not limited to, all rules adopted by the division and
901 statistics regarding the number of marijuana establishment
902 applications received, and licensed and the licensing fees
903 collected within the previous year.

904 566.2015 Cannabis Equity Program.-

905 (1) The division shall within 90 days after the effective
906 date of this act create a cannabis equity program. When
907 determining whether to provide technical assistance, the
908 department shall make individual determinations based on the
909 reasonableness of the request and available resources.

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

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

918 (4) The division shall review an application based on the
919 following factors:

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

922 (b) Any additional relevant and reasonable criteria the
923 division deems relevant.

924 (5) The division shall grant funding to an eligible

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

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

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

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

945 (a) Serve as a point of contact for cannabis equity
946 programs.

947 (b) On or before December 1, 2021, publish approved
948 guidelines for grant applicants on the its website.

949 566.2016 Fee waiver and loan programs.-

950 (1) On or before December 1, 2021, the division shall
951 develop and implement a program to provide a deferral or waiver
952 for an application fee, a licensing fee, or renewal fee
953 otherwise required for a needs-based applicant or needs-based
954 licensee.

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

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

964 (2) On or before December 1, 2021, the division and the
965 Office of Economic Opportunity shall create a low-interest loan
966 program to be administered by cannabis equity programs for
967 cannabis equity applicants. The division shall determine the
968 amount of dollars required for the fund based on community need.

969 566.2017 Equity applicant or licensee microbusinesses.-

970 (1) Any cannabis equity applicant or licensee that
971 operates a microbusiness shall:

972 (a) Be permitted to use experience points to come from
973 educational programs provided by the division.

974 (b) Be exempt from cannabis-specific experience and allow

975 experience from other regulated industries.

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

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

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

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

988 566.202 Early approval adult use dispensing organization
989 license.—

990 (1) Any medical marijuana dispensary holding a valid
991 registration under s. 381.986 as of the effective date of this
992 act may, within 60 days after the effective date of this act,
993 apply to the department for an early approval adult use
994 dispensing organization license to serve purchasers at any
995 medical cannabis dispensing location in operation on the
996 effective date of this act, pursuant to this section.

997 (2) A medical marijuana dispensary seeking issuance of an
998 early approval adult use dispensing organization license to
999 serve purchasers at any medical cannabis dispensing location in

1000 operation as of the effective date of this act shall submit an
 1001 application on forms provided by the department. The application
 1002 must be submitted by the same person or entity that holds the
 1003 medical marijuana dispensary registration and include the
 1004 following:

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

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

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

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

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

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

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

1023 (h) Identification of one of the following social equity
 1024 inclusion plans to be completed by March 31, 2023:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1090 (7) A medical marijuana treatment center that obtains an
1091 early approval adult use dispensing organization license may
1092 begin selling cannabis, cannabis-infused products,
1093 paraphernalia, and related items to purchasers under the rules
1094 of this chapter no sooner than January 1, 2022.

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

1100 medical cannabis products provided to patients and caregivers on
1101 an average monthly basis for the 6 months before the effective
1102 date of this act.

1103 (9) If there is a shortage of cannabis or cannabis-infused
1104 products, a medical marijuana treatment center holding both a
1105 medical marijuana treatment center license and a license under
1106 this chapter shall prioritize serving qualifying patients and
1107 caregivers before serving purchasers.

1108 (10) Notwithstanding any law or rule to the contrary, a
1109 medical marijuana treatment center licensed under s. 381.986
1110 that is also an early approval adult use dispensing organization
1111 licensee may permit purchasers into a limited access area as
1112 that term is defined in administrative rules made under the
1113 authority in s. 381.986.

1114 (11) An early approval adult use dispensing organization
1115 license is valid until March 31, 2023. A medical marijuana
1116 treatment center that obtains an early approval adult use
1117 dispensing organization license shall receive written or
1118 electronic notice 90 days before the expiration of the license
1119 that the license will expire, and inform the licenseholder that
1120 it may renew its early approval adult use dispensing
1121 organization license. The department shall renew the early
1122 approval adult use dispensing organization license within 60
1123 days after the renewal application being deemed complete if:

1124 (a) The medical marijuana treatment center submits an

1125 application and the required nonrefundable renewal fee as
1126 provided in s. 566.801, to be deposited into the Alcoholic
1127 Beverage, Marijuana, and Tobacco Trust Fund.

1128 (b) The department has not suspended or revoked the early
1129 approval adult use dispensing organization license or a medical
1130 cannabis medical marijuana treatment center license on the same
1131 premises for violations of this chapter, s. 381.986, or rules
1132 adopted pursuant to those either of them.

1133 (c) The medical marijuana treatment center has completed a
1134 social equity inclusion plan as required by paragraph (2) (h).

1135 (12) The early approval adult use dispensing organization
1136 license renewed pursuant to subsection (11) shall expire March
1137 31, 2024. The early approval adult use dispensing organization
1138 licensee shall receive written or electronic notice 90 days
1139 before the expiration of the license that the license will
1140 expire, and inform the licenseholder that it may apply for an
1141 adult use dispensing organization license. The department shall
1142 grant an adult use dispensing organization license within 60
1143 days after an application being deemed complete if the applicant
1144 has met all of the criteria in s. 566.2032.

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

1150 until it receives an adult use dispensing organization license.

1151 (14) A medical marijuana treatment center agent who holds
1152 a valid medical marijuana treatment center agent identification
1153 card issued under s. 381.986 and is an officer, director,
1154 manager, or employee of the medical marijuana treatment center
1155 licensed under this section may engage in all activities
1156 authorized by this chapter to be performed by a medical
1157 marijuana treatment center agent.

1158 (15) (a) If the department suspends or revokes the early
1159 approval adult use dispensing organization license of a
1160 dispensing organization that is also a medical marijuana
1161 treatment center licensed under s. 381.986, the department may
1162 consider the suspension or revocation as grounds to take
1163 disciplinary action against the medical cannabis dispensing
1164 organization license.

1165 (b) If, within 360 days after the effective date of this
1166 act, a dispensing organization is unable to find a location
1167 within the BLS Regions prescribed in which to operate an early
1168 approval adult use dispensing organization at a secondary site
1169 because no jurisdiction within the prescribed area allows the
1170 operation of an adult use cannabis dispensing organization, the
1171 department may waive the geographic restrictions and specify
1172 another BLS Region into which the dispensary may be placed.

1173 (c) A medical marijuana treatment center licensed under s.
1174 381.986 as of the effective date of this act may, within 60 days

HB 1597

2021

1175 after the effective date of this act, apply to the department
1176 for an early approval adult use dispensing organization license
1177 to operate a dispensing organization to serve purchasers at a
1178 secondary site not within 1,500 feet of another medical
1179 marijuana treatment center.

1180 (d) A medical marijuana treatment center licensed under s.
1181 381.986 seeking issuance of an early approval adult use
1182 dispensing organization license at a secondary site to serve
1183 purchasers at a secondary site as prescribed in this section
1184 shall submit an application on forms provided by the department.
1185 The application must meet or include the following
1186 qualifications:

1187 1. Payment of a nonrefundable application fee as provided
1188 in s. 566.801.

1189 2. Proof of registration as a medical marijuana treatment
1190 center licensed under s. 381.986 that is in good standing.

1191 3. Submission of the application by the same person or
1192 entity that holds the medical cannabis dispensing organization
1193 registration.

1194 4. The legal name of the medical marijuana treatment
1195 center.

1196 5. The physical address of the medical cannabis treatment
1197 center and the proposed physical address of the secondary site.

1198 6. A copy of the current local zoning ordinance sections
1199 relevant to dispensary operations and documentation of the

1200 approval, the conditional approval or the status of a request
1201 for zoning approval from the local zoning office that the
1202 proposed dispensary location is in compliance with the local
1203 zoning rules.

1204 7. A plot plan of the dispensary drawn to scale. The
1205 applicant shall submit general specifications of the building
1206 exterior and interior layout.

1207 8. A statement that the dispensing organization agrees to
1208 respond to the department's supplemental requests for
1209 information.

1210 9. For the building or land to be used as the proposed
1211 dispensary:

1212 a. If the property is not owned by the applicant, a
1213 written statement from the property owner and landlord, if any,
1214 certifying consent that the applicant may operate a dispensary
1215 on the premises; or

1216 b. If the property is owned by the applicant, confirmation
1217 of ownership;

1218 10. A copy of the proposed operating bylaws.

1219 11. A copy of the proposed business plan that complies
1220 with the requirements in this chapter, including, at a minimum,
1221 the following:

1222 a. A description of services to be offered.

1223 b. A description of the process of dispensing cannabis;

1224 12. A copy of the proposed security plan that complies

- 1225 with the requirements in this chapter, including:
- 1226 a. A description of the delivery process by which cannabis
- 1227 will be received from a transporting organization, including
- 1228 receipt of manifests and protocols that will be used to avoid
- 1229 diversion, theft, or loss at the dispensary acceptance point.
- 1230 b. The process or controls that will be implemented to
- 1231 monitor the dispensary, secure the premises, agents, patients,
- 1232 and currency, and prevent the diversion, theft, or loss of
- 1233 cannabis.
- 1234 c. The process to ensure that access to the restricted
- 1235 access areas is restricted to, registered agents, service
- 1236 professionals, transporting organization agents, department
- 1237 inspectors, and security personnel.
- 1238 13. A proposed inventory control plan that complies with
- 1239 this section.
- 1240 14. The name, address, social security number, and date of
- 1241 birth of each principal officer and board member of the
- 1242 dispensing organization; each of those individuals must be at
- 1243 least 21 years of age.
- 1244 15. A nonrefundable cannabis business development fee as
- 1245 provided in s. 566.804, to be paid to the department to be used
- 1246 to encourage development of businesses of social equity
- 1247 applicants.
- 1248 16. A commitment to completing one of the social equity
- 1249 inclusion plans in paragraph (e).

1250 (e) Before receiving an early approval adult use
1251 dispensing organization license at a secondary site, a
1252 dispensing organization shall indicate the social equity
1253 inclusion plan that the applicant plans to achieve before the
1254 expiration of the early approval adult use dispensing
1255 Organization License from the following list:

1256 1. Make a contribution of 3 percent of total sales from
1257 June 1, 2018 to June 1, 2019, or \$100,000, whichever is less, to
1258 the department to be used to encourage development of businesses
1259 of social equity applicants. This is in addition to the fee
1260 required by subparagraph (d)15.;

1261 2. Make a grant of 3 percent of total sales from June 1,
1262 2018 to June 1, 2019, or \$100,000, whichever is less, to a
1263 cannabis industry training or education program at a Florida
1264 college system institution;

1265 3. Make a donation of \$100,000 or more to a program that
1266 provides job training services to persons recently incarcerated
1267 or that operates in a disproportionately impacted area;

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

1275 "incubate" means providing direct financial assistance and
1276 training necessary to engage in licensed cannabis industry
1277 activity similar to that of the host licensee. The early
1278 approval adult use dispensing organization license holder or the
1279 same entity holding any other licenses issued under this chapter
1280 shall not take an ownership stake of greater than 10 percent in
1281 any business receiving incubation services to comply with this
1282 paragraph. If an early approval adult use dispensing
1283 organization license at a secondary site holder fails to find a
1284 business to incubate in order to comply with this paragraph
1285 before its early approval adult use dispensing organization
1286 license at a secondary site expires, it may opt to meet the
1287 requirement of this paragraph by completing another item from
1288 this paragraph before the expiration of its early approval adult
1289 use dispensing organization license at a secondary site to avoid
1290 a penalty; or

1291 5. Participate in a sponsorship program for at least 2
1292 years approved by the Department of Economic Opportunity in
1293 which an early approval adult use dispensing organization
1294 license at a secondary site holder agrees to provide an
1295 interest-free loan of at least \$200,000 to a social equity
1296 applicant. The sponsor shall not take an ownership stake of
1297 greater than 10 percent in any business receiving sponsorship
1298 services to comply with this paragraph.

1299 (f) The license fee required by subparagraph (d)1. is in

1300 addition to any license fee required for the renewal of a
1301 medical marijuana treatment center license.

1302 (g) Applicants must submit all required information,
1303 including the requirements in paragraph (d) to the department.
1304 Failure by an applicant to submit all required information may
1305 result in the application being disqualified.

1306 (h) If the department receives an application that fails
1307 to provide the required elements contained in paragraph (d), the
1308 department shall issue a deficiency notice to the applicant. The
1309 applicant shall have 10 calendar days after the date of the
1310 deficiency notice to submit complete information. Applications
1311 that are still incomplete after this opportunity to cure may be
1312 disqualified.

1313 (i) Once all required information and documents have been
1314 submitted, the department will review the application. The
1315 Department may request revisions and retains final approval over
1316 dispensary features. Once the application is complete and meets
1317 the department's approval, it shall conditionally approve the
1318 license. Final approval is contingent on the build-out and
1319 department inspection.

1320 (j) Upon submission of the early approval adult use
1321 dispensing organization at a secondary site application, the
1322 applicant shall request an inspection and the department may
1323 inspect the early approval adult use dispensing organization's
1324 secondary site to confirm compliance with the application and

1325 this chapter.

1326 (k) The department shall only issue an early approval
 1327 adult use dispensing organization license at a secondary site
 1328 after the completion of a successful inspection.

1329 (l) If an applicant passes the inspection under this
 1330 subsection, the department shall issue the early approval adult
 1331 use dispensing organization license at a secondary site within
 1332 10 business days unless:

1333 1. The licensee; principal officer, board member, or
 1334 person having a financial or voting interest of 5 percent or
 1335 greater in the licensee; or agent is delinquent in filing any
 1336 required tax returns or paying any amounts owed to the state; or

1337 2. The department determines there is reason, based on
 1338 documented compliance violations, the licensee is not entitled
 1339 to an early approval adult use dispensing organization license
 1340 at its secondary site.

1341 (m) Once the department has issued a license, the
 1342 dispensing organization shall notify the department of the
 1343 proposed opening date.

1344 (n) A medical marijuana treatment center that obtains an
 1345 early approval adult use dispensing organization license at a
 1346 secondary site may begin selling cannabis, cannabis-infused
 1347 products, paraphernalia, and related items to purchasers under
 1348 the rules of this chapter no earlier than January 1, 2022.

1349 (o) If there is a shortage of cannabis or cannabis-infused

1350 products, a dispensing organization that is a medical marijuana
1351 treatment center under s. 381.986 and is licensed under this
1352 section shall prioritize serving qualifying patients and
1353 caregivers before serving purchasers.

1354 (p) An early approval adult use dispensing organization
1355 license at a secondary site is valid until March 31, 2023. A
1356 treatment center that obtains an early approval adult use
1357 dispensing organization license at a secondary site shall
1358 receive written or electronic notice 90 days before the
1359 expiration of the license that the license will expire, and
1360 inform the license holder that it may renew its early approval
1361 adult use dispensing organization license at a secondary site.
1362 the department shall renew an early approval adult use
1363 dispensing organization license at a secondary site within 60
1364 days of submission of the renewal application being deemed
1365 complete if:

1366 1. The dispensing organization submits an application and
1367 the required nonrefundable renewal fee as provided in s.
1368 566.801, to be deposited into the Alcoholic Beverage, Marijuana,
1369 and Tobacco Trust Fund;

1370 2. The person's or entity's early approval adult use
1371 dispensing organization license or a medical marijuana treatment
1372 center license has not been suspended or revoked for violation
1373 of applicable statutes or rules; and

1374 3. The dispensing organization has completed a social

1375 equity inclusion plan as required by this section.

1376 (q) The early approval adult use dispensing organization
1377 licensee at a secondary site renewed pursuant to paragraph (p)
1378 shall receive written or electronic notice 90 days before the
1379 expiration of the license that the license will expire, and
1380 inform the license holder that it may apply for an adult use
1381 dispensing organization license. The department shall grant an
1382 adult use dispensing organization license within 60 days after
1383 an application is deemed complete if the applicant has meet all
1384 of the criteria for such a license.

1385 (r) If a dispensing organization fails to submit an
1386 application for renewal of an early approval adult use
1387 dispensing organization license or for an adult use dispensing
1388 organization license before the expiration dates provided in
1389 paragraphs (p) and (q), the dispensing organization shall cease
1390 serving purchasers until it receives a renewal or an adult use
1391 dispensing organization license.

1392 (s) A medical marijuana treatment center agent who holds a
1393 valid medical marijuana treatment center agent identification
1394 card issued under s. 381.986 and is an officer, director,
1395 manager, or employee of the medical marijuana treatment center
1396 licensed under this section may engage in all activities
1397 authorized by this chapter to be performed by a medical
1398 marijuana treatment center agent.

1399 (t) If the department suspends or revokes the early

1400 approval adult use dispensing organization license of a
1401 dispensing organization that is also holds a medical marijuana
1402 treatment center, the Department of Health may consider the
1403 suspension or revocation as grounds to take disciplinary action
1404 against the medical marijuana treatment center.

1405 (u) All fees or fines collected from an early approval
1406 adult use dispensary organization license at a secondary site
1407 holder as a result of a disciplinary action in the enforcement
1408 of this chapter shall be deposited into the Alcoholic Beverage,
1409 Marijuana, and Tobacco Trust Fund and be appropriated to the
1410 department for the ordinary and contingent expenses of the
1411 department in the administration and enforcement of this
1412 section.

1413 (16) All fees collected pursuant to this section shall be
1414 deposited into the Alcoholic Beverage, Marijuana, and Tobacco
1415 Trust Fund, unless otherwise specified.

1416 566.203 Awarding of conditional adult use dispensing
1417 organization licenses.-

1418 (1) The department shall issue up to 75 conditional adult
1419 use dispensing organization licenses before May 1, 2022.

1420 (2) The department shall make the application for a
1421 conditional adult use dispensing organization license available
1422 no later than October 1, 2021, and shall accept applications no
1423 later than January 1, 2022.

1424 (3) To ensure the geographic dispersion of conditional

1425 adult use dispensing organization licenseholders, the number of
1426 licenses shall be awarded in each BLS region as determined by
1427 each region's percentage of the state's population.

1428 (4) An applicant seeking issuance of a conditional adult
1429 use dispensing organization license shall submit an application
1430 on forms provided by the department. An applicant must meet the
1431 following requirements:

1432 (a) Payment of a nonrefundable application fee of as
1433 provided in s. 588.801 for each license for which the applicant
1434 is applying, which shall be deposited into the Alcoholic
1435 Beverage, Marijuana, and Tobacco Trust Fund.

1436 (b) Certification that the applicant will comply with the
1437 requirements of this chapter.

1438 (c) The legal name of the proposed dispensing
1439 organization.

1440 (d) A statement that the dispensing organization agrees to
1441 respond to the department's supplemental requests for
1442 information.

1443 (e) From each principal officer, a statement indicating
1444 whether that person:

1445 1. Has previously held or currently holds an ownership
1446 interest in a cannabis business establishment in this state; or

1447 2. Has held an ownership interest in a dispensing
1448 organization or its equivalent in another state or territory of
1449 the United States that had the dispensing organization

1450 registration or license suspended, revoked, placed on
1451 probationary status, or subjected to other disciplinary action.

1452 (f) Disclosure of whether any principal officer has ever
1453 filed for bankruptcy or defaulted on spousal support or child
1454 support obligation.

1455 (g) A résumé for each principal officer, including whether
1456 that person has an academic degree, certification, or relevant
1457 experience with a cannabis business establishment or in a
1458 related industry.

1459 (h) A description of the training and education that will
1460 be provided to dispensing organization agents.

1461 (i) A copy of the proposed operating bylaws.

1462 (j) A copy of the proposed business plan that complies
1463 with the requirements in this chapter, including, at a minimum,
1464 the following:

1465 1. A description of services to be offered.

1466 2. A description of the process of dispensing cannabis.

1467 (k) A copy of the proposed security plan that complies
1468 with the requirements in this chapter, including:

1469 1. The process or controls that will be implemented to
1470 monitor the dispensary, secure the premises, agents, and
1471 currency, and prevent the diversion, theft, or loss of cannabis.

1472 2. The process to ensure that access to the restricted
1473 access areas is restricted to, registered agents, service
1474 professionals, transporting organization agents, department

1475 inspectors, and security personnel.

1476 (l) A proposed inventory control plan that complies with
1477 this section.

1478 (m) A proposed floor plan, a square footage estimate, and
1479 a description of proposed security devices, including, without
1480 limitation, cameras, motion detectors, servers, video storage
1481 capabilities, and alarm service providers.

1482 (n) The name, address, social security number, and date of
1483 birth of each principal officer and board member of the
1484 dispensing organization; each of those individuals shall be at
1485 least 21 years of age.

1486 (o) Evidence of the applicant's status as a social equity
1487 applicant, if applicable, and whether such applicant plans to
1488 apply for a loan or grant issued by the Department Economic
1489 Opportunity.

1490 (p) The address, telephone number, and e-mail address of
1491 the applicant's principal place of business, if applicable. A
1492 post office box is not permitted.

1493 (q) Written summaries of any information regarding
1494 instances in which a business or not-for-profit that a
1495 prospective board member previously managed or served on were
1496 fined or censured, or any instances in which a business or not-
1497 for-profit that a prospective board member previously managed or
1498 served on had its registration suspended or revoked in any
1499 administrative or judicial proceeding.

- 1500 (r) A plan for community engagement.
- 1501 (s) Procedures to ensure accurate recordkeeping and
1502 security measures that are in accordance with this chapter and
1503 department rules.
- 1504 (t) The estimated volume of cannabis it plans to store at
1505 the dispensary.
- 1506 (u) A description of the features that will provide
1507 accessibility to purchasers as required by the Americans with
1508 Disabilities Act.
- 1509 (v) A detailed description of air treatment systems that
1510 will be installed to reduce odors.
- 1511 (w) A reasonable assurance that the issuance of a license
1512 will not have a detrimental impact on the community in which the
1513 applicant wishes to locate.
- 1514 (x) The dated signature of each principal officer.
- 1515 (y) A description of the enclosed, locked facility where
1516 cannabis will be stored by the dispensing organization.
- 1517 (z) Signed statements from each dispensing organization
1518 agent stating that he or she will not divert cannabis.
- 1519 (aa) The number of licenses it is applying for in each BLS
1520 region.
- 1521 (bb) A diversity plan that includes a narrative of at
1522 least 2,500 words that establishes a goal of diversity in
1523 ownership, management, employment, and contracting to ensure
1524 that diverse participants and groups are afforded equality of

1525 opportunity.

1526 (cc) A contract with a private security contractor that is
1527 licensed under part III of chapter 493 in order for the
1528 dispensary to have adequate security at its facility.

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

1550 another 180 days if the conditional adult use dispensing
1551 organization licenseholder demonstrates concrete attempts to
1552 secure a location and a hardship. If the department denies the
1553 extension or the conditional adult use dispensing organization
1554 licenseholder is unable to find a location or become operational
1555 within 360 days after being awarded a conditional license, the
1556 department shall rescind the conditional license and award it to
1557 the next highest scoring applicant in the BLS region for which
1558 the license was assigned, provided the applicant receiving the
1559 license:

1560 (a) Confirms a continued interest in operating a
1561 dispensing organization.

1562 (b) Can provide evidence that the applicant continues to
1563 meet the financial requirements provided in subsection (3).

1564 (c) Has not otherwise become ineligible to be awarded a
1565 dispensing organization license. If the new awardee is unable to
1566 accept the conditional adult use dispensing organization
1567 license, the department shall award the conditional adult use
1568 dispensing organization license to the next highest scoring
1569 applicant in the same manner. The new awardee shall be subject
1570 to the same required deadlines as provided in this subsection.

1571 (6) If, within 180 days after being awarded a conditional
1572 adult use dispensing organization license, a dispensing
1573 organization is unable to find a location within the BLS region
1574 in which it was awarded a conditional adult use dispensing

1575 organization license because no jurisdiction within the BLS
1576 region allows for the operation of an adult use dispensing
1577 organization, the department may authorize the conditional adult
1578 use dispensing organization licenseholder to transfer its
1579 license to a BLS region specified by the department.

1580 (7) A dispensing organization that is awarded a
1581 conditional adult use dispensing organization license pursuant
1582 to the criteria in s. 566.202 shall not purchase, possess, sell,
1583 or dispense cannabis or cannabis-infused products until the
1584 person has received an adult use dispensing organization license
1585 issued by the department pursuant to s. 566.2032. The department
1586 shall not issue an adult use dispensing organization license
1587 until:

1588 (a) The department has inspected the dispensary site and
1589 proposed operations and verified that they are in compliance
1590 with this chapter and local zoning laws.

1591 (b) The conditional adult use dispensing organization
1592 licenseholder has paid a registration fee as provided in s.
1593 566.801, or a prorated amount accounting for the difference of
1594 time between when the adult use dispensing organization license
1595 is issued and March 31 of the next even-numbered year.

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

1600 dispensing organization agent shall submit a full set of
1601 fingerprints to the Department of Law Enforcement for the
1602 purpose of obtaining a state and federal criminal records check.
1603 These fingerprints shall be checked against the fingerprint
1604 records now and hereafter, to the extent allowed by law, filed
1605 in the Department of Law Enforcement criminal history records
1606 databases. The Department of Law Enforcement shall furnish,
1607 following positive identification, all this state conviction
1608 information to the department.

1609 (9) Applicants for a conditional adult use dispensing
1610 organization license must submit all required information,
1611 including the information required in s. 566.203, to the
1612 department. Failure by an applicant to submit all required
1613 information may result in the application being disqualified.

1614 (10) If the department receives an application that fails
1615 to provide the required elements contained in this section, the
1616 department shall issue a deficiency notice to the applicant. The
1617 applicant shall have 10 calendar days after the date of the
1618 deficiency notice to resubmit the incomplete information.
1619 Applications that are still incomplete after this opportunity to
1620 cure will not be scored and will be disqualified.

1621 (11) The department shall award up to 250 points to
1622 complete applications based on the sufficiency of the
1623 applicant's responses to required information. Applicants will
1624 be awarded points based on a determination that the application

1625 satisfactorily includes the following elements:

1626 (a) Suitability of Employee Training Plan.—(15 points).

1627 The plan includes an employee training plan that demonstrates
1628 that employees will understand the rules and laws to be followed
1629 by dispensary employees, have knowledge of any security measures
1630 and operating procedures of the dispensary, and are able to
1631 advise purchasers on how to safely consume cannabis and use
1632 individual products offered by the dispensary.

1633 (b) Security and Recordkeeping.—(65 points).

1634 1. The security plan accounts for the prevention of the
1635 theft or diversion of cannabis. The security plan demonstrates
1636 safety procedures for dispensary agents and purchasers, and safe
1637 delivery and storage of cannabis and currency. It demonstrates
1638 compliance with all security requirements in this section and
1639 rules.

1640 2. A plan for recordkeeping, tracking, and monitoring
1641 inventory, quality control, and other policies and procedures
1642 that will promote standard recordkeeping and discourage unlawful
1643 activity. This plan includes the applicant's strategy to
1644 communicate with the department and the Department of Law
1645 Enforcement on the destruction and disposal of cannabis. The
1646 plan must also demonstrate compliance with this chapter and
1647 rules.

1648 3. The security plan shall also detail which private
1649 security contractor licensed under part III of chapter 493 the

1650 dispensary will contract with in order to provide adequate
1651 security at its facility.

1652 (c) Applicant's Business Plan, Financials, Operating and
1653 Floor Plan.-(65 points).

1654 1. The business plan shall describe, at a minimum, how the
1655 dispensing organization will be managed on a long-term basis.
1656 This shall include a description of the dispensing
1657 organization's point-of-sale system, purchases and denials of
1658 sale, confidentiality, and products and services to be offered.
1659 It will demonstrate compliance with this chapter and rules.

1660 2. The operating plan shall include, at a minimum, best
1661 practices for day-to-day dispensary operation and staffing. The
1662 operating plan may also include information about employment
1663 practices, including information about the percentage of full-
1664 time employees who will be provided a living wage.

1665 3. The proposed floor plan is suitable for public access,
1666 the layout promotes safe dispensing of cannabis, is compliant
1667 with the Americans with Disabilities Act, and facilitates safe
1668 product handling and storage.

1669 (d) Knowledge and Experience.-(30 points).

1670 1. The applicant's principal officers must demonstrate
1671 experience and qualifications in business management or
1672 experience with the cannabis industry. This includes ensuring
1673 optimal safety and accuracy in the dispensing and sale of
1674 cannabis.

1675 2. The applicant's principal officers must demonstrate
1676 knowledge of various cannabis product strains or varieties and
1677 describe the types and quantities of products planned to be
1678 sold. This includes confirmation of whether the dispensing
1679 organization plans to sell cannabis paraphernalia or edibles.

1680 3. Knowledge and experience may be demonstrated through
1681 experience in other comparable industries that reflect on
1682 applicant's ability to operate a cannabis business
1683 establishment.

1684 (e) Status as a Social Equity Applicant.-(50 points). The
1685 applicant meets the qualifications for a social equity applicant
1686 as set forth in this chapter.

1687 (f) Labor and Employment Practices.-(5 points): The
1688 applicant may describe plans to provide a safe, healthy, and
1689 economically beneficial working environment for its agents,
1690 including, but not limited to, codes of conduct, health care
1691 benefits, educational benefits, retirement benefits, living wage
1692 standards, and entering a labor peace agreement with employees.

1693 (g) Environmental Plan.-(5 points): The applicant may
1694 demonstrate an environmental plan of action to minimize the
1695 carbon footprint, environmental impact, and resource needs for
1696 the dispensary, which may include, without limitation, recycling
1697 cannabis product packaging.

1698 (h) Florida Owner.-(5 points): The applicant is 51 percent
1699 or more owned and controlled by a Florida resident, who can

1700 prove residency in each of the past 5 years with tax records.

1701 (i) Status as a Veteran.—(5 points): The applicant is 51
1702 percent or more controlled and owned by an individual or
1703 individuals who meet the qualifications of a veteran as defined
1704 s. 1.01(14).

1705 (j) A Diversity Plan.—(5 points): that includes a
1706 narrative of not more than 2,500 words that establishes a goal
1707 of diversity in ownership, management, employment, and
1708 contracting to ensure that diverse participants and groups are
1709 afforded equality of opportunity.

1710 (12) The department may also award up to 2 bonus points
1711 for a plan to engage with the community. The applicant may
1712 demonstrate a desire to engage with its community by
1713 participating in one or more of, but not limited to, the
1714 following actions:

1715 1. Establishment of an incubator program designed to
1716 increase participation in the cannabis industry by persons who
1717 would qualify as social equity applicants;

1718 2. Providing financial assistance to substance abuse
1719 treatment centers;

1720 3. Educating children and teens about the potential harms
1721 of cannabis use; or

1722 4. Other measures demonstrating a commitment to the
1723 applicant's community. Bonus points will only be awarded if the
1724 department receives applications that receive an equal score for

1725 a particular region.

1726 (13) The department may verify information contained in
1727 each application and accompanying documentation to assess the
1728 applicant's veracity and fitness to operate a dispensing
1729 organization.

1730 (14) The department may, in its discretion, refuse to
1731 issue an authorization to any applicant:

1732 (a) Who is unqualified to perform the duties required of
1733 the applicant;

1734 (b) Who fails to disclose or states falsely any
1735 information called for in the application;

1736 (c) Who has been found guilty of a violation of this
1737 chapter, or whose medical marijuana dispensary license, early
1738 approval adult use dispensing organization license, or early
1739 approval adult use dispensing organization license at a
1740 secondary site, or early approval cultivation center license was
1741 suspended, restricted, revoked, or denied for just cause, or the
1742 applicant's cannabis business establishment license was
1743 suspended, restricted, revoked, or denied in any other state; or

1744 (d) Who has engaged in a pattern or practice of unfair or
1745 illegal practices, methods, or activities in the conduct of
1746 owning a cannabis business establishment or other business.

1747 (15) The department shall deny the license if any
1748 principal officer, board member, or person having a financial or
1749 voting interest of 5 percent or greater in the licensee is

1750 delinquent in filing any required tax returns or paying any
1751 amounts owed to the state.

1752 (16) The department shall verify an applicant's compliance
1753 with the requirements of this chapter and rules before issuing a
1754 dispensing organization license.

1755 (17) Should the applicant be awarded a license, the
1756 information and plans provided in the application, including any
1757 plans submitted for bonus points, shall become a condition of
1758 the conditional adult use dispensing organization license,
1759 except as otherwise provided by this chapter or rule. Dispensing
1760 organizations have a duty to disclose any material changes to
1761 the application. The department shall review all material
1762 changes disclosed by the dispensing organization, and may re-
1763 evaluate its prior decision regarding the awarding of a license,
1764 including, but not limited to, suspending or revoking a license.
1765 Failure to comply with the conditions or requirements in the
1766 application may subject the dispensing organization to
1767 discipline, up to and including suspension or revocation of its
1768 authorization or license by the department.

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

1775 continued interest in the license or begin a new selection
1776 process to award a conditional adult use dispensing organization
1777 license.

1778 (19) The department shall deny an application if granting
1779 that application would result in a single person or entity
1780 having a direct or indirect financial interest in more than 10
1781 early approval adult use dispensing organization licenses,
1782 conditional adult use dispensing organization licenses, or adult
1783 use dispensing organization licenses. Any entity that is awarded
1784 a license that results in a single person or entity having a
1785 direct or indirect financial interest in more than 10 licenses
1786 shall forfeit the most recently issued license and suffer a
1787 penalty to be determined by the department, unless the entity
1788 declines the license at the time it is awarded.

1789 566.2031 Conditional adult use dispensing organization
1790 license after January 1, 2023.—

1791 (1) In addition to any of the licenses issued under this
1792 chapter, by December 21, 2021, the department shall issue up to
1793 110 conditional adult use dispensing organization licenses,
1794 pursuant to the application process under this section. Before
1795 issuing such licenses, the department may adopt rules through
1796 emergency rulemaking in accordance with chapter 120. Such rules
1797 may:

1798 (a) Modify or change the BLS regions as they apply to this
1799 chapter or modify or raise the number of adult conditional use

1800 dispensing organization licenses assigned to each region based
1801 on the following factors:

1802 1. Purchaser wait times.

1803 2. Travel time to the nearest dispensary for potential
1804 purchasers.

1805 3. Percentage of cannabis sales occurring in this state
1806 not in the regulated market and tourism data from the Visit
1807 Florida to ascertain total cannabis consumption in this state
1808 compared to the amount of sales in licensed dispensing
1809 organizations.

1810 4. Whether there is an adequate supply of cannabis and
1811 cannabis-infused products to serve registered medical cannabis
1812 patients.

1813 5. Population increases or shifts.

1814 6. Density of dispensing organizations in a region;

1815 7. The department's capacity to appropriately regulate
1816 additional licenses.

1817 8. Any other criteria the department deems relevant.

1818 (b) Make modifications to remedy evidence of
1819 discrimination.

1820 (2) After January 1, 2023, the department may by rule
1821 modify or raise the number of adult use dispensing organization
1822 licenses assigned to each region, and modify or change the
1823 licensing application process to reduce or eliminate barriers
1824 based on the criteria in subsection (1). At no time shall the

1825 department issue more than 500 adult use dispensary organization
 1826 licenses.

1827 566.2032 Adult use dispensing organization license.-

1828 (1) A person is only eligible to receive an adult use
 1829 dispensing organization if the person has been awarded a
 1830 conditional adult use dispensing organization license pursuant
 1831 to this chapter or has renewed its license pursuant to s.
 1832 566.202(11) or (12).

1833 (2) The department shall not issue an adult use dispensing
 1834 organization license until:

1835 (a) The department has inspected the dispensary site and
 1836 proposed operations and verified that they are in compliance
 1837 with this chapter and local zoning laws;

1838 (b) The conditional adult use dispensing organization
 1839 licenseholder has paid a registration fee as provided in s.
 1840 566.801 or a prorated amount accounting for the difference of
 1841 time between when the adult use dispensing organization license
 1842 is issued and March 31 of the next even-numbered year; or

1843 (c) The conditional adult use dispensing organization
 1844 licenseholder has met all the requirements in this chapter and
 1845 rules.

1846 (3) A person or entity may not hold any legal, equitable,
 1847 ownership, or beneficial interest, directly or indirectly, of
 1848 more than 10 dispensing organizations licensed under this
 1849 chapter. Further, no person or entity that is:

1850 (a) Employed by, is an agent of, or participates in the
1851 management of a dispensing organization or registered medical
1852 marijuana dispensary;

1853 (b) A principal officer of a dispensing organization or
1854 registered medical marijuana dispensary; or

1855 (c) An entity controlled by or affiliated with a principal
1856 officer of a dispensing organization or registered medical
1857 marijuana dispensary;

1858
1859 shall hold any legal, equitable, ownership, or beneficial
1860 interest, directly or indirectly, in a dispensing organization
1861 that would result in such person or entity owning or
1862 participating in the management of more than 10 dispensing
1863 organizations. For the purpose of this paragraph, the term
1864 "participating in management" includes, without limitation,
1865 controlling decisions regarding staffing, pricing, purchasing,
1866 marketing, store design, hiring, and website design.

1867 (4) The department shall deny an application if granting
1868 that application would result in a person or entity obtaining
1869 direct or indirect financial interest in more than 10 early
1870 approval adult use dispensing organization licenses, conditional
1871 adult use dispensing organization licenses, adult use dispensing
1872 organization licenses, or any combination thereof. If a person
1873 or entity is awarded a conditional adult use dispensing
1874 organization license that would cause the person or entity to be

1875 in violation of this subsection, he, she, or it shall choose
1876 which license application it wants to abandon and such licenses
1877 shall become available to the next qualified applicant in the
1878 region in which the abandoned license was awarded.

1879 566.2033 Dispensing organization agent identification
1880 card; agent training.-

1881 (1) The department shall:

1882 (a) Verify the information contained in an application or
1883 renewal for a dispensing organization agent identification card
1884 submitted under this chapter, and approve or deny an application
1885 or renewal, within 30 days after receiving a completed
1886 application or renewal application and all supporting
1887 documentation required by rule.

1888 (b) Issue a dispensing organization agent identification
1889 card to a qualifying agent within 15 business days after
1890 approving the application or renewal.

1891 (c) Enter the registry identification number of the
1892 dispensing organization where the agent works.

1893 (d) Within 1 year after the effective date of this act,
1894 allow for an electronic application process and provide a
1895 confirmation by electronic or other methods that an application
1896 has been submitted.

1897 (e) Collect a nonrefundable fee as provided in s. 566.801
1898 from the applicant to be deposited into the Alcoholic Beverage,
1899 Marijuana, and Tobacco Trust Fund.

1900 (2) A dispensing agent must keep his or her identification
 1901 card visible at all times when on the property of the dispensing
 1902 organization.

1903 (3) The dispensing organization agent identification cards
 1904 shall contain the following:

1905 (a) The name of the cardholder.

1906 (b) The date of issuance and expiration date of the
 1907 dispensing organization agent identification cards.

1908 (c) A random 10-digit alphanumeric identification number
 1909 containing at least four numbers and at least four letters that
 1910 is unique to the cardholder.

1911 (d) A photograph of the cardholder.

1912 (4) The dispensing organization agent identification cards
 1913 shall be immediately returned to the dispensing organization
 1914 upon termination of employment.

1915 (5) The department shall not issue an agent identification
 1916 card if the applicant is delinquent in filing any required tax
 1917 returns or paying any amounts owed to the state.

1918 (6) A card lost by a dispensing organization agent shall
 1919 be reported to the Department of Law Enforcement and the
 1920 department immediately upon discovery of the loss.

1921 (7) An applicant shall be denied a dispensing organization
 1922 agent identification card if he or she fails to complete the
 1923 training provided for in this section.

1924 (8) A dispensing organization agent shall only be required

1925 to hold one card for the same employer regardless of what type
 1926 of dispensing organization license the employer holds.

1927 (9) Cannabis retail sales training requirements.

1928 (a) Within 90 days after September 1, 2021, or 90 days
 1929 after employment, whichever is later, all owners, managers,
 1930 employees, and agents involved in the handling or sale of
 1931 cannabis or cannabis-infused product employed by an adult use
 1932 dispensing organization or medical marijuana dispensary shall
 1933 attend and successfully complete a responsible vendor program.

1934 (b) Each owner, manager, employee, and agent of an adult
 1935 use dispensing organization or medical marijuana dispensary
 1936 shall successfully complete the program annually.

1937 (c) Responsible vendor program training modules shall
 1938 include at least 2 hours of instruction time approved by the
 1939 department including:

1940 1. Health and safety concerns of cannabis use, including
 1941 the responsible use of cannabis, its physical effects, onset of
 1942 physiological effects, recognizing signs of impairment, and
 1943 appropriate responses in the event of overconsumption.

1944 2. Training on laws and regulations on driving while under
 1945 the influence.

1946 3. Sales to minors prohibition. Training shall cover all
 1947 relevant state laws and rules.

1948 4. Quantity limitations on sales to purchasers. Training
 1949 shall cover all relevant state laws and rules.

- 1950 5. Acceptable forms of identification. Training shall
 1951 include:
 1952 a. How to check identification.
 1953 b. Common mistakes made in verification.
 1954 6. Safe storage of cannabis.
 1955 7. Compliance with all inventory tracking system
 1956 regulations.
 1957 8. Waste handling, management, and disposal.
 1958 9. Health and safety standards.
 1959 10. Maintenance of records.
 1960 11. Security and surveillance requirements.
 1961 12. Permitting inspections by state and local licensing
 1962 and enforcement authorities.
 1963 13. Privacy issues.
 1964 14. Packaging and labeling requirement for sales to
 1965 purchasers.
 1966 15. Other areas as determined by rule.
 1967 (10) Upon the successful completion of the responsible
 1968 vendor program, the provider shall deliver proof of completion
 1969 either through mail or electronic communication to the
 1970 dispensing organization, which shall retain a copy of the
 1971 certificate.
 1972 (11) The license of a dispensing organization or medical
 1973 marijuana dispensary whose owners, managers, employees, or
 1974 agents fail to comply with this section may be suspended or

1975 | revoked under s. 566.2068 or may face other disciplinary action.

1976 | (12) The regulation of dispensing organization and medical
 1977 | cannabis dispensing employer and employee training is an
 1978 | exclusive function of the state, and regulation by a unit of
 1979 | local government, is prohibited.

1980 | (13) Persons seeking department approval to offer the
 1981 | training required by paragraph (9) (c) may apply for such
 1982 | approval between August 1 and August 15 of each odd-numbered
 1983 | year in a manner prescribed by the department.

1984 | (14) Persons seeking department approval to offer the
 1985 | training required by paragraph (9) (c) shall submit a
 1986 | nonrefundable application fee a provided in s. 566.801 to be
 1987 | deposited into the Alcoholic Beverage, Marijuana, and Tobacco
 1988 | Trust Fund or a fee as may be set by rule. Any changes made to
 1989 | the training module shall be approved by the department.

1990 | (15) The department shall not unreasonably deny approval
 1991 | of a training module that meets all the requirements of
 1992 | paragraph (9) (c). A denial of approval shall include a detailed
 1993 | description of the reasons for the denial.

1994 | (16) Any person approved to provide the training required
 1995 | by paragraph (9) (c) shall submit an application for re-approval
 1996 | between August 1 and August 15 of each odd-numbered year and
 1997 | include a non-refundable application fee as provided in s.
 1998 | 566.801 to be deposited into the Alcoholic Beverage, Marijuana,
 1999 | and Tobacco Trust Fund or a fee as may be set by rule.

2000 566.20331 Renewal of adult use dispensing organization
 2001 licenses.—
 2002 (1) Adult use dispensing organization licenses shall
 2003 expire on March 31 of even-numbered years.
 2004 (2) Agent identification cards shall expire 1 year after
 2005 the date they are issued.
 2006 (3) Licensees and dispensing agents shall submit a renewal
 2007 applications as provided by the department and pay the renewal
 2008 fees provided in s. 566.801(3)(b) and (4)(a)1., respectively.
 2009 The department shall require an agent, employee, contracting,
 2010 and subcontracting diversity report and an environmental impact
 2011 report with its renewal application. No license or agent
 2012 identification card shall be renewed if it is currently under
 2013 revocation or suspension for violation of this chapter or any
 2014 rules that may be adopted under this chapter or the licensee,
 2015 principal officer, board member, person having a financial or
 2016 voting interest of 5 percent or greater in the licensee, or
 2017 agent is delinquent in filing any required tax returns or paying
 2018 any amounts owed to the state.
 2019 (4) Renewal fees collected under subsection (3) are to be
 2020 deposited into the Alcoholic Beverage, Marijuana, and Tobacco
 2021 Trust Fund.
 2022 (5) If a dispensing organization fails to renew its
 2023 license before expiration, the dispensing organization shall
 2024 cease operations until the license is renewed.

2025 (6) If a dispensing organization agent fails to renew his
 2026 or her registration before its expiration, he or she shall cease
 2027 to perform duties authorized by this chapter at a dispensing
 2028 organization until his or her registration is renewed.

2029 (7) Any dispensing organization that continues to operate
 2030 or dispensing agent that continues to perform duties authorized
 2031 by this chapter at a dispensing organization that fails to renew
 2032 its license is subject to penalty as provided in this chapter,
 2033 or any rules that may be adopted pursuant to this chapter.

2034 (8) The department shall not renew a license if the
 2035 applicant is delinquent in filing any required tax returns or
 2036 paying any amounts owed to the state. The department shall not
 2037 renew a dispensing agent identification card if the applicant is
 2038 delinquent in filing any required tax returns or paying any
 2039 amounts owed to the state.

2040 566.20332 Disclosure of ownership and control.—

2041 (1) Each dispensing organization applicant and licensee
 2042 shall file and maintain a table of organization, ownership, and
 2043 control with the department. The table of organization,
 2044 ownership, and control shall contain the information required by
 2045 this section in sufficient detail to identify all owners,
 2046 directors, and principal officers, and the title of each
 2047 principal officer or business entity that, through direct or
 2048 indirect means, manages, owns, or controls the applicant or
 2049 licensee.

2050 (2) The table of organization, ownership, and control
2051 shall identify the following information:

2052 (a) The management structure, ownership, and control of
2053 the applicant or licenseholder, including the name of each
2054 principal officer or business entity, the office or position
2055 held, and the percentage ownership interest, if any. If the
2056 business entity has a parent company, the name of each owner,
2057 board member, and officer of the parent company and his or her
2058 percentage ownership interest in the parent company and the
2059 dispensing organization.

2060 (b) If the applicant or licensee is a business entity with
2061 publicly traded stock, the identification of ownership shall be
2062 provided as required in subsection (3).

2063 (3) If a business entity identified in subsection (2) is a
2064 publicly traded company, the following information shall be
2065 provided in the table of organization, ownership, and control:

2066 (a) The name and percentage of ownership interest of each
2067 individual or business entity with ownership of more than 5
2068 percent of the voting shares of the entity, to the extent such
2069 information is known or contained in 13D or 13G Securities and
2070 Exchange Commission filings.

2071 (b) To the extent known, the names and percentage of
2072 interest of ownership of persons who are relatives of one
2073 another and who together exercise control over or own more than
2074 10 percent of the voting shares of the entity.

2075 (4) A dispensing organization with a parent company or
2076 companies, or partially owned or controlled by another entity
2077 must disclose to the department the relationship and all owners,
2078 board members, officers, or individuals with control or
2079 management of those entities. A dispensing organization shall
2080 not shield its ownership or control from the department.

2081 (5) All principal officers must submit a complete online
2082 application with the department within 14 days after the
2083 dispensing organization being licensed by the department or
2084 within 14 days after department notice of approval as a new
2085 principal officer.

2086 (6) A principal officer may not allow his or her
2087 registration to expire.

2088 (7) A dispensing organization separating with a principal
2089 officer must do so under this chapter. The principal officer
2090 must communicate the separation to the department within 5
2091 business days.

2092 (8) A principal officer not in compliance with the
2093 requirements of this chapter shall be removed from his or her
2094 position with the dispensing organization or shall otherwise
2095 terminate his or her affiliation. Failure to do so may subject
2096 the dispensing organization to discipline, suspension, or
2097 revocation of its license by the department.

2098 (9) It is the responsibility of the dispensing
2099 organization and its principal officers to promptly notify the

2100 department of any change of the principal place of business
2101 address, hours of operation, change in ownership or control, or
2102 a change of the dispensing organization's primary or secondary
2103 contact information. Any changes must be made to the department
2104 in writing.

2105 566.20333 Financial responsibility.—Evidence of financial
2106 responsibility is a requirement for the issuance, maintenance,
2107 or reactivation of a license under this chapter. Evidence of
2108 financial responsibility shall be used to guarantee that the
2109 dispensing organization timely and successfully completes
2110 dispensary construction, operates in a manner that provides an
2111 uninterrupted supply of cannabis, faithfully pays registration
2112 renewal fees, keeps accurate books and records, makes regularly
2113 required reports, complies with state tax requirements, and
2114 conducts the dispensing organization in conformity with this
2115 chapter and rules. Evidence of financial responsibility shall be
2116 provided by one of the following:

2117 (1) Establishing and maintaining an escrow or surety
2118 account in a financial institution in the amount of \$50,000,
2119 with escrow terms, approved by the department, that it shall be
2120 payable to the department in the event of circumstances outlined
2121 in this chapter and rules.

2122 (a) A financial institution may not return money in an
2123 escrow or surety account to the dispensing organization that
2124 established the account or a representative of the organization

2125 unless the organization or representative presents a statement
2126 issued by the department indicating that the account may be
2127 released.

2128 (b) The escrow or surety account shall not be canceled on
2129 less than 30 days' notice in writing to the department, unless
2130 otherwise approved by the department. If an escrow or surety
2131 account is canceled and the registrant fails to secure a new
2132 account with the required amount on or before the effective date
2133 of cancellation, the registrant's registration may be revoked.
2134 The total and aggregate liability of the surety on the bond is
2135 limited to the amount specified in the escrow or surety account.

2136 (2) Providing a surety bond in the amount of \$50,000,
2137 naming the dispensing organization as principal of the bond,
2138 with terms, approved by the department, that the bond defaults
2139 to the department in the event of circumstances outlined in this
2140 chapter and rules. Bond terms shall include:

2141 (a) The business name and registration number on the bond
2142 must correspond exactly with the business name and registration
2143 number in the department's records.

2144 (b) The bond must be written on a form approved by the
2145 department.

2146 (c) A copy of the bond must be received by the department
2147 within 90 days after the effective date.

2148 (d) The bond shall not be canceled by a surety on less
2149 than 30 days' notice in writing to the department. If a bond is

2150 canceled and the registrant fails to file a new bond with the
2151 department in the required amount on or before the effective
2152 date of cancellation, the registrant's registration may be
2153 revoked. The total and aggregate liability of the surety on the
2154 bond is limited to the amount specified in the bond.

2155 566.20334 Changes to a dispensing organization.—

2156 (1) A license shall be issued to the specific dispensing
2157 organization identified on the application and for the specific
2158 location proposed. The license is valid only as designated on
2159 the license and for the location for which it is issued.

2160 (2) A dispensing organization may only add principal
2161 officers after being approved by the department.

2162 (3) A dispensing organization shall provide written notice
2163 of the removal of a principal officer within 5 business days
2164 after removal. The notice shall include the written agreement of
2165 the principal officer being removed, unless otherwise approved
2166 by the department, and allocation of ownership shares after
2167 removal in an updated ownership chart.

2168 (4) A dispensing organization shall provide a written
2169 request to the department for the addition of principal
2170 officers. A dispensing organization shall submit proposed
2171 principal officer applications on forms approved by the
2172 department.

2173 (5) All proposed new principal officers shall be subject
2174 to the requirements of this chapter and any rules that may be

2175 adopted pursuant to this chapter.

2176 (6) The department may prohibit the addition of a
2177 principal officer to a dispensing organization for failure to
2178 comply with this chapter and any rules that may be adopted
2179 pursuant to this chapter.

2180 (7) A dispensing organization may not assign a license.

2181 (8) A dispensing organization may not transfer a license
2182 without prior department approval. Such approval may be withheld
2183 if the person to whom the license is being transferred does not
2184 commit to the same or a similar community engagement plan
2185 provided as part of the dispensing organization's application
2186 under s. 566.202(4), and such transferee's license shall be
2187 conditional upon that commitment.

2188 (9) With the addition or removal of principal officers,
2189 the department will review the ownership structure to determine
2190 whether the change in ownership has had the effect of a transfer
2191 of the license. The dispensing organization shall supply all
2192 ownership documents requested by the department.

2193 (10) A dispensing organization may apply to the department
2194 to approve a sale of the dispensing organization. A request to
2195 sell the dispensing organization must be on application forms
2196 provided by the department. A request for an approval to sell a
2197 dispensing organization must comply with the following:

2198 (a) New application materials shall comply with this
2199 chapter and any rules that may be adopted pursuant to this

2200 chapter.

2201 (b) Application materials shall include a change of
2202 ownership fee as provided in s. 566.801 to be deposited into the
2203 Alcoholic Beverage, Marijuana, and Tobacco Trust Fund.

2204 (c) The application materials shall provide proof that the
2205 transfer of ownership will not have the effect of granting any
2206 of the owners or principal officers direct or indirect ownership
2207 or control of more than 10 adult use dispensing organization
2208 licenses.

2209 (d) New principal officers shall each complete the
2210 proposed new principal officer application.

2211 (e) If the department approves the application materials
2212 and proposed new principal officer applications, it will perform
2213 an inspection before approving the sale and issuing the
2214 dispensing organization license.

2215 (f) If a new license is approved, the department will
2216 issue a new license number and certificate to the new dispensing
2217 organization.

2218 (11) The dispensing organization shall provide the
2219 department with the personal information for all new dispensing
2220 organizations agents as required in this chapter and all new
2221 dispensing organization agents shall be subject to the
2222 requirements of this chapter. A dispensing organization agent
2223 must obtain an agent identification card from the department
2224 before beginning work at a dispensary.

2225 (12) Before remodeling, expansion, reduction, or other
2226 physical, noncosmetic alteration of a dispensary, the dispensing
2227 organization must notify the department and confirm the
2228 alterations are in compliance with this chapter and any rules
2229 that may be adopted pursuant to this chapter.

2230 566.204 Administration.—

2231 (1) A dispensing organization shall establish, maintain,
2232 and comply with written policies and procedures as submitted in
2233 the business, financial and operating plan as required in this
2234 chapter or by rules established by the department, and approved
2235 by the department, for the security, storage, inventory, and
2236 distribution of cannabis. These policies and procedures shall
2237 include methods for identifying, recording, and reporting
2238 diversion, theft, or loss, and for correcting errors and
2239 inaccuracies in inventories. At a minimum, dispensing
2240 organizations shall ensure the written policies and procedures
2241 provide for the following:

2242 (a) Mandatory and voluntary recalls of cannabis products.
2243 The policies shall be adequate to deal with recalls due to any
2244 action initiated at the request of the department and any
2245 voluntary action by the dispensing organization to remove
2246 defective or potentially defective cannabis from the market or
2247 any action undertaken to promote public health and safety,
2248 including:

2249 1. A mechanism reasonably calculated to contact purchasers

2250 who have, or likely have, obtained the product from the
2251 dispensary, including information on the policy for return of
2252 the recalled product.

2253 2. A mechanism to identify and contact the adult use
2254 cultivation center, craft grower, or infuser that manufactured
2255 the cannabis.

2256 3. Policies for communicating with the department and the
2257 Department of Health within 24 hours of discovering defective or
2258 potentially defective cannabis.

2259 4. Policies for destruction of any recalled cannabis
2260 product.

2261 (b) Responses to local, state, or national emergencies,
2262 including natural disasters, that affect the security or
2263 operation of a dispensary.

2264 (c) Segregation and destruction of outdated, damaged,
2265 deteriorated, misbranded, or adulterated cannabis. This
2266 procedure shall provide for written documentation of the
2267 cannabis disposition.

2268 (d) Ensure the oldest stock of a cannabis product is
2269 distributed first. The procedure may permit deviation from this
2270 requirement, if such deviation is temporary and appropriate.

2271 (e) Training of dispensing organization agents in this
2272 chapter and rules, to effectively operate the point-of-sale
2273 system and the state's verification system, proper inventory
2274 handling and tracking, specific uses of cannabis or cannabis-

2275 infused products, instruction regarding regulatory inspection
2276 preparedness and law enforcement interaction, awareness of the
2277 legal requirements for maintaining status as an agent, and other
2278 topics as specified by the dispensing organization or the
2279 department. The dispensing organization shall maintain evidence
2280 of all training provided to each agent in its files that is
2281 subject to inspection and audit by the department. The
2282 dispensing organization shall ensure agents receive a minimum of
2283 8 hours of training subject to the requirements in s.
2284 566.2033(9) annually, unless otherwise approved by the
2285 department.

2286 (f) Maintenance of business records consistent with
2287 industry standards, including bylaws, consents, manual or
2288 computerized records of assets and liabilities, audits, monetary
2289 transactions, journals, ledgers, and supporting documents,
2290 including agreements, checks, invoices, receipts, and vouchers.
2291 Records shall be maintained in a manner consistent with this
2292 chapter and shall be retained for a minimum of 5 years.

2293 (g) Inventory control, including:
2294 1. Tracking purchases and denials of sale.
2295 2. Disposal of unusable or damaged cannabis as required by
2296 this chapter and rules.

2297 (h) Purchaser education and support, including:
2298 1. Whether possession of cannabis is illegal under federal
2299 law.

2300 2. Current educational information issued by the
 2301 department of Public Health about the health risks associated
 2302 with the use or abuse of cannabis.

2303 3. Information about possible side effects.

2304 4. Prohibition on smoking cannabis in public places.

2305 5. Offering any other appropriate purchaser education or
 2306 support materials.

2307 (2) A dispensing organization shall maintain copies of the
 2308 policies and procedures on the dispensary premises and provide
 2309 copies to the department upon request. The dispensing
 2310 organization shall review the dispensing organization policies
 2311 and procedures at least once every 12 months from the issue date
 2312 of the license and update as needed due to changes in industry
 2313 standards or as requested by the department.

2314 (3) A dispensing organization shall ensure that each
 2315 principal officer and each dispensing organization agent has a
 2316 current agent identification card in the agent's immediate
 2317 possession when the agent is at the dispensary.

2318 (4) A dispensing organization shall provide prompt written
 2319 notice to the department, including the date of the event, when
 2320 a dispensing organization agent no longer is employed by the
 2321 dispensing organization.

2322 (5) A dispensing organization shall promptly document and
 2323 report any loss or theft of cannabis from the dispensary to the
 2324 Department of Law Enforcement and the department. It is the duty

2325 of any dispensing organization agent who becomes aware of the
2326 loss or theft to report it as provided in this chapter

2327 (6) A dispensing organization shall post the following
2328 information in a conspicuous location in an area of the
2329 dispensary accessible to consumers:

2330 (a) The dispensing organization's license.

2331 (b) The hours of operation.

2332 (7) Signage that shall be posted inside the premises.

2333 (a) All dispensing organizations must display a placard
2334 that states the following: "Cannabis consumption can impair
2335 cognition and driving, is for adult use only, may be habit
2336 forming, and should not be used by pregnant or breastfeeding
2337 women."

2338 (b) Any dispensing organization that sells edible
2339 cannabis-infused products must display a placard that states the
2340 following:

2341 1. "Edible cannabis-infused products were produced in a
2342 kitchen that may also process common food allergens"; and

2343 2. "The effects of cannabis products can vary from person
2344 to person, and it can take as long as 2 hours to feel the
2345 effects of some cannabis-infused products. Carefully review the
2346 portion size information and warnings contained on the product
2347 packaging before consuming."

2348 (c) All of the required signage in this subsection shall
2349 be no smaller than 24 inches tall by 36 inches wide, with typed

2350 letters no smaller than 2 inches. The signage shall be clearly
2351 visible and readable by customers. The signage shall be placed
2352 in the area where cannabis and cannabis-infused products are
2353 sold and may be translated into additional languages as needed.
2354 The department may require a dispensary to display the required
2355 signage in a different language, other than English, if the
2356 department deems it necessary.

2357 (8) A dispensing organization shall prominently post
2358 notices inside the dispensing organization that state activities
2359 that are strictly prohibited and punishable by law, including,
2360 but not limited to:

2361 (a) No minors permitted on the premises unless the minor
2362 is a minor qualifying patient.

2363 (b) Distribution to persons under the age of 21 is
2364 prohibited.

2365 (c) Transportation of cannabis or cannabis products across
2366 state lines is prohibited.

2367 566.2042 Operational requirements; prohibitions.—

2368 (1) A dispensing organization shall operate in accordance
2369 with the representations made in its application and license
2370 materials. It shall be in compliance with this chapter and
2371 rules.

2372 (2) A dispensing organization must include the legal name
2373 of the dispensary on the packaging of any cannabis product it
2374 sells.

2375 (3) All cannabis, cannabis-infused products, and cannabis
 2376 seeds must be obtained from a registered adult use cultivation
 2377 center in this state, craft grower, infuser, or another
 2378 dispensary.

2379 (4) Dispensing organizations are prohibited from selling
 2380 any product containing alcohol except tinctures, which must be
 2381 limited to containers that are no larger than 100 milliliters.

2382 (5) A dispensing organization shall inspect and count
 2383 product received by the adult use cultivation center before
 2384 dispensing it.

2385 (6) A dispensing organization may only accept cannabis
 2386 deliveries into a restricted access area. Deliveries may not be
 2387 accepted through the public or limited access areas unless
 2388 otherwise approved by the department.

2389 (7) A dispensing organization shall maintain compliance
 2390 with state and local building, fire, and zoning requirements or
 2391 regulations.

2392 (8) A dispensing organization shall submit a list to the
 2393 department of the names of all service professionals that will
 2394 work at the dispensary. The list shall include a description of
 2395 the type of business or service provided. Changes to the service
 2396 professional list shall be promptly provided. No service
 2397 professional shall work in the dispensary until the name is
 2398 provided to the department on the service professional list.

2399 (9) A dispensing organization's license allows for a

2400 dispensary to be operated only at a single location.

2401 (10) A dispensary may operate between 6 a.m. and 10 p.m.

2402 local time.

2403 (11) A dispensing organization must keep all lighting

2404 outside and inside the dispensary in good working order and

2405 wattage sufficient for security cameras.

2406 (12) A dispensing organization shall ensure that any

2407 building or equipment used by a dispensing organization for the

2408 storage or sale of cannabis is maintained in a clean and

2409 sanitary condition.

2410 (13) The dispensary shall be free from infestation by

2411 insects, rodents, or pests.

2412 (14) A dispensing organization shall not:

2413 (a) Produce or manufacture cannabis.

2414 (b) Accept a cannabis product from an adult use

2415 cultivation center, craft grower, infuser, dispensing

2416 organization, or transporting organization unless it is pre-

2417 packaged and labeled in accordance with this chapter and any

2418 rules that may be adopted pursuant to this chapter.

2419 (c) Obtain cannabis or cannabis-infused products from

2420 outside this state.

2421 (d) Sell cannabis or cannabis-infused products to a

2422 purchaser unless the dispensary organization is a medical

2423 marijuana treatment center, and the individual is a registered

2424 under s. 381.986 or the purchaser has been verified to be over

2425 the age of 21.

2426 (e) Enter into an exclusive agreement with any adult use
2427 cultivation center, craft grower, or infuser. Dispensaries shall
2428 provide consumers an assortment of products from various
2429 cannabis business establishment licensees such that the
2430 inventory available for sale at any dispensary from any single
2431 cultivation center, craft grower, processor, or infuser entity
2432 shall not be more than 40 percent of the total inventory
2433 available for sale. For the purpose of this subsection, a
2434 cultivation center, craft grower, processor, or infuser shall be
2435 considered part of the same entity if the licensees share at
2436 least one principal officer. The department may request that a
2437 dispensary diversify its products as needed or otherwise
2438 discipline a dispensing organization for violating this
2439 requirement.

2440 (f) Refuse to conduct business with an adult use
2441 cultivation center, craft grower, transporting organization, or
2442 infuser that has the ability to properly deliver the product and
2443 is permitted by the Department of Agriculture, on the same terms
2444 as other adult use cultivation centers, craft growers, infusers,
2445 or transporters with whom it is dealing.

2446 (g) Operate drive-through windows.

2447 (h) Allow for the dispensing of cannabis or cannabis-
2448 infused products in vending machines.

2449 (i) Transport cannabis to residences or other locations

2450 where purchasers may be for delivery.

2451 (j) Enter into agreements to allow persons who are not
2452 dispensing organization agents to deliver cannabis or to
2453 transport cannabis to purchasers.

2454 (k) Operate a dispensary if its video surveillance
2455 equipment is inoperative.

2456 (l) Operate a dispensary if the point-of-sale equipment is
2457 inoperative.

2458 (m) Operate a dispensary if the state's cannabis
2459 electronic verification system is inoperative.

2460 (n) Have fewer than two people working at the dispensary
2461 at any time while the dispensary is open.

2462 (o) Be located within 1,500 feet of the property line of a
2463 pre-existing dispensing organization.

2464 (p) Sell clones or any other live plant material.

2465 (q) Sell cannabis, cannabis concentrate, or cannabis-
2466 infused products in combination or bundled with each other or
2467 any other items for one price, and each item of cannabis,
2468 concentrate, or cannabis-infused product must be separately
2469 identified by quantity and price on the receipt.

2470 (r) Violate any other requirements or prohibitions set by
2471 department rules.

2472 (15) It is unlawful for any person having an early
2473 approval adult use cannabis dispensing organization license, a
2474 conditional adult use cannabis dispensing organization, an adult

2475 use dispensing organization license, or is a medical marijuana
2476 treatment center or any officer, associate, member,
2477 representative, or agent of such licensee to accept, receive, or
2478 borrow money or anything else of value or accept or receive
2479 credit, other than merchandising credit in the ordinary course
2480 of business for a period not to exceed 30 days, directly or
2481 indirectly, from any adult use cultivation center, craft grower,
2482 infuser, or transporting organization. This includes anything
2483 received or borrowed or from any stockholders, officers, agents,
2484 or persons connected with an adult use cultivation center, craft
2485 grower, infuser, or transporting organization. This also
2486 excludes any received or borrowed in exchange for preferential
2487 placement by the dispensing organization, including preferential
2488 placement on the dispensing organization's shelves, display
2489 cases, or website.

2490 (16) It is unlawful for any person having an early
2491 approval adult use cannabis dispensing organization license, a
2492 conditional adult use cannabis dispensing organization, an adult
2493 use dispensing organization license, or is a medical marijuana
2494 treatment center to enter into any contract with any person
2495 licensed to cultivate, process, or transport cannabis whereby
2496 such dispensary organization agrees not to sell any cannabis
2497 cultivated, processed, transported, manufactured, or distributed
2498 by any other cultivator, transporter, or infuser, and any
2499 provision in any contract in violation of this section shall

2500 render the whole of such contract void and no action shall be
 2501 brought thereon in any court.

2502 566.2043 Inventory control system.-

2503 (1) A dispensing organization agent-in-charge shall have
 2504 primary oversight of the dispensing organization's cannabis
 2505 inventory verification system, and its point-of-sale system. The
 2506 inventory point-of-sale system shall be real-time, web-based,
 2507 and accessible by the department at any time. The point-of-sale
 2508 system shall track, at a minimum the date of sale, amount,
 2509 price, and currency.

2510 (2) A dispensing organization shall establish an account
 2511 with the state's verification system that documents:

2512 (a) Each sales transaction at the time of sale and each
 2513 day's beginning inventory, acquisitions, sales, disposal, and
 2514 ending inventory.

2515 (b) Acquisition of cannabis and cannabis-infused products
 2516 from a licensed adult use cultivation center, craft grower,
 2517 infuser, or transporter, including:

2518 1. A description of the products, including the quantity,
 2519 strain, variety, and batch number of each product received.

2520 2. The name and registry identification number of the
 2521 licensed adult use cultivation center, craft grower, or infuser
 2522 providing the cannabis and cannabis-infused products.

2523 3. The name and registry identification number of the
 2524 licensed adult use cultivation center, craft grower, infuser, or

2525 transportation agent delivering the cannabis.

2526 4. The name and registry identification number of the
2527 dispensing organization agent receiving the cannabis.

2528 5. The date of acquisition.

2529 (c) The disposal of cannabis, including:

2530 1. A description of the products, including the quantity,
2531 strain, variety, batch number, and reason for the cannabis being
2532 disposed.

2533 2. The method of disposal.

2534 3. The date and time of disposal.

2535 (3) Upon cannabis delivery, a dispensing organization
2536 shall confirm the product's name, strain name, weight, and
2537 identification number on the manifest matches the information on
2538 the cannabis product label and package. The product name listed
2539 and the weight listed in the state's verification system shall
2540 match the product packaging.

2541 (a) The agent-in-charge shall conduct daily inventory
2542 reconciliation documenting and balancing cannabis inventory by
2543 confirming the state's verification system matches the
2544 dispensing organization's point-of-sale system and the amount of
2545 physical product at the dispensary.

2546 (b) A dispensing organization must receive department
2547 approval before completing an inventory adjustment. It shall
2548 provide a detailed reason for the adjustment. Inventory
2549 adjustment documentation shall be kept at the dispensary for 2

2550 years after the date performed.

2551 (c) If the dispensing organization identifies an imbalance
2552 in the amount of cannabis after the daily inventory
2553 reconciliation due to mistake, the dispensing organization shall
2554 determine how the imbalance occurred and immediately upon
2555 discovery take and document corrective action. If the dispensing
2556 organization cannot identify the reason for the mistake within 2
2557 calendar days after first discovery, it shall inform the
2558 department immediately in writing of the imbalance and the
2559 corrective action taken to date. The dispensing organization
2560 shall work diligently to determine the reason for the mistake.

2561 (d) If the dispensing organization identifies an imbalance
2562 in the amount of cannabis after the daily inventory
2563 reconciliation or through other means due to theft, criminal
2564 activity, or suspected criminal activity, the dispensing
2565 organization shall immediately determine how the reduction
2566 occurred and take and document corrective action. Within 24
2567 hours after the first discovery of the reduction due to theft,
2568 criminal activity, or suspected criminal activity, the
2569 dispensing organization shall inform the department and the
2570 Department of Law Enforcement in writing.

2571 (e) The dispensing organization shall file an annual
2572 compilation report with the department, including a financial
2573 statement that shall include, but not be limited to, an income
2574 statement, balance sheet, profit and loss statement, statement

2575 of cash flow, wholesale cost and sales, and any other
2576 documentation requested by the department in writing. The
2577 financial statement shall include any other information the
2578 department deems necessary in order to effectively administer
2579 this chapter and all rules, orders, and final decisions
2580 promulgated under this chapter. Statements required by this
2581 section shall be filed with the department within 60 days after
2582 the end of the calendar year. The compilation report shall
2583 include a letter authored by a licensed certified public
2584 accountant that it has been reviewed and is accurate based on
2585 the information provided. The dispensing organization, financial
2586 statement, and accompanying documents are not required to be
2587 audited unless specifically requested by the department.

2588 (4) A dispensing organization shall:

2589 (a) Maintain the documentation required in this section in
2590 a secure locked location at the dispensing organization for 5
2591 years after the date on the document.

2592 (b) Provide any documentation required to be maintained in
2593 this section to the department for review upon request.

2594 (c) If maintaining a bank account, retain for a period of
2595 5 years a record of each deposit or withdrawal from the account.

2596 (5) If a dispensing organization chooses to have a return
2597 policy for cannabis and cannabis products, the dispensing
2598 organization shall seek prior approval from the department.

2599 566.2044 Storage requirements.-

2600 (1) Authorized on-premises storage. A dispensing
2601 organization must store inventory on its premises. All inventory
2602 stored on the premises must be secured in a restricted access
2603 area and tracked consistently with the inventory tracking rules.

2604 (2) A dispensary shall be of suitable size and
2605 construction to facilitate cleaning, maintenance, and proper
2606 operations.

2607 (3) A dispensary shall maintain adequate lighting,
2608 ventilation, temperature, humidity control, and equipment.

2609 (4) Containers storing cannabis that have been tampered
2610 with, damaged, or opened shall be labeled with the date opened
2611 and quarantined from other cannabis products in the vault until
2612 they are disposed.

2613 (5) Cannabis that was tampered with, expired, or damaged
2614 shall not be stored at the premises for more than 7 calendar
2615 days.

2616 (6) Cannabis samples shall be in a sealed container.
2617 Samples shall be maintained in the restricted access area.

2618 (7) The dispensary storage areas shall be maintained in
2619 accordance with the security requirements in this chapter and
2620 rules.

2621 (8) Cannabis must be stored at appropriate temperatures
2622 and under appropriate conditions to help ensure that its
2623 packaging, strength, quality, and purity are not adversely
2624 affected.

2625 | 566.2046 Dispensing cannabis.—

2626 | (1) Before a dispensing organization agent dispenses

2627 | cannabis to a purchaser, the agent shall:

2628 | (a) Verify the age of the purchaser by checking a

2629 | government-issued identification card by use of an electronic

2630 | reader or electronic scanning device to scan a purchaser's

2631 | government-issued identification, if applicable, to determine

2632 | the purchaser's age and the validity of the identification.

2633 | (b) Verify the validity of the government-issued

2634 | identification card.

2635 | (c) Offer any appropriate purchaser education or support

2636 | materials.

2637 | (d) Enter the following information into the state's

2638 | cannabis electronic verification system:

2639 | 1. The dispensing organization agent's identification

2640 | number.

2641 | 2. The dispensing organization's identification number.

2642 | 3. The amount, type, including strain, if applicable, of

2643 | cannabis or cannabis-infused product dispensed.

2644 | 4. The date and time the cannabis was dispensed.

2645 | (2) A dispensing organization shall refuse to sell

2646 | cannabis or cannabis-infused products to any person unless the

2647 | person produces a valid identification showing that the person

2648 | is 21 years of age or older. A medical cannabis dispensing

2649 | organization may sell cannabis or cannabis-infused products to a

2650 person who is under 21 years of age if the sale complies with
2651 the provisions of the Compassionate Use of Medical Cannabis
2652 Pilot Program Act and rules.

2653 (3) For the purposes of this section, valid identification
2654 must:

2655 (a) Be valid and unexpired.

2656 (b) Contain a photograph and the date of birth of the
2657 person.

2658 566.2047 Destruction and disposal of cannabis.-

2659 (1) Cannabis and cannabis-infused products must be
2660 destroyed by rendering them unusable using methods approved by
2661 the department that comply with this chapter and rules.

2662 (2) Cannabis waste rendered unusable must be promptly
2663 disposed according to this chapter and rules. Disposal of the
2664 cannabis waste rendered unusable may be delivered to a permitted
2665 solid waste facility for final disposition. Acceptable permitted
2666 solid waste facilities include, but are not limited to:

2667 (a) Compostable mixed waste: compost, anaerobic digester,
2668 or other facility with approval of the jurisdictional health
2669 department.

2670 (b) Noncompostable mixed waste: Landfill, incinerator, or
2671 other facility with approval of the jurisdictional health
2672 department.

2673 (3) All waste and unusable product shall be weighed,
2674 recorded, and entered into the inventory system before rendering

2675 it unusable. All waste and unusable cannabis concentrates and
 2676 cannabis-infused products shall be recorded and entered into the
 2677 inventory system before rendering it unusable. Verification of
 2678 this event shall be performed by an agent-in-charge and
 2679 conducted in an area with video surveillance.

2680 (4) Electronic documentation of destruction and disposal
 2681 shall be maintained for a period of at least 5 years.

2682 566.2048 Agent-in-charge.-

2683 (1) Every dispensing organization shall designate, at a
 2684 minimum, one agent-in-charge for each licensed dispensary. The
 2685 designated agent-in-charge must hold a dispensing organization
 2686 agent identification card. Maintaining an agent-in-charge is a
 2687 continuing requirement for the license, except as provided in
 2688 subsection (6).

2689 (2) The agent-in-charge shall be a principal officer or a
 2690 full-time agent of the dispensing organization and shall manage
 2691 the dispensary. Managing the dispensary includes, but is not
 2692 limited to, responsibility for opening and closing the
 2693 dispensary, delivery acceptance, oversight of sales and
 2694 dispensing organization agents, recordkeeping, inventory,
 2695 dispensing organization agent training, and compliance with this
 2696 chapter and rules. Participation in affairs also includes the
 2697 responsibility for maintaining all files subject to audit or
 2698 inspection by the department at the dispensary.

2699 (3) The agent-in-charge is responsible for promptly

2700 notifying the department of any change of information required
2701 to be reported to the department.

2702 (4) In determining whether an agent-in-charge manages the
2703 dispensary, the department may consider the responsibilities
2704 identified in this section, the number of dispensing
2705 organization agents under the supervision of the agent-in-
2706 charge, and the employment relationship between the agent-in-
2707 charge and the dispensing organization, including the existence
2708 of a contract for employment and any other relevant fact or
2709 circumstance.

2710 (5) The agent-in-charge is responsible for notifying the
2711 department of a change in the employment status of all
2712 dispensing organization agents within 5 business days after the
2713 change, including notice to the department if the termination of
2714 an agent was for diversion of product or theft of currency.

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

2725 promptly request a temporary certificate of authority after the
2726 separation of the agent-in-charge, its registration shall cease
2727 until the department approves the temporary certificate of
2728 authority or registers a new agent-in-charge. No temporary
2729 certificate of authority shall be valid for more than 90 days.
2730 The succeeding agent-in-charge shall register with the
2731 department in compliance with this chapter. Once the permanent
2732 succeeding agent-in-charge is registered with the department,
2733 the temporary certificate of authority is void. No temporary
2734 certificate of authority shall be issued for the separation of
2735 an agent-in-charge due to disciplinary action by the department
2736 related to his or her conduct on behalf of the dispensing
2737 organization.

2738 (7) The dispensing organization agent-in-charge
2739 registration shall expire one year after the date it is issued.
2740 The agent-in-charge's registration shall be renewed annually.
2741 The department shall review the dispensing organization's
2742 compliance history when determining whether to grant the request
2743 to renew.

2744 (8) Upon termination of an agent-in-charge's employment,
2745 the dispensing organization shall immediately reclaim the
2746 dispensing agent identification card. The dispensing
2747 organization shall promptly return the identification card to
2748 the department.

2749 (9) The department may deny an application or renewal or

2750 discipline or revoke an agent-in-charge identification card for
2751 any of the following reasons:

2752 (a) Submission of misleading, incorrect, false, or
2753 fraudulent information in the application or renewal
2754 application;

2755 (b) Violation of the requirements of this chapter or
2756 rules;

2757 (c) Fraudulent use of the agent-in-charge identification
2758 card;

2759 (d) Selling, distributing, transferring in any manner, or
2760 giving cannabis to any unauthorized person;

2761 (e) Theft of cannabis, currency, or any other items from a
2762 dispensary;

2763 (f) Tampering with, falsifying, altering, modifying, or
2764 duplicating an agent-in-charge identification card;

2765 (g) Tampering with, falsifying, altering, or modifying the
2766 surveillance video footage, point-of-sale system, or the state's
2767 verification system;

2768 (h) Failure to notify the department immediately upon
2769 discovery that the agent-in-charge identification card has been
2770 lost, stolen, or destroyed;

2771 (i) Failure to notify the department within 5 business
2772 days after a change in the information provided in the
2773 application for an agent-in-charge identification card;

2774 (j) Conviction of a felony offense in accordance with or

2775 any incident listed in this chapter or rules following the
2776 issuance of an agent-in-charge identification card;

2777 (k) Dispensing to purchasers in amounts above the limits
2778 provided in this chapter; or

2779 (l) Delinquency in filing any required tax returns or
2780 paying any amounts owed to the state.

2781 566.20485 Security.—

2782 (1) A dispensing organization shall implement security
2783 measures to deter and prevent entry into and theft of cannabis
2784 or currency.

2785 (2) A dispensing organization shall submit any changes to
2786 the floor plan or security plan to the department for pre-
2787 approval. All cannabis shall be maintained and stored in a
2788 restricted access area during construction.

2789 (3) The dispensing organization shall implement security
2790 measures to protect the premises, purchasers, and dispensing
2791 organization agents, including, but not limited to, the
2792 following:

2793 (a) Establish a locked door or barrier between the
2794 facility's entrance and the limited access area.

2795 (b) Prevent individuals from remaining on the premises if
2796 they are not engaging in activity permitted by this chapter or
2797 rules.

2798 (c) Develop a policy that addresses the maximum capacity
2799 and purchaser flow in the waiting rooms and limited access

2800 areas.

2801 (d) Dispose of cannabis in accordance with this chapter
2802 and rules.

2803 (e) During the hours of operation, store and dispense all
2804 cannabis from the restricted access area. During operational
2805 hours, cannabis shall be stored in an enclosed locked room or
2806 cabinet and accessible only to specifically authorized
2807 dispensing organization agents.

2808 (f) When the dispensary is closed, store all cannabis and
2809 currency in a reinforced vault room in the restricted access
2810 area and in a manner as to prevent diversion, theft, or loss.

2811 (g) Keep the reinforced vault room and any other equipment
2812 or cannabis storage areas securely locked and protected from
2813 unauthorized entry.

2814 (h) Keep an electronic daily log of dispensing
2815 organization agents with access to the reinforced vault room and
2816 knowledge of the access code or combination.

2817 (i) Keep all locks and security equipment in good working
2818 order.

2819 (j) Maintain an operational security and alarm system at
2820 all times.

2821 (k) Prohibit keys, if applicable, from being left in the
2822 locks, or stored or placed in a location accessible to persons
2823 other than specifically authorized personnel.

2824 (l) Prohibit accessibility of security measures, including

2825 combination numbers, passwords, or electronic or biometric
2826 security systems to persons other than specifically authorized
2827 dispensing organization agents.

2828 (m) Ensure that the dispensary interior and exterior
2829 premises are sufficiently lit to facilitate surveillance.

2830 (n) Ensure that trees, bushes, and other foliage outside
2831 of the dispensary premises do not allow for a person or persons
2832 to conceal themselves from sight.

2833 (o) Develop emergency policies and procedures for securing
2834 all product and currency following any instance of diversion,
2835 theft, or loss of cannabis, and conduct an assessment to
2836 determine whether additional safeguards are necessary.

2837 (p) Develop sufficient additional safeguards in response
2838 to any special security concerns, or as required by the
2839 department.

2840 (4) The department may request or approve alternative
2841 security provisions that it determines are an adequate
2842 substitute for a security requirement specified in this chapter.
2843 Any additional protections may be considered by the department
2844 in evaluating overall security measures.

2845 (5) A dispensary organization may share premises with a
2846 craft grower or an infuser organization, or both, provided each
2847 licensee stores currency and cannabis or cannabis-infused
2848 products in a separate secured vault to which the other licensee
2849 does not have access or all licensees sharing a vault share more

2850 than 50 percent of the same ownership.

2851 (6) A dispensing organization shall provide additional
2852 security as needed and in a manner appropriate for the community
2853 where it operates.

2854 (7) All restricted access areas must:

2855 (a) Be identified by the posting of a sign that is a
2856 minimum of 12 inches by 12 inches and that states "Do Not Enter
2857 - Restricted Access Area - Authorized Personnel Only" in
2858 lettering no smaller than one inch in height.

2859 (b) Be clearly described in the floor plan of the
2860 premises, in the form and manner determined by the department,
2861 reflecting walls, partitions, counters, and all areas of entry
2862 and exit. The floor plan shall show all storage, disposal, and
2863 retail sales areas.

2864 (c) Be secure, with locking devices that prevent access
2865 from the limited access areas.

2866 (8) (a) A dispensing organization shall have an adequate
2867 security plan and security system to prevent and detect
2868 diversion, theft, or loss of cannabis, currency, or unauthorized
2869 intrusion using commercial grade equipment installed by a
2870 licensed private alarm contractor or private alarm contractor
2871 agency that shall, at a minimum, include:

2872 1. A perimeter alarm on all entry points and glass
2873 break protection on perimeter windows.

2874 2. Security shatterproof tinted film on exterior windows.

2875 3. A failure notification system that provides an audible,
2876 text, or visual notification of any failure in the surveillance
2877 system, including, but not limited to, panic buttons, alarms,
2878 and video monitoring system. The failure notification system
2879 shall provide an alert to designated dispensing organization
2880 agents within 5 minutes after the failure, either by telephone
2881 or text message.

2882 4. A duress alarm, panic button, and alarm, or holdup
2883 alarm and after-hours intrusion detection alarm that by design
2884 and purpose will directly or indirectly notify, by the most
2885 efficient means, the public safety answering point for the law
2886 enforcement agency having primary jurisdiction;

2887 5. Security equipment to deter and prevent unauthorized
2888 entrance into the dispensary, including electronic door locks on
2889 the limited and restricted access areas that include devices or
2890 a series of devices to detect unauthorized intrusion that may
2891 include a signal system interconnected with a radio frequency
2892 method, cellular, private radio signals or other mechanical or
2893 electronic device.

2894 (b) All security system equipment and recordings shall be
2895 maintained in good working order, in a secure location so as to
2896 prevent theft, loss, destruction, or alterations.

2897 (c) Access to surveillance monitoring recording equipment
2898 shall be limited to persons who are essential to surveillance
2899 operations, law enforcement authorities acting within their

2900 jurisdiction, security system service personnel, and the
2901 department. A current list of authorized dispensing organization
2902 agents and service personnel that have access to the
2903 surveillance equipment must be available to the department upon
2904 request.

2905 (d) All security equipment shall be inspected and tested
2906 at regular intervals, not to exceed one month from the previous
2907 inspection, and tested to ensure the systems remain functional.

2908 (e) The security system shall provide protection against
2909 theft and diversion that is facilitated or hidden by tampering
2910 with computers or electronic records.

2911 (f) The dispensary shall ensure all access doors are not
2912 solely controlled by an electronic access panel to ensure that
2913 locks are not released during a power outage.

2914 (9) To monitor the dispensary, the dispensing organization
2915 shall incorporate continuous electronic video monitoring
2916 including the following:

2917 (a) All monitors must be 19 inches or greater.

2918 (b) Unobstructed video surveillance of all enclosed
2919 dispensary areas, unless prohibited by law, including all points
2920 of entry and exit that shall be appropriate for the normal
2921 lighting conditions of the area under surveillance. The cameras
2922 shall be directed so all areas are captured, including, but not
2923 limited to, safes, vaults, sales areas, and areas where cannabis
2924 is stored, handled, dispensed, or destroyed. Cameras shall be

2925 angled to allow for facial recognition, the capture of clear and
2926 certain identification of any person entering or exiting the
2927 dispensary area and in lighting sufficient during all times of
2928 night or day.

2929 (c) Unobstructed video surveillance of outside areas, the
2930 storefront, and the parking lot, that shall be appropriate for
2931 the normal lighting conditions of the area under surveillance.
2932 Cameras shall be angled so as to allow for the capture of facial
2933 recognition, clear and certain identification of any person
2934 entering or exiting the dispensary and the immediate surrounding
2935 area, and license plates of vehicles in the parking lot.

2936 (d) Twenty-four hour recordings from all video cameras
2937 available for immediate viewing by the department upon request.
2938 Recordings shall not be destroyed or altered and shall be
2939 retained for at least 90 days. Recordings shall be retained as
2940 long as necessary if the dispensing organization is aware of the
2941 loss or theft of cannabis or a pending criminal, civil, or
2942 administrative investigation or legal proceeding for which the
2943 recording may contain relevant information.

2944 (e) The ability to immediately produce a clear, color
2945 still photo from the surveillance video, either live or
2946 recorded.

2947 (f) A date and time stamp embedded on all video
2948 surveillance recordings. The date and time shall be synchronized
2949 and set correctly and shall not significantly obscure the

2950 picture.

2951 (g) The ability to remain operational during a power
2952 outage and ensure all access doors are not solely controlled by
2953 an electronic access panel to ensure that locks are not released
2954 during a power outage.

2955 (h) All video surveillance equipment shall allow for the
2956 exporting of still images in an industry standard image format,
2957 including .jpg, .bmp, and .gif. Exported video shall have the
2958 ability to be archived in a proprietary format that ensures
2959 authentication of the video and guarantees that no alteration of
2960 the recorded image has taken place. Exported video shall also
2961 have the ability to be saved in an industry standard file format
2962 that can be played on a standard computer operating system. All
2963 recordings shall be erased or destroyed before disposal.

2964 (i) The video surveillance system shall be operational
2965 during a power outage with a 4-hour minimum battery backup.

2966 (j) A video camera or cameras recording at each point-of-
2967 sale location allowing for the identification of the dispensing
2968 organization agent distributing the cannabis and any purchaser.
2969 The camera or cameras shall capture the sale, the individuals
2970 and the computer monitors used for the sale.

2971 (k) A failure notification system that provides an audible
2972 and visual notification of any failure in the electronic video
2973 monitoring system.

2974 (l) All electronic video surveillance monitoring must

2975 record at least the equivalent of 8 frames per second and be
 2976 available as recordings to the department and the Department of
 2977 Law Enforcement 24 hours a day via a secure web-based portal
 2978 with reverse functionality.

2979 (10) The requirements contained in this chapter are
 2980 minimum requirements for operating a dispensing organization.
 2981 The department may establish additional requirements by rule.

2982 566.2049 Recordkeeping.—

2983 (1) Dispensing organization records must be maintained
 2984 electronically for 3 years and be available for inspection by
 2985 the department upon request. Required written records include,
 2986 but are not limited to, the following:

2987 (a) Operating procedures.

2988 (b) Inventory records, policies, and procedures.

2989 (c) Security records.

2990 (d) Audit records.

2991 (e) Staff training plans and completion documentation.

2992 (f) Staffing plan.

2993 (g) Business records, including, but not limited to:

2994 1. Assets and liabilities.

2995 2. Monetary transactions.

2996 3. Written or electronic accounts, including bank
 2997 statements, journals, ledgers, and supporting documents,

2998 agreements, checks, invoices, receipts, and vouchers.

2999 4. Any other financial accounts reasonably related to the

3000 dispensary operations.

3001 (2) Storage and transfer of records. If a dispensary
3002 closes due to insolvency, revocation, bankruptcy, or for any
3003 other reason, all records must be preserved at the expense of
3004 the dispensing organization for at least 3 years in a form and
3005 location in this state acceptable to the department. The
3006 dispensing organization shall keep the records longer if
3007 requested by the department. The dispensing organization shall
3008 notify the department of the location where the dispensary
3009 records are stored or transferred.

3010 566.205 Closure of a dispensary.—

3011 (1) If a dispensing organization decides not to renew its
3012 license or decides to close its business, it shall promptly
3013 notify the department not less than 3 months before the
3014 effective date of the closing date or as otherwise authorized by
3015 the department.

3016 (2) The dispensing organization shall work with the
3017 department to develop a closure plan that addresses, at a
3018 minimum, the transfer of business records, transfer of cannabis
3019 products, and anything else the department finds necessary.

3020 566.206 Investigations.—

3021 (1) Dispensing organizations are subject to random and
3022 unannounced dispensary inspections and cannabis testing by the
3023 department, the Department of Law Enforcement, and local law
3024 enforcement.

3025 (2) The department and its authorized representatives may
3026 enter any place, including a vehicle, in which cannabis is held,
3027 stored, dispensed, sold, produced, delivered, transported,
3028 manufactured, or disposed of and inspect, in a reasonable
3029 manner, the place and all pertinent equipment, containers and
3030 labeling, and all things, including records, files, financial
3031 data, sales data, shipping data, pricing data, personnel data,
3032 research, papers, processes, controls, and facility, and
3033 inventory any stock of cannabis and obtain samples of any
3034 cannabis or cannabis-infused product, any labels or containers
3035 for cannabis, or paraphernalia.

3036 (3) The department may conduct an investigation of an
3037 applicant, application, dispensing organization, principal
3038 officer, dispensary agent, third party vendor, or any other
3039 party associated with a dispensing organization for an alleged
3040 violation of this chapter or rules or to determine
3041 qualifications to be granted a registration by the department.

3042 (4) The department may require an applicant or holder of
3043 any license issued pursuant to this chapter to produce
3044 documents, records, or any other material pertinent to the
3045 investigation of an application or alleged violations of this
3046 chapter or rules. Failure to provide the required material may
3047 be grounds for denial or discipline.

3048 (5) Every person charged with preparation, obtaining, or
3049 keeping records, logs, reports, or other documents in connection

3050 with this chapter and rules and every person in charge, or
3051 having custody, of those documents shall, upon request by the
3052 department, make the documents immediately available for
3053 inspection and copying by the department, the department's
3054 authorized representative, or others authorized by law to review
3055 the documents.

3056 566.2065 Citations.-The department may issue
3057 nondisciplinary citations for minor violations. Any such
3058 citation issued by the department may be accompanied by a fee.
3059 The fee shall not exceed \$20,000 per violation. The citation
3060 shall be issued to the licensee and shall contain the licensee's
3061 name and address, the licensee's license number, a brief factual
3062 statement, the sections of the law allegedly violated, and the
3063 fee, if any, imposed. The citation must clearly state that the
3064 licensee may choose, in lieu of accepting the citation, to
3065 request a hearing. If the licensee does not dispute the matter
3066 in the citation with the department within 30 days after the
3067 citation is served, then the citation shall become final and not
3068 subject to appeal. The penalty shall be a fee or other
3069 conditions as established by rule.

3070 566.2068 Grounds for discipline.-

3071 (1) The department may deny issuance, refuse to renew or
3072 restore, or may reprimand, place on probation, suspend, revoke,
3073 or take other disciplinary or nondisciplinary action against any
3074 license or agent identification card or may impose a fine for

3075 any of the following:

3076 (a) Material misstatement in furnishing information to the
3077 department.

3078 (b) Violations of this chapter or rules.

3079 (c) Obtaining an authorization or license by fraud or
3080 misrepresentation.

3081 (d) A pattern of conduct that demonstrates incompetence or
3082 that the applicant has engaged in conduct or actions that would
3083 constitute grounds for discipline under this chapter.

3084 (e) Aiding or assisting another person in violating any
3085 provision of this chapter or rules.

3086 (f) Failing to respond to a written request for
3087 information by the department within 30 days.

3088 (g) Engaging in unprofessional, dishonorable, or unethical
3089 conduct of a character likely to deceive, defraud, or harm the
3090 public.

3091 (h) Adverse action by another United States jurisdiction
3092 or foreign nation.

3093 (i) A finding by the department that the licensee, after
3094 having his or her license placed on suspended or probationary
3095 status, has violated the terms of the suspension or probation.

3096 (j) Conviction, entry of a plea of guilty, nolo
3097 contendere, or the equivalent in a state or federal court of a
3098 principal officer or agent-in-charge of a felony offense.

3099 (k) Excessive use or addiction to alcohol, narcotics,

3100 stimulants, or any other chemical agent or drug.

3101 (l) A finding by the department of a discrepancy in a
3102 department audit of cannabis.

3103 (m) A finding by the department of a discrepancy in a
3104 department audit of capital or funds.

3105 (n) A finding by the department of acceptance of cannabis
3106 from a source other than an adult use cultivation center, craft
3107 grower, infuser, or transporting organization licensed by the
3108 department, or a dispensing organization licensed by the
3109 department.

3110 (o) An inability to operate using reasonable judgment,
3111 skill, or safety due to physical or mental illness or other
3112 impairment or disability, including, without limitation,
3113 deterioration through the aging process or loss of motor skills
3114 or mental incompetence.

3115 (p) Failing to report to the department within the time
3116 frames established, or if not identified, 14 days, of any
3117 adverse action taken against the dispensing organization or an
3118 agent by a licensing jurisdiction in any state or any territory
3119 of the United States or any foreign jurisdiction, any
3120 governmental agency, any law enforcement agency, or any court.

3121 (q) Any violation of the dispensing organization's
3122 policies and procedures submitted to the department annually as
3123 a condition for licensure.

3124 (r) Failure to inform the department of any change of

- 3125 address within 10 business days.
- 3126 (s) Disclosing customer names, personal information, or
3127 protected health information in violation of any state or
3128 federal law.
- 3129 (t) Operating a dispensary before obtaining a license from
3130 the department.
- 3131 (u) Performing duties authorized by this chapter before
3132 receiving a license to perform such duties.
- 3133 (v) Dispensing cannabis when prohibited by this chapter or
3134 rules.
- 3135 (w) Any fact or condition that, if it had existed at the
3136 time of the original application for the license, would have
3137 warranted the denial of the license.
- 3138 (x) Permitting a person without a valid agent
3139 identification card to perform licensed activities under this
3140 chapter.
- 3141 (y) Failure to assign an agent-in-charge as required by
3142 this chapter.
- 3143 (z) Failure to provide the responsible vendor training
3144 required by s. 566.2033(9)(c) within the provided timeframe.
- 3145 (aa) Personnel insufficient in number or unqualified in
3146 training or experience to properly operate the dispensary
3147 business.
- 3148 (bb) Any pattern of activity that causes a harmful impact
3149 on the community.

3150 (cc) Failing to prevent diversion, theft, or loss of
3151 cannabis.

3152 (2) All fines and fees imposed under this section shall be
3153 paid within 60 days after the effective date of the order
3154 imposing the fine or as otherwise specified in the order.

3155 (3) A circuit court order establishing that an agent-in-
3156 charge or principal officer holding an agent identification card
3157 is subject to involuntary admission shall operate as a
3158 suspension of that card.

3159 566.2069 Temporary suspension.—

3160 (1) The department may temporarily suspend a dispensing
3161 organization license or an agent registration without a hearing
3162 if the department finds that public safety or welfare requires
3163 emergency action. The department shall cause the temporary
3164 suspension by issuing a suspension notice in connection with the
3165 institution of proceedings for a hearing.

3166 (2) If the department temporarily suspends a license or
3167 agent registration without a hearing, the licensee or agent is
3168 entitled to a hearing within 45 days after the suspension notice
3169 has been issued. The hearing shall be limited to the issues
3170 cited in the suspension notice, unless all parties agree
3171 otherwise.

3172 (3) If the department does not hold a hearing within 45 days
3173 after the date the suspension notice was issued, then the
3174 suspended license or registration shall be automatically

HB 1597

2021

3175 reinstated and the suspension vacated.

3176 (4) The suspended licensee or agent may seek a continuance
3177 of the hearing date, during which time the suspension remains in
3178 effect and the license or registration shall not be
3179 automatically reinstated.

3180 (5) Subsequently discovered causes of action by the
3181 department after the issuance of the suspension notice may be
3182 filed as a separate notice of violation. The department is not
3183 precluded from filing a separate action against the suspended
3184 licensee or agent.

3185 566.20695 Consent to administrative supervision order.—In
3186 appropriate cases, the department may resolve a complaint
3187 against a licensee or agent through the issuance of a consent
3188 order for administrative supervision. A license or agent subject
3189 to a consent order shall be considered by the department to hold
3190 a license or registration in good standing.

3191 566.2072 Notice; hearing.—

3192 (1) The department shall, before disciplining an applicant
3193 or licensee, at least 30 days before the date set for the
3194 hearing:

3195 (a) Notify the accused in writing of the charges made and
3196 the time and place for the hearing on the charges.

3197 (b) Direct him or her to file a written answer to the
3198 charges under oath within 20 days after service.

3199 (c) Inform the applicant or licensee that failure to

3200 answer will result in a default being entered against the
3201 applicant or licensee.

3202 (2) At the time and place fixed in the notice, the hearing
3203 officer appointed by the department shall proceed to hear the
3204 charges, and the parties or their counsel shall be accorded
3205 ample opportunity to present any pertinent statements,
3206 testimony, evidence, and arguments. The hearing officer may
3207 continue the hearing from time to time. In case the person,
3208 after receiving the notice, fails to file an answer, his or her
3209 license may, in the discretion of the department, having first
3210 received the recommendation of the hearing officer, be
3211 suspended, revoked, or placed on probationary status, or be
3212 subject to whatever disciplinary action the department considers
3213 proper, including a fine, without hearing, if that act or acts
3214 charged constitute sufficient grounds for that action under this
3215 chapter.

3216 (3) The written notice and any notice in the subsequent
3217 proceeding may be served by regular mail or email to the
3218 licensee's or applicant's address of record.

3219 566.2073 Subpoenas; oaths.—The department may subpoena and
3220 bring before it any person and to take testimony either orally
3221 or by deposition, or both, with the same fees and mileage and in
3222 the same manner as prescribed by law in judicial proceedings in
3223 civil cases in courts in this state. The department or the
3224 hearing officer shall each have the power to administer oaths to

3225 witnesses at any hearings that the department is authorized to
 3226 conduct.

3227 566.2074 Hearing; motion for rehearing.-

3228 (1) The hearing officer shall hear evidence in support of
 3229 the formal charges and evidence produced by the licensee. At the
 3230 conclusion of the hearing, the hearing officer shall present to
 3231 the department a written report of his or her findings of fact,
 3232 conclusions of law, and recommendations.

3233 (2) At the conclusion of the hearing, a copy of the
 3234 hearing officer's report shall be served upon the applicant or
 3235 licensee by the department, either personally or as provided in
 3236 this chapter for the service of a notice of hearing. Within 20
 3237 calendar days after service, the applicant or licensee may
 3238 present to the department a motion in writing for rehearing,
 3239 which shall specify the particular grounds for rehearing. The
 3240 department may respond to the motion for rehearing within 20
 3241 calendar days after its service on the department. If no motion
 3242 for rehearing is filed, then, upon the expiration of the time
 3243 specified for filing such motion or upon denial of a motion for
 3244 rehearing, the department may enter an order in accordance with
 3245 the recommendation of the hearing officer. If the applicant or
 3246 licensee orders from the reporting service and pays for a
 3247 transcript of the record within the time for filing a motion for
 3248 rehearing, the 20-day period within which a motion may be filed
 3249 shall commence upon the delivery of the transcript to the

3250 applicant or licensee.

3251 (3) If the department disagrees in any regard with the
3252 report of the hearing officer, the department may issue an order
3253 contrary to the report.

3254 (4) Whenever the department is not satisfied that
3255 substantial justice has been done, the department may order a
3256 rehearing by the same or another hearing officer.

3257 (5) At any point in any investigation or disciplinary
3258 proceeding under in this chapter, both parties may agree to a
3259 negotiated consent order. The consent order shall be final upon
3260 signature of the secretary.

3261 566.301 Issuance of adult use cultivation center
3262 licenses.—On or after July 1, 2021, the department by rule may:

3263 (1) Modify or change the number of cultivation center
3264 licenses available, which shall at no time exceed 30 cultivation
3265 center licenses. In determining whether to exercise the
3266 authority granted by this subsection, the department must
3267 consider the following factors:

3268 (a) The percentage of cannabis sales occurring in this
3269 state using the best available data to ascertain total cannabis
3270 consumption in this state compared to the amount of sales in
3271 licensed dispensing organizations;

3272 (b) Whether there is an adequate supply of cannabis and
3273 cannabis-infused products to serve registered medical cannabis
3274 patients;

3275 (c) Whether there is an adequate supply of cannabis
 3276 and cannabis-infused products to serve purchasers;
 3277 (d) Whether there is an oversupply of cannabis in this
 3278 state leading to trafficking of cannabis to any other state;
 3279 (e) Population increases or shifts;
 3280 (f) Changes to federal law;
 3281 (g)n of cultivation centers;
 3282 (h) The past security records of cultivation centers;
 3283 (i) The department's capacity to appropriately regulate
 3284 additional licensees; and
 3285 (j) Any other criteria the department deems relevant.
 3286 (2) Modify or change the licensing application process to
 3287 reduce or eliminate the barriers to entry and remedy evidence of
 3288 discrimination.
 3289 566.3011 Early approval of adult use cultivation center
 3290 license.—
 3291 (1) Any medical marijuana treatment center licensed and in
 3292 good standing as of the effective date of this act may, within
 3293 60 days of the effective date of this act but no later than 180
 3294 days from the effective date of this act, apply to the
 3295 department for an early approval adult use cultivation center
 3296 license to produce cannabis and cannabis-infused products at its
 3297 existing facilities as of the effective date of this act.
 3298 (2) A medical cannabis cultivation center seeking issuance
 3299 of an early approval adult use cultivation center license shall

3300 submit an application on forms provided by the department. The
3301 application must meet or include the following qualifications:
3302 (a) Payment of a nonrefundable application fee as provided
3303 in s. 566.801 to be deposited into the Alcoholic Beverage,
3304 Marijuana, and Tobacco Trust Fund.
3305 (b) Proof of registration as a medical cannabis
3306 cultivation center that is in good standing.
3307 (c) Submission of the application by the same person or
3308 entity that holds the medical cannabis cultivation center
3309 registration.
3310 (d) Certification that the applicant will comply with the
3311 requirements of s. 566.2016.
3312 (e) The legal name of the cultivation center.
3313 (f) The physical address of the cultivation center.
3314 (g) The name, address, social security number, and date of
3315 birth of each principal officer and board member of the
3316 cultivation center, each of those individuals shall be at least
3317 21 years of age.
3318 (h) A nonrefundable cannabis business development fee as
3319 provided in s. 566.801, to be deposited into the Cannabis
3320 Business Development Fund.
3321 (i) A commitment to completing one of the following Social
3322 Equity Inclusion Plans provided for in this subsection before
3323 the expiration of the early approval adult use cultivation
3324 center license:

3325 1. A contribution as provided in s. 566.801 to one of the
3326 following:

3327 a. The Cannabis Business Development Fund. This is in
3328 addition to the fee required by paragraph (h).

3329 b. A cannabis industry training or education program at
3330 school in the Florida College System.

3331 c. A program that provides job training services to
3332 persons recently incarcerated or that operates in a
3333 disproportionately impacted area.

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

3350 before its early approval adult use cultivation center license
3351 expires, it may opt to meet the requirement of this subsection
3352 by completing another item from this subsection before the
3353 expiration of its early approval adult use cultivation center
3354 license to avoid a penalty.

3355 (3) An early approval adult use cultivation center license
3356 is valid until March 31, 2023. A cultivation center that obtains
3357 an early approval adult use cultivation center license shall
3358 receive written or electronic notice 90 days before the
3359 expiration of the license that the license will expire, and
3360 inform the licenseholder that it may renew its early approval
3361 adult use cultivation center license. The department shall grant
3362 a renewal of an early approval adult use cultivation center
3363 license within 60 days of submission of an application if:

3364 (a) The cultivation center submits an application and the
3365 required renewal fee as provided in s. 566.801 for an early
3366 approval adult use cultivation center license.

3367 (b) The department has not suspended the license of the
3368 cultivation center or suspended or revoked the license for
3369 violating this chapter or rules adopted under this chapter.

3370 (c) The cultivation center has completed a Social Equity
3371 Inclusion Plan as required by paragraph (2) (i).

3372 (d) The early approval adult use cultivation center
3373 license renewed pursuant to subsection (3) shall expire March
3374 31, 2022. The early approval adult use cultivation center

3375 licensee shall receive written or electronic notice 90 days
3376 before the expiration of the license that the license will
3377 expire, and inform the licenseholder that it may apply for an
3378 adult use cultivation center license. The department shall grant
3379 an adult use dispensing organization license within 60 days of
3380 an application being deemed complete if the applicant meets all
3381 of the criteria in s. 566.3014.

3382 (4) The license fee required by paragraph (3)(a) shall be
3383 in addition to any license fee required for the renewal of a
3384 registered medical cannabis cultivation center license that
3385 expires during the effective period of the early approval adult
3386 use cultivation center license.

3387 (5) Applicants must submit all required information,
3388 including the requirements in subsection (2), to the department.
3389 Failure by an applicant to submit all required information may
3390 result in the application being disqualified.

3391 (6) If the department receives an application with missing
3392 information, the department may issue a deficiency notice to the
3393 applicant. The applicant shall have 10 calendar days after the
3394 date of the deficiency notice to submit complete information.
3395 Applications that are still incomplete after this opportunity to
3396 cure may be disqualified.

3397 (7) If an applicant meets all the requirements of
3398 subsection (2), the department shall issue the early approval
3399 adult use cultivation center license within 14 days after

3400 receiving the application unless:

3401 (a) The licensee; principal officer, board member, or
3402 person having a financial or voting interest of 5 percent or
3403 greater in the licensee; or agent is delinquent in filing any
3404 required tax returns or paying any amounts owed to the state;

3405 (b) The department determines there is reason, based on an
3406 inordinate number of documented compliance violations, the
3407 licensee is not entitled to an early approval adult use
3408 cultivation center license; or

3409 (c) The licensee fails to commit to the Social Equity
3410 Inclusion Plan.

3411 (8) A cultivation center may begin producing cannabis and
3412 cannabis-infused products once the early approval adult use
3413 cultivation center license is approved. A cultivation center
3414 that obtains an early approval adult use cultivation center
3415 license may begin selling cannabis and cannabis-infused products
3416 on December 1, 2021.

3417 (9) An early approval adult use cultivation center license
3418 older must continue to produce and provide an adequate supply of
3419 cannabis and cannabis-infused products for purchase by
3420 qualifying patients and caregivers. For the purposes of this
3421 subsection, the term "adequate supply" means a monthly
3422 production level that is comparable in type and quantity to
3423 those medical cannabis products produced for patients and
3424 caregivers on an average monthly basis for the 6 months before

3425 the effective date of this act.

3426 (10) If there is a shortage of cannabis or cannabis-
 3427 infused products, a licenseholder shall prioritize s. 316.986
 3428 over adult use purchasers.

3429 (11) If an early approval adult use cultivation center
 3430 licensee fails to submit an application for an adult use
 3431 cultivation center license before the expiration of the early
 3432 approval adult use cultivation center license pursuant to
 3433 subsection (3), the cultivation center shall cease adult use
 3434 cultivation until it receives an adult use cultivation center
 3435 license.

3436 (12) If the license of a cultivation center that also
 3437 holds a medical cannabis cultivation center license issued under
 3438 the s. 381.986, the department may suspend or revoke the medical
 3439 cannabis cultivation center license concurrently with the early
 3440 approval adult use cultivation center license.

3441 (13) All fees or fines collected from an early approval
 3442 adult use cultivation center licenseholder as a result of a
 3443 disciplinary action in the enforcement of this chapter shall be
 3444 deposited into the Alcoholic Beverage, Marijuana, and Tobacco
 3445 Trust Fund.

3446 566.3012 Conditional adult use cultivation center
 3447 application.-

3448 (1) If the department makes available additional
 3449 cultivation center licenses, applicants for a conditional adult

3450 use cultivation center license shall electronically submit the
3451 following in such form as the department may direct:

3452 (a) The nonrefundable application fee set by rule by the
3453 department, to be deposited into the Alcoholic Beverage,
3454 Marijuana, and Tobacco Trust Fund.

3455 (b) The legal name of the cultivation center.

3456 (c) The proposed physical address of the cultivation
3457 center.

3458 (d) The name, address, social security number, and date of
3459 birth of each principal officer and board member of the
3460 cultivation center, each principal officer and board member
3461 shall be at least 21 years of age.

3462 (e) The details of any administrative or judicial
3463 proceeding in which any of the principal officers or board
3464 members of the cultivation center pled guilty, were convicted,
3465 fined, or had a registration or license suspended or revoked, or
3466 managed or served on the board of a business or nonprofit
3467 organization that pled guilty, was convicted, fined, or had a
3468 registration or license suspended or revoked.

3469 (f) Proposed operating bylaws that include procedures for
3470 the oversight of the cultivation center, including the
3471 development and implementation of a plant monitoring system,
3472 accurate recordkeeping, staffing plan, and security plan
3473 approved by the Department of Law Enforcement that are in
3474 accordance with the rules issued by the department under this

3475 chapter. A physical inventory shall be performed of all plants
 3476 and cannabis on a weekly basis by the cultivation center.

3477 (g) Verification from the Department of Law Enforcement
 3478 that all background checks of the prospective principal
 3479 officers, board members, and agents of the cannabis business
 3480 establishment have been conducted.

3481 (h) A copy of the current local zoning ordinance or permit
 3482 and verification that the proposed cultivation center is in
 3483 compliance with the local zoning rules and distance limitations
 3484 established by the local jurisdiction.

3485 (i) Proposed employment practices, in which the applicant
 3486 must demonstrate a plan of action to inform, hire, and educate
 3487 minorities, women, veterans, and persons with disabilities,
 3488 engage in fair labor practices, and provide worker protections.

3489 (j) Whether an applicant can demonstrate experience in or
 3490 business practices that promote economic empowerment in
 3491 disproportionately impacted areas.

3492 (k) Experience with the cultivation of agricultural or
 3493 horticultural products, operating an agriculturally related
 3494 business, or operating a horticultural business.

3495 (l) A description of the enclosed, locked facility where
 3496 cannabis will be grown, harvested, manufactured, processed,
 3497 packaged, or otherwise prepared for distribution to a dispensing
 3498 organization.

3499 (m) A survey of the enclosed, locked facility, including

3500 the space used for cultivation.

3501 (n) Cultivation, processing, inventory, and packaging
3502 plans.

3503 (o) A description of the applicant's experience with
3504 agricultural cultivation techniques and industry standards.

3505 (p) A list of any academic degrees, certifications, or
3506 relevant experience of all prospective principal officers, board
3507 members, and agents of the related business.

3508 (q) The identity of every person having a financial or
3509 voting interest of 5 percent or greater in the cultivation
3510 center operation with respect to which the license is sought,
3511 whether a trust, corporation, partnership, limited liability
3512 company, or sole proprietorship, including the name and address
3513 of each person.

3514 (r) A plan describing how the cultivation center will
3515 address each of the following:

3516 1. Energy needs, including estimates of monthly
3517 electricity and gas usage, to what extent it will procure energy
3518 from a local utility or from on-site generation, and if it has
3519 or will adopt a sustainable energy use and energy conservation
3520 policy.

3521 2. Water needs, including estimated water draw and if it
3522 has or will adopt a sustainable water use and water conservation
3523 policy.

3524 3. Waste management, including if it has or will adopt a

3525 waste reduction policy.

3526 (s) A diversity plan that includes a narrative of not more
3527 than 2,500 words that establishes a goal of diversity in
3528 ownership, management, employment, and contracting to ensure
3529 that diverse participants and groups are afforded equality of
3530 opportunity.

3531 (t) Any other information required by rule.

3532 (u) A recycling plan that includes requirements that:

3533 1. Purchaser packaging, including cartridges, shall be
3534 accepted by the applicant and recycled.

3535 2. Any recyclable waste generated by the cannabis
3536 cultivation facility shall be recycled per applicable state and
3537 local laws, ordinances, and rules.

3538 3. Any cannabis waste, liquid waste, or hazardous waste
3539 shall be disposed of in a way that, to the greatest extent
3540 feasible, all cannabis plant waste will be rendered unusable by
3541 grinding and incorporating the cannabis plant waste with
3542 compostable mixed waste.

3543 (v) A cultivation facility must remain in compliance with
3544 applicable state and federal environmental requirements,
3545 including:

3546 1. Storing, securing, and managing all recyclables and
3547 waste, including organic waste composed of or containing
3548 finished cannabis and cannabis products, in accordance with
3549 applicable state and local laws, ordinances, and rules.

3550 2. Disposing liquid waste containing cannabis or
3551 byproducts of cannabis processing in compliance with all
3552 applicable state and federal requirements, including the
3553 cannabis cultivation facility's permits under the Environmental
3554 Protection Act.

3555 (w) A commitment to a technology standard for resource
3556 efficiency of the cultivation center facility.

3557 1. A cannabis cultivation facility commits to use
3558 resources efficiently, including energy and water. For the
3559 following, a cannabis cultivation facility commits to meet or
3560 exceed the technology standard identified in the following,
3561 which may be modified by rule:

3562 a. Lighting systems, including light bulbs.

3563 b. HVAC system.

3564 c. Water application system to the crop.

3565 d. Filtration system for removing contaminants from
3566 wastewater.

3567 2. The Lighting Power Densities (LPD) for cultivation
3568 space commits to not exceed an average of 36 watts per gross
3569 square foot of active and growing space canopy, or all installed
3570 lighting technology shall meet a photosynthetic photon efficacy
3571 (PPE) of no less than 2.2 micromoles per joule fixture and shall
3572 be featured on the DesignLights Consortium (DLC) Horticultural
3573 Specification Qualified Products List (QPL). In the event that
3574 DLC requirement for minimum efficacy exceeds 2.2 micromoles per

3575 joule fixture, that PPE shall become the new standard.

3576 3. HVAC requirements that:

3577 a. For cannabis grow operations with less than 6,000
3578 square feet of canopy, the licensee commits that all HVAC units
3579 will be high-efficiency ductless split HVAC units, or other more
3580 energy efficient equipment.

3581 b. For cannabis grow operations with 6,000 square feet of
3582 canopy or more, the licensee commits that all HVAC units will be
3583 variable refrigerant flow HVAC units, or other more energy
3584 efficient equipment.

3585 4. Water application requirements that:

3586 a. The cannabis cultivation facility commits to use
3587 automated watering systems, including drip irrigation and flood
3588 tables, to irrigate cannabis crop.

3589 b. The cannabis cultivation facility commits to measure
3590 runoff from watering events and report this volume in its water
3591 usage plan, and that on average, watering events shall have no
3592 more than 20 percent of runoff of water.

3593 5. The cultivator commits that HVAC condensate,
3594 dehumidification water, excess runoff, and other wastewater
3595 produced by the cannabis cultivation facility shall be captured
3596 and filtered to the best of the facility's ability to achieve
3597 the quality needed to be reused in subsequent watering rounds.

3598 6. Reporting energy use and efficiency as required by
3599 rule.

3600 (2) Applicants must submit all required information, to
3601 the department. Failure by an applicant to submit all required
3602 information may result in the application being disqualified.

3603 (3) If the department receives an application with missing
3604 information, the department may issue a deficiency notice to the
3605 applicant. The applicant shall have 10 calendar days after the
3606 date of the deficiency notice to resubmit the incomplete
3607 information. Applications that are still incomplete after this
3608 opportunity to cure will not be scored and will be disqualified.

3609 (4) A cultivation center that is awarded a conditional
3610 adult use cultivation center license shall not grow, purchase,
3611 possess, or sell cannabis or cannabis-infused products until the
3612 person has received an adult use cultivation center license
3613 issued by the department.

3614 566.3013 Conditional adult use license; scoring
3615 applications.—

3616 (1) The department shall by rule develop a system to score
3617 cultivation center applications to administratively rank
3618 applications based on the clarity, organization, and quality of
3619 the applicant's responses to required information. Applicants
3620 shall be awarded points based on the following categories:

- 3621 (a) Suitability of the proposed facility.
3622 (b) Suitability of employee training plan.
3623 (c) Security and recordkeeping.
3624 (d) Cultivation plan.

- 3625 (e) Product safety and labeling plan.
- 3626 (f) Business plan.
- 3627 (g) The applicant's status as a social equity applicant,
3628 which shall constitute no less than 20 percent of total
3629 available points.
- 3630 (h) Labor and employment practices, which shall constitute
3631 no less than 2 percent of total available points.
- 3632 (i) Environmental plan as described in s. 566.3012(1)(u),
3633 (v), and (w).
- 3634 (j) The applicant is 51 percent or more owned and
3635 controlled by an individual or individuals who have been
3636 resident of this state for the past 5 years as proved by tax
3637 records.
- 3638 (k) The applicant is 51 percent or more controlled and
3639 owned by an individual or individuals who meet the
3640 qualifications of a veteran as defined s. 1.01(14).
- 3641 (l) A diversity plan that includes a narrative of not more
3642 than 2,500 words that establishes a goal of diversity in
3643 ownership, management, employment, and contracting to ensure
3644 that diverse participants and groups are afforded equality of
3645 opportunity.
- 3646 (m) Any other criteria the department may set by rule for
3647 points.
- 3648 (2) The department may also award bonus points for the
3649 applicant's plan to engage with the community. Bonus points will

3650 only be awarded if the department receives applications that
3651 receive an equal score for a particular region.

3652 (3) Should the applicant be awarded a cultivation center
3653 license, the information and plans that an applicant provided in
3654 its application, including any plans submitted for the acquiring
3655 of bonus points, becomes a mandatory condition of the permit.
3656 Any variation from or failure to perform such plans may result
3657 in discipline, including the revocation or nonrenewal of a
3658 license.

3659 (4) Should the applicant be awarded a cultivation center
3660 license, it shall pay a fee as provided in s. 566.801 before
3661 receiving the license, to be deposited into the Alcoholic
3662 Beverage, Marijuana, and Tobacco Trust Fund.

3663 566.3014 Adult use cultivation center license.-

3664 (1) A person or entity is only eligible to receive an
3665 adult use cultivation center license if the person or entity has
3666 first been awarded a conditional adult use cultivation center
3667 license pursuant to this chapter or the person or entity has
3668 renewed its early approval cultivation center license.

3669 (2) The department shall not issue an adult use
3670 cultivation center license until:

3671 (a) The department has inspected the cultivation center
3672 site and proposed operations and verified that they are in
3673 compliance with this chapter and local zoning laws.

3674 (b) The conditional adult use cultivation center

3675 licenseholder has paid a registration fee as provided in s.
3676 566.801 or a prorated amount accounting for the difference of
3677 time between when the adult use cultivation center license is
3678 issued and March 31 of the next even-numbered year.

3679 (c) The conditional adult use cultivation center
3680 licenseholder has met all the requirements in the Act and rules.

3681 566.3015 Denial of application.—An application for a
3682 cultivation center license must be denied if any of the
3683 following conditions are met:

3684 (1) The applicant failed to submit the materials
3685 required by this chapter;

3686 (2) The applicant would not be in compliance with local
3687 zoning rules;

3688 (3) One or more of the prospective principal officers or
3689 board members causes a violation of s. 566.2016;

3690 (4) One or more of the principal officers or board members
3691 is under 21 years of age;

3692 (5) The person has submitted an application for a permit
3693 under this chapter that contains false information; or

3694 (6) The licensee, principal officer, board member, or
3695 person having a financial or voting interest of 5 percent or
3696 greater in the licensee, or the agent is delinquent in filing
3697 any required tax returns or paying any amounts owed to the
3698 state.

3699 566.3016 Cultivation center requirements;

3700 prohibitions.—

3701 (1) The operating documents of a cultivation center shall
3702 include procedures for the oversight of the cultivation center a
3703 cannabis plant monitoring system including a physical inventory
3704 recorded weekly, accurate recordkeeping, and a staffing plan.

3705 (2) A cultivation center shall implement a security plan
3706 reviewed by the Department of Law Enforcement that includes
3707 facility access controls, perimeter intrusion detection systems,
3708 personnel identification systems, 24-hour surveillance system to
3709 monitor the interior and exterior of the cultivation center
3710 facility and accessibility to authorized law enforcement, the
3711 Department of Health where processing takes place, and the
3712 department in real time.

3713 (3) All cultivation of cannabis by a cultivation center
3714 must take place in an enclosed, locked facility at the physical
3715 address provided to the department during the licensing process.
3716 The cultivation center location shall only be accessed by the
3717 agents working for the cultivation center, the department staff
3718 performing inspections, the Department of Health staff
3719 performing inspections, local and state law enforcement or other
3720 emergency personnel, contractors working on jobs unrelated to
3721 cannabis, such as installing or maintaining security devices or
3722 performing electrical wiring, transporting organization agents
3723 as provided in this chapter, individuals in a mentoring or
3724 educational program approved by the state, or other individuals

3725 | as provided by rule.

3726 | (4) A cultivation center may not sell or distribute any
3727 | cannabis or cannabis-infused products to any person other than a
3728 | dispensing organization, craft grower, infusing organization,
3729 | transporter, or as otherwise authorized by rule.

3730 | (5) A cultivation center may not either directly or
3731 | indirectly discriminate in price between different dispensing
3732 | organizations, craft growers, or infuser organizations that are
3733 | purchasing a like grade, strain, brand, and quality of cannabis
3734 | or cannabis-infused product. This subsection does not prevent a
3735 | cultivation center from pricing cannabis differently based on
3736 | differences in the cost of manufacturing or processing, the
3737 | quantities sold, such as volume discounts, or the way the
3738 | products are delivered.

3739 | (6) All cannabis harvested by a cultivation center and
3740 | intended for distribution to a dispensing organization must be
3741 | entered into a data collection system, packaged and labeled
3742 | under as required by this chapter, and placed into a cannabis
3743 | container for transport. All cannabis harvested by a cultivation
3744 | center and intended for distribution to a craft grower or
3745 | infuser organization must be packaged in a labeled cannabis
3746 | container and entered into a data collection system before
3747 | transport.

3748 | (7) Cultivation centers are subject to random inspections
3749 | by the department, the Department of Health, local safety or

3750 health inspectors, and the Department of Law Enforcement.

3751 (8) A cultivation center agent shall notify local law
3752 enforcement, the Department of Law Enforcement, and the
3753 department within 24 hours of the discovery of any loss or
3754 theft. Notification shall be made by phone or in person, or by
3755 written or electronic communication.

3756 (9) A cultivation center shall comply with all state and
3757 any applicable federal rules and regulations regarding the use
3758 of pesticides on cannabis plants.

3759 (10) A person or entity shall not hold any legal,
3760 equitable, ownership, or beneficial interest, directly or
3761 indirectly, of more than three cultivation centers licensed
3762 under this chapter. Further, no person or entity that is
3763 employed by, an agent of, has a contract to receive payment in
3764 any form from a cultivation center, is a principal officer of a
3765 cultivation center, or entity controlled by or affiliated with a
3766 principal officer of a cultivation shall hold any legal,
3767 equitable, ownership, or beneficial interest, directly or
3768 indirectly, in a cultivation that would result in the person or
3769 entity owning or controlling in combination with any cultivation
3770 center, principal officer of a cultivation center, or entity
3771 controlled or affiliated with a principal officer of a
3772 cultivation center by which he, she, or it is employed, is an
3773 agent of, or participates in the management of, more than three
3774 cultivation center licenses.

3775 (11) A cultivation center may not contain more than
3776 210,000 square feet of canopy space for plants in the flowering
3777 stage for cultivation of adult use cannabis as provided in this
3778 chapter.

3779 (12) A cultivation center may process cannabis, cannabis
3780 concentrates, and cannabis-infused products. Cannabis
3781 concentrate may be made with propylene glycol, glycerin, butter,
3782 olive oil or other typical cooking fats; water, ice, or dry ice;
3783 or butane, propane, CO2, ethanol, or isopropanol. The use of any
3784 other solvent is expressly prohibited unless it is approved by
3785 the department.

3786 (13) Beginning July 1, 2022, a cultivation center shall
3787 not transport cannabis to a craft grower, dispensing
3788 organization, infuser organization, or laboratory licensed under
3789 this chapter, unless it has obtained a transporting organization
3790 license.

3791 (14) It is unlawful for any person having a cultivation
3792 center license or any officer, associate, member,
3793 representative, or agent of such licensee to offer or deliver
3794 money, or anything else of value, directly or indirectly to any
3795 person having an early approval adult use dispensing
3796 organization license, a conditional adult use dispensing
3797 organization license, an adult use dispensing organization
3798 license, or a medical marijuana treatment center, or to any
3799 person connected with or in any way representing, or to any

3800 member of the family of, such person holding an early approval
3801 adult use dispensing organization license, a conditional adult
3802 use dispensing organization license, an adult use dispensing
3803 organization license, or a medical marijuana treatment center,
3804 or to any stockholders in any corporation engaged in the retail
3805 sale of cannabis, or to any officer, manager, agent, or
3806 representative of the early approval adult use dispensing
3807 organization license, a conditional adult use dispensing
3808 organization license, an adult use dispensing organization
3809 license, or a medical marijuana treatment center to obtain
3810 preferential placement within the dispensing organization,
3811 including, without limitation, on shelves and in display cases
3812 where purchasers can view products, or on the dispensing
3813 organization's website.

3814 (15) A cultivation center must comply with any other
3815 requirements or prohibitions set by administrative rule of the
3816 department.

3817 566.3017 Cultivation center agent identification card.—

3818 (1) The department shall:

3819 (a) Establish by rule the information required in an
3820 initial application or renewal application for an agent
3821 identification card submitted under this chapter and the
3822 nonrefundable fee to accompany the initial application or
3823 renewal application.

3824 (b) Verify the information contained in an initial

3825 application or renewal application for an agent identification
3826 card submitted under this chapter, and approve or deny an
3827 application within 30 days after receiving a completed initial
3828 application or renewal application and all supporting
3829 documentation required by rule.

3830 (c) Issue an agent identification card to a qualifying
3831 agent within 15 business days of approving the initial
3832 application or renewal application.

3833 (d) Enter the license number of the cultivation center
3834 where the agent works.

3835 (e) Allow for an electronic initial application and
3836 renewal application process, and provide a confirmation by
3837 electronic or other methods that an application has been
3838 submitted. The department may by rule require prospective agents
3839 to file their applications by electronic means and provide
3840 notices to the agents by electronic means.

3841 (2) An agent must keep his or her identification card
3842 visible at all times when on the property of the cultivation
3843 center at which the agent is employed.

3844 (3) The agent identification cards shall contain the
3845 following:

3846 (a) The name of the cardholder.

3847 (b) The date of issuance and expiration date of the
3848 identification card.

3849 (c) A random 10-digit alphanumeric identification number

3850 containing at least 4 numbers and at least 4 letters that is
3851 unique to the holder.

3852 (d) A photograph of the cardholder.

3853 (e) The legal name of the cultivation center employing
3854 the agent.

3855 (4) An agent identification card shall be immediately
3856 returned to the cultivation center of the agent upon termination
3857 of his or her employment.

3858 (5) Any agent identification card lost by a cultivation
3859 center agent shall be reported to the Department of Law
3860 Enforcement and the department immediately upon discovery of the
3861 loss.

3862 (6) The department shall not issue an agent identification
3863 card if the applicant is delinquent in filing any required tax
3864 returns or paying any amounts owed to the state.

3865 566.3018 Cultivation center background checks.-

3866 (1) Through the Department of Law Enforcement, the
3867 department shall conduct a background check of the prospective
3868 principal officers, board members, and agents of a cultivation
3869 center applying for a license or identification card under this
3870 chapter. The Department of Law Enforcement may charge a fee as
3871 provided in s. 943.053. In order to carry out this section, each
3872 cultivation center prospective principal officer, board member,
3873 or agent shall submit a full set of fingerprints to the
3874 Department of Law Enforcement for the purpose of obtaining a

3875 state and federal criminal records check. These fingerprints
3876 shall be checked against the fingerprint records now and
3877 hereafter, to the extent allowed by law, filed in the Department
3878 of Law Enforcement and Federal Bureau of Investigation criminal
3879 history records databases. The Department of Law Enforcement
3880 shall furnish, following positive identification, all conviction
3881 information to the department.

3882 (2) When applying for the initial license or
3883 identification card, the background checks for all prospective
3884 principal officers, board members, and agents shall be completed
3885 before submitting the application to the licensing or issuing
3886 agency.

3887 566.3019 Renewal of cultivation center licenses and agent
3888 identification cards.-

3889 (1) Cultivation center licenses and identification cards
3890 issued under this chapter shall be renewed annually. A
3891 cultivation center shall receive written or electronic notice 90
3892 days before the expiration of its current license that the
3893 license will expire. The department shall grant a renewal within
3894 45 days of submission of a renewal application if:

3895 (a) The cultivation center submits a renewal application
3896 and the required nonrefundable renewal a provided in s. 566.801,
3897 or another amount as the department may set by rule after
3898 January 1, 2023, to be deposited into the Alcoholic Beverage,
3899 Marijuana, and Tobacco Trust Fund.

3900 (b) The department has not suspended the license of the
3901 cultivation center or suspended or revoked the license for
3902 violating this chapter or rules adopted under this chapter.

3903 (c) The cultivation center has continued to operate in
3904 accordance with all plans submitted as part of its application
3905 and approved by the department or any amendments thereto that
3906 have been approved by the department.

3907 (d) The cultivation center has submitted an agent,
3908 employee, contracting, and subcontracting diversity report as
3909 required by the department.

3910 (e) the cultivation center has submitted an environmental
3911 impact report.

3912 (2) If a cultivation center fails to renew its license
3913 before expiration, it shall cease operations until its license
3914 is renewed.

3915 (3) If a cultivation center agent fails to renew his or
3916 her identification card before its expiration, he or she shall
3917 cease to work as an agent of the cultivation center until his or
3918 her identification card is renewed.

3919 (4) Any cultivation center that continues to operate, or
3920 any cultivation center agent who continues to work as an agent,
3921 after the applicable license or identification card has expired
3922 without renewal is subject to the penalties provided under s.
3923 566.4701.

3924 566.401 Craft growers.-

3925 (1) ISSUANCE OF LICENSES.—

3926 (a) The department shall issue up to 40 craft grower
3927 licenses by July 1, 2022. Any person or entity awarded a license
3928 pursuant to this subsection shall only hold one craft grower
3929 license and may not sell that license until after December 21,
3930 2021.

3931 (b) By December 21, 2023, the department shall issue up to
3932 60 additional craft grower licenses. Any person or entity
3933 awarded a license pursuant to this paragraph may not hold more
3934 than two craft grower licenses. The person or entity awarded a
3935 license pursuant to this paragraph or paragraph (a) may sell its
3936 craft grower license subject to the restrictions of this chapter
3937 or as determined by administrative rule. Before issuing such
3938 licenses, the department may adopt rules through emergency
3939 rulemaking to modify or raise the number of craft grower
3940 licenses assigned to each region and modify or change the
3941 licensing application process to reduce or eliminate barriers.
3942 In determining whether to exercise the authority granted by this
3943 subsection, the department must consider the following factors:

3944 1. The percentage of cannabis sales occurring in this
3945 state not in the regulated market using the best available data
3946 to ascertain total cannabis consumption in this state compared
3947 to the amount of sales in licensed dispensing organizations.

3948 2. Whether there is an adequate supply of cannabis and
3949 cannabis-infused products to serve registered medical cannabis

3950 patients.

3951 3. Whether there is an adequate supply of cannabis and
3952 cannabis-infused products to serve purchasers.

3953 4. Whether there is an oversupply of cannabis in this
3954 state leading to trafficking of cannabis to states where the
3955 sale of cannabis is not permitted by law.

3956 5. Population increases or shifts.

3957 6. The density of craft growers in any area of the state.

3958 7. Perceived security risks of increasing the number or
3959 location of craft growers.

3960 8. The past safety record of craft growers.

3961 9. The department's capacity to appropriately regulate
3962 additional licensees.

3963 10. The reduction or elimination of any identified
3964 barriers to entry in the cannabis industry.

3965 11. Any other criteria the department deems relevant.

3966 (c) After January 1, 2022, the department may by rule
3967 modify or raise the number of craft grower licenses assigned to
3968 each region, and modify or change the licensing application
3969 process to reduce or eliminate barriers based on the criteria in
3970 paragraph (b). At no time may the number of craft grower
3971 licenses exceed 150. Any person or entity awarded a license
3972 pursuant to this subsection shall not hold more than three craft
3973 grower licenses. A person or entity awarded a license pursuant
3974 to this subsection or paragraph (a) or paragraph (b) may sell

3975 its craft grower license or licenses subject to the restrictions
 3976 of this chapter or as determined by administrative rule.

3977 (2) APPLICATION.—

3978 (a) When applying for a license, the applicant shall
 3979 electronically submit the following in such form as the
 3980 department may direct:

3981 1. The nonrefundable application fee a provided in s.
 3982 566.801 to be deposited into the Alcoholic Beverage, Marijuana,
 3983 and Tobacco Trust Fund.

3984 2. The legal name of the craft grower.

3985 3. The proposed physical address of the craft grower.

3986 4. The name, address, social security number, and date of
 3987 birth of each principal officer and board member of the craft
 3988 grower, each principal officer and board member shall be at
 3989 least 21 years of age.

3990 5. The details of any administrative or judicial
 3991 proceeding in which any of the principal officers or board
 3992 members of the craft grower, including whether any of them:

3993 a. Pled guilty, were convicted, fined, or had a
 3994 registration or license suspended or revoked; or

3995 b. Managed or served on the board of a business or
 3996 nonprofit organization that pled guilty, was convicted, fined,
 3997 or had a registration or license suspended or revoked.

3998 6. Proposed operating bylaws that include procedures for
 3999 the oversight of the craft grower, including the development and

4000 implementation of a plant monitoring system, accurate
 4001 recordkeeping, staffing plan, and security plan approved by the
 4002 Department of Law Enforcement that are in accordance with the
 4003 rules issued by the department under this chapter; a physical
 4004 inventory shall be performed of all plants and on a weekly basis
 4005 by the craft grower.

4006 7. verification from the Department of Law Enforcement
 4007 that all background checks of the prospective principal
 4008 officers, board members, and agents of the cannabis business
 4009 establishment have been conducted.

4010 8. A copy of the current local zoning ordinance or permit
 4011 and verification that the proposed craft grower is in compliance
 4012 with the local zoning rules and distance limitations established
 4013 by the local jurisdiction.

4014 9. Proposed employment practices, in which the applicant
 4015 must demonstrate a plan of action to inform, hire, and educate
 4016 minorities, women, veterans, and persons with disabilities,
 4017 engage in fair labor practices, and provide worker protections.

4018 10. Whether an applicant can demonstrate experience in or
 4019 business practices that promote economic empowerment in
 4020 disproportionately impacted areas.

4021 11. Experience with the cultivation of agricultural or
 4022 horticultural products, operating an agriculturally related
 4023 business, or operating a horticultural business.

4024 12. A description of the enclosed, locked facility where

4025 cannabis will be grown, harvested, manufactured, packaged, or
 4026 otherwise prepared for distribution to a dispensing organization
 4027 or other cannabis business establishment.

4028 13. A survey of the enclosed, locked facility, including
 4029 the space used for cultivation.

4030 14. Cultivation, processing, inventory, and packaging
 4031 plans.

4032 15. A description of the applicant's experience with
 4033 agricultural cultivation techniques and industry standards.

4034 16. A list of any academic degrees, certifications, or
 4035 relevant experience of all prospective principal officers, board
 4036 members, and agents of the related business.

4037 17. The identity of every person having a financial or
 4038 voting interest of 5 percent or greater in the craft grower
 4039 operation, whether a trust, corporation, partnership, limited
 4040 liability company, or sole proprietorship, including the name
 4041 and address of each person.

4042 18. A plan describing how the craft grower will address
 4043 each of the following:

4044 a. Energy needs, including estimates of monthly
 4045 electricity and gas usage, to what extent it will procure energy
 4046 from a local utility or from on-site generation, and if it has
 4047 or will adopt a sustainable energy use and energy conservation
 4048 policy; water needs, including estimated water draw and if it
 4049 has or will adopt a sustainable water use and water conservation

4050 policy.

4051 b. Waste management, including if it has or will adopt a
4052 waste reduction policy.

4053 19. A recycling plan, including provisions requiring that:

4054 a. Purchaser packaging, including cartridges, shall be
4055 accepted by the applicant and recycled.

4056 b. Any recyclable waste generated by the craft grower
4057 facility shall be recycled per applicable state and local laws,
4058 ordinances, and rules.

4059 c. All cannabis plant waste will be rendered unusable by
4060 grinding and incorporating the cannabis plant waste with
4061 compostable mixed waste to be disposed or composted in
4062 accordance with applicable solid waste laws.

4063 20. A commitment to comply with local waste provisions, a
4064 craft grower facility must remain in compliance with applicable
4065 state and federal environmental requirements, including:

4066 a. Storing, securing, and managing all recyclables and
4067 waste, including organic waste composed of or containing
4068 finished cannabis and cannabis products, in accordance with
4069 applicable state and local laws, ordinances, and rules; and

4070 b. Disposing liquid waste containing cannabis or
4071 byproducts of cannabis processing in compliance with all
4072 applicable state and federal requirements, including, but not
4073 limited to, the cannabis cultivation facility's permits under
4074 the Environmental Protection Act.

4075 21. a commitment to a technology standard for resource
4076 efficiency of the craft grower facility.

4077 a. A craft grower facility commits to use resources
4078 efficiently, including energy and water. For the following, a
4079 cannabis cultivation facility commits to meet or exceed the
4080 following technology standards which may be modified by rule:

4081 (I) Lighting systems, including light bulbs.

4082 (II) HVAC system.

4083 (III) Water application system to the crop.

4084 (IV) Filtration system for removing contaminants from
4085 wastewater.

4086 b. Lighting systems. The Lighting Power Densities (LPD)
4087 for cultivation space commits to not exceed an average of 36
4088 watts per gross square foot of active and growing space canopy,
4089 or all installed lighting technology shall meet a photosynthetic
4090 photon efficacy (PPE) of no less than 2.2 micromoles per joule
4091 fixture and shall be featured on the DesignLights Consortium
4092 (DLC) Horticultural Specification Qualified Products List (QPL).
4093 In the event that DLC requirement for minimum efficacy exceeds
4094 2.2 micromoles per joule fixture, that PPE shall become the new
4095 standard.

4096 c.(I) For cannabis grow operations with less than 6,000
4097 square feet of canopy, the licensee commits that all HVAC units
4098 will be high-efficiency ductless split HVAC units, or other more
4099 energy efficient equipment.

4100 (II) For cannabis grow operations with 6,000 square feet
 4101 of canopy or more, the licensee commits that all HVAC units will
 4102 be variable refrigerant flow HVAC units, or other more energy
 4103 efficient equipment.

4104 d. Water. The craft grower facility commits to use
 4105 automated watering systems, including, but not limited to, drip
 4106 irrigation and flood tables, to irrigate cannabis crop and to
 4107 measure runoff from watering events and report this volume in
 4108 its water usage plan, and that on average, watering events shall
 4109 have no more than 20 percent of runoff of water.

4110 e. The craft grower commits that HVAC condensate,
 4111 dehumidification water, excess runoff, and other wastewater
 4112 produced by the craft grower facility shall be captured and
 4113 filtered to the best of the facility's ability to achieve the
 4114 quality needed to be reused in subsequent watering rounds.

4115 f. Reporting energy use and efficiency as required by
 4116 rule; and

4117 22. Any other information required by rule.

4118 (b) Applicants must submit all required information,
 4119 including the information required in subsection (3), to the
 4120 department. Failure by an applicant to submit all required
 4121 information may result in the application being disqualified.

4122 (c) If the department receives an application with missing
 4123 information, the department may issue a deficiency notice to the
 4124 applicant. The applicant shall have 10 calendar days after the

4125 date of the deficiency notice to resubmit the incomplete
4126 information. Applications that are still incomplete after this
4127 opportunity to cure will not be scored and will be disqualified.

4128 (3) SCORING APPLICATIONS.—

4129 (a) The department shall by rule develop a system to score
4130 craft grower applications to administratively rank applications
4131 based on the clarity, organization, and quality of the
4132 applicant's responses to required information. Applicants shall
4133 be awarded points based on the following categories:

4134 1. Suitability of the proposed facility.

4135 2. Suitability of the employee training plan.

4136 3. Security and recordkeeping.

4137 4. Cultivation plan.

4138 5. Product safety and labeling plan.

4139 6. Business plan.

4140 7. The applicant's status as a social equity applicant,
4141 which shall constitute no less than 20 percent of total
4142 available points.

4143 8. Labor and employment practices, which shall constitute
4144 no less than 2 percent of total available points.

4145 9. Environmental plan as described in
4146 subparagraphs (2) (a) 18. and 19.

4147 10. The applicant is 51 percent or more owned and
4148 controlled by an individual or individuals who have been a
4149 resident of this state for the past 5 years as proved by tax

4150 records.

4151 11. The applicant is 51 percent or more controlled and
4152 owned by an individual or individuals who meet the
4153 qualifications of a veteran as defined in s. 1.01(14).

4154 12. A diversity plan that includes a narrative of not more
4155 than 2,500 words that establishes a goal of diversity in
4156 ownership, management, employment, and contracting to ensure
4157 that diverse participants and groups are afforded equality of
4158 opportunity.

4159 13. Any other criteria the department may set by rule for
4160 points.

4161 (b) The department may also award up to two bonus points
4162 for the applicant's plan to engage with the community. The
4163 applicant may demonstrate a desire to engage with its community
4164 by participating in one or more of, but not limited to, the
4165 following actions:

4166 1. Establishment of an incubator program designed to
4167 increase participation in the cannabis industry by persons who
4168 would qualify as social equity applicants;

4169 2. Providing financial assistance to substance abuse
4170 treatment centers;

4171 3. Educating children and teens about the potential harms
4172 of cannabis use; or

4173 4. Other measures demonstrating a commitment to the
4174 applicant's community. Bonus points will only be awarded if the

4175 department receives applications that receive an equal score for
4176 a particular region.

4177 (c) Should the applicant be awarded a craft grower
4178 license, the information and plans that an applicant provided in
4179 its application, including any plans submitted for the acquiring
4180 of bonus points, shall be a mandatory condition of the license.
4181 Any variation from or failure to perform such plans may result
4182 in discipline, including the revocation or nonrenewal of a
4183 license.

4184 (d) Should the applicant be awarded a craft grower
4185 license, the applicant shall pay the provided in s. 566.801,
4186 prorated, before receiving the license, to be deposited into the
4187 Alcoholic Beverage, Marijuana, and Tobacco Trust Fund.

4188 (4) ISSUANCE OF LICENSE TO CERTAIN PERSONS PROHIBITED.—

4189 (a) A craft grower license issued by the department may
4190 not be issued to a person who is licensed by any licensing
4191 authority as a cultivation center, or to any partnership,
4192 corporation, limited liability company, or trust or any
4193 subsidiary, affiliate, or any other form of business enterprise
4194 having more than 10 percent legal, equitable, or beneficial
4195 interest, directly or indirectly, in a person licensed in this
4196 state as a cultivation center, or to any principal officer,
4197 agent, employee, or human being with any form of ownership or
4198 control over a cultivation center except for a person who owns
4199 no more than 5 percent of the outstanding shares of a

4200 cultivation center whose shares are publicly traded on an
 4201 exchange within the meaning of the Securities Exchange Act of
 4202 1934.

4203 (b) A person who is licensed in this state as a craft
 4204 grower, or any partnership, corporation, limited liability
 4205 company, or trust or any subsidiary, affiliate, or agent
 4206 thereof, or any other form of business enterprise licensed in
 4207 this state as a craft grower shall not have more than 10 percent
 4208 legal, equitable, or beneficial interest, directly or
 4209 indirectly, in a person licensed as a cultivation center, nor
 4210 shall any partnership, corporation, limited liability company,
 4211 or trust or any subsidiary, affiliate, or any other form of
 4212 business enterprise having any legal, equitable, or beneficial
 4213 interest, directly or indirectly, in a person licensed in this
 4214 state as a craft grower or a craft grower agent be a principal
 4215 officer, agent, employee, or human being with any form of
 4216 ownership or control over a cultivation center except for a
 4217 person who owns no more than 5 percent of the outstanding shares
 4218 of a cultivation center whose shares are publicly traded on an
 4219 exchange within the meaning of the Securities Exchange Act of
 4220 1934.

4221 (5) DENIAL OF APPLICATION.—An application for a craft
 4222 grower license must be denied if any of the following conditions
 4223 are met:

4224 (a) The applicant failed to submit the materials required

4225 by this section;

4226 (b) The applicant would not be in compliance with local
 4227 zoning rules;

4228 (c) One or more of the prospective principal officers or
 4229 board members causes a violation of subsection (4);

4230 (d) One or more of the principal officers or board members
 4231 is under 21 years of age;

4232 (e) The person has submitted an application for a license
 4233 under this chapter that contains false information; or

4234 (f) The licensee; principal officer, board member, or
 4235 person having a financial or voting interest of 5 percent or
 4236 greater in the licensee; or agent is delinquent in filing any
 4237 required tax returns or paying any amounts owed to this state.

4238 (6) CRAFT GROWER REQUIREMENTS; PROHIBITIONS.—

4239 (a) The operating documents of a craft grower shall
 4240 include procedures for the oversight of the craft grower, a
 4241 cannabis plant monitoring system including a physical inventory
 4242 recorded weekly, accurate recordkeeping, and a staffing plan.

4243 (b) A craft grower shall implement a security plan
 4244 reviewed by the Department of Law Enforcement that includes, but
 4245 is not limited to, facility access controls, perimeter intrusion
 4246 detection systems, personnel identification systems, and a 24-
 4247 hour surveillance system to monitor the interior and exterior of
 4248 the craft grower facility and that is accessible to authorized
 4249 law enforcement and the department in real time.

4250 (c) All cultivation of cannabis by a craft grower must
4251 take place in an enclosed, locked facility at the physical
4252 address provided to the department during the licensing process.
4253 The craft grower location shall only be accessed by the agents
4254 working for the craft grower, the department staff performing
4255 inspections, the Department of Health staff performing
4256 inspections, state and local law enforcement or other emergency
4257 personnel, contractors working on jobs unrelated to cannabis,
4258 such as installing or maintaining security devices or performing
4259 electrical wiring, transporting organization agents as provided
4260 in this chapter, or participants in the incubator program,
4261 individuals in a mentoring or educational program approved by
4262 the state, or other individuals as provided by rule. However, if
4263 a craft grower shares a premises with an infuser or dispensing
4264 organization, agents from those other licensees may access the
4265 craft grower portion of the premises if that is the location of
4266 common bathrooms, lunchrooms, locker rooms, or other areas of
4267 the building where work or cultivation of cannabis is not
4268 performed. At no time may an infuser or dispensing organization
4269 agent perform work at a craft grower without being a registered
4270 agent of the craft grower.

4271 (d) A craft grower may not sell or distribute any cannabis
4272 to any person other than a cultivation center, a craft grower,
4273 an infuser organization, a dispensing organization, or as
4274 otherwise authorized by rule.

4275 (e) A craft grower may not be located in an area zoned for
4276 residential use.

4277 (f) A craft grower may not either directly or indirectly
4278 discriminate in price between different cannabis business
4279 establishments that are purchasing a like grade, strain, brand,
4280 and quality of cannabis or cannabis-infused product. Nothing in
4281 this paragraph prevents a craft grower from pricing cannabis
4282 differently based on differences in the cost of manufacturing or
4283 processing, the quantities sold, such as volume discounts, or
4284 the way the products are delivered.

4285 (g) All cannabis harvested by a craft grower and intended
4286 for distribution to a dispensing organization must be entered
4287 into a data collection system, packaged and labeled as required
4288 by law, and, if distribution is to a dispensing organization
4289 that does not share a premises with the dispensing organization
4290 receiving the cannabis, placed into a cannabis container for
4291 transport. All cannabis harvested by a craft grower and intended
4292 for distribution to a cultivation center, to an infuser
4293 organization, or to a craft grower with which it does not share
4294 a premises, must be packaged in a labeled cannabis container and
4295 entered into a data collection system before transport.

4296 (h) Craft growers are subject to random inspections by the
4297 department, local safety or health inspectors, and the
4298 Department of Law Enforcement.

4299 (i) A craft grower agent shall notify local law

HB 1597

2021

4300 enforcement, the Department of Law Enforcement, and the
4301 department within 24 hours of the discovery of any loss or
4302 theft. Notification shall be made by phone, in person, or
4303 written or electronic communication.

4304 (j) A craft grower shall comply with all state and any
4305 applicable federal rules and regulations regarding the use of
4306 pesticides.

4307 (k) A craft grower or craft grower agent shall not
4308 transport cannabis or cannabis-infused products to any other
4309 cannabis business establishment without a transport organization
4310 license unless:

4311 1. If the craft grower is located in a county with a
4312 population of 3,000,000 or more, the cannabis business
4313 establishment receiving the cannabis is within 2,000 feet of the
4314 property line of the craft grower;

4315 2. If the craft grower is located in a county with a
4316 population of more than 700,000 but fewer than 3,000,000, the
4317 cannabis business establishment receiving the cannabis is within
4318 2 miles of the craft grower; or

4319 3. If the craft grower is located in a county with a
4320 population of fewer the 700,000, the cannabis business
4321 establishment receiving the cannabis is within 15 miles of the
4322 craft grower.

4323 (l) A craft grower may enter into a contract with a
4324 transporting organization to transport cannabis to a cultivation

4325 center, a craft grower, an infuser organization, a dispensing
4326 organization, or a laboratory.

4327 (m) No person or entity shall hold any legal, equitable,
4328 ownership, or beneficial interest, directly or indirectly, of
4329 more than three craft grower licenses. Further, no person or
4330 entity that is employed by, an agent of, or has a contract to
4331 receive payment from or participate in the management of a craft
4332 grower, is a principal officer of a craft grower, or entity
4333 controlled by or affiliated with a principal officer of a craft
4334 grower shall hold any legal, equitable, ownership, or beneficial
4335 interest, directly or indirectly, in a craft grower license that
4336 would result in the person or entity owning or controlling in
4337 combination with any craft grower, principal officer of a craft
4338 grower, or entity controlled or affiliated with a principal
4339 officer of a craft grower by which he, she, or it is employed,
4340 is an agent of, or participates in the management of more than
4341 three craft grower licenses.

4342 (n) It is unlawful for any person having a craft grower
4343 license or any officer, associate, member, representative, or
4344 agent of the licensee to offer or deliver money, or anything
4345 else of value, directly or indirectly, to any person having an
4346 early approval adult use dispensing organization license, a
4347 conditional adult use dispensing organization license, an adult
4348 use dispensing organization license, or a medical marijuana
4349 treatment center, or to any person connected with or in any way

4350 representing, or to any member of the family of, the person
4351 holding an early approval adult use dispensing organization
4352 license, a conditional adult use dispensing organization
4353 license, an adult use dispensing organization license, or a
4354 medical marijuana treatment center, or to any stockholders in
4355 any corporation engaged in the retail sale of cannabis, or to
4356 any officer, manager, agent, or representative of the early
4357 approval adult use dispensing organization license, a
4358 conditional adult use dispensing organization license, an adult
4359 use dispensing organization license, or a medical marijuana
4360 treatment center to obtain preferential placement within the
4361 dispensing organization, including, without limitation, on
4362 shelves and in display cases where purchasers can view products,
4363 or on the dispensing organization's website.

4364 (o) A craft grower shall not be located within 1,500 feet
4365 of another craft grower or a cultivation center.

4366 (p) A graft grower may process cannabis, cannabis
4367 concentrates, and cannabis-infused products. Cannabis
4368 concentrate may be made with propylene glycol, glycerin, butter,
4369 olive oil or other typical cooking fats; water, ice, or dry ice;
4370 or butane, propane, CO2, ethanol, or isopropanol. The use of any
4371 other solvent is expressly prohibited unless it is approved by
4372 the department.

4373 (q) A craft grower must comply with any other requirements
4374 or prohibitions set by administrative rule of the department.

4375 (7) IDENTIFICATION CARD.—
 4376 (a) The department shall:
 4377 1. Establish by rule the information required in an
 4378 initial application or renewal application for an agent
 4379 identification card submitted under this section and the
 4380 nonrefundable fee to accompany the initial application or
 4381 renewal application.
 4382 2. Verify the information contained in an initial
 4383 application or renewal application for an agent identification
 4384 card submitted under this section and approve or deny an
 4385 application within 30 days after receiving a completed initial
 4386 application or renewal application and all supporting
 4387 documentation required by rule.
 4388 3. Issue an agent identification card to a qualifying
 4389 agent within 15 business days of approving the initial
 4390 application or renewal application.
 4391 4. Enter the license number of the craft grower where the
 4392 agent works, allow for an electronic initial application and
 4393 renewal application process, and provide a confirmation by
 4394 electronic or other methods that an application has been
 4395 submitted. The department may by rule require prospective agents
 4396 to file their applications by electronic means and provide
 4397 notices to the agents by electronic means.
 4398 (b) An agent must keep his or her identification card
 4399 visible at all times when on the property of a cannabis business

4400 establishment, including the craft grower organization for which
 4401 he or she is an agent.

4402 (c) The agent identification cards shall contain the
 4403 following:

4404 1. The name of the cardholder.

4405 2. The date of issuance and expiration date of the
 4406 identification card.

4407 3. A random 10-digit alphanumeric identification number
 4408 containing at least four numbers and at least four letters that
 4409 is unique to the holder.

4410 4. A photograph of the cardholder.

4411 5. The legal name of the craft grower organization
 4412 employing the agent.

4413 (d) An agent identification card shall be immediately
 4414 returned to the cannabis business establishment of the agent
 4415 upon termination of his or her employment.

4416 (e) Any agent identification card lost by a craft grower
 4417 agent shall be reported to the Department of Law Enforcement and
 4418 the department immediately upon discovery of the loss.

4419 (8) BACKGROUND CHECKS.—

4420 (a) Through the Department of Law Enforcement, the
 4421 department shall conduct a background check of the prospective
 4422 principal officers, board members, and agents of a craft grower
 4423 applying for a license or identification card under this
 4424 section. The Department of Law Enforcement may charge a fee as

4425 provided in s. 943.053. In order to carry out this section, each
4426 craft grower organization's prospective principal officer, board
4427 member, or agent shall submit a full set of fingerprints to the
4428 Department of Law Enforcement for the purpose of obtaining a
4429 state and federal criminal records check. These fingerprints
4430 shall be checked against the fingerprint records now and
4431 hereafter, to the extent allowed by law, filed in the Department
4432 of Law Enforcement and Federal Bureau of Investigation criminal
4433 history records databases. The Department of Law Enforcement
4434 shall furnish, following positive identification, all conviction
4435 information to the department.

4436 (b) When applying for the initial license or
4437 identification card, the background checks for all prospective
4438 principal officers, board members, and agents shall be completed
4439 before submitting the application to the licensing or issuing
4440 agency.

4441 (9) RENEWAL OF LICENSES AND IDENTIFICATION CARDS.—

4442 (a) Licenses and identification cards issued under this
4443 section shall be renewed annually. A craft grower shall receive
4444 written or electronic notice 90 days before the expiration of
4445 its current license that the license will expire. The department
4446 shall grant a renewal within 45 days of submission of a renewal
4447 application if:

4448 1. The craft grower submits a renewal application and the
4449 required nonrefundable renewal fee as provided in s. 566.801.

4450 2. The department has not suspended the license of the
4451 craft grower or suspended or revoked the license for violating
4452 this section or rules adopted under this section.

4453 3. The craft grower has continued to operate in accordance
4454 with all plans submitted as part of its application and approved
4455 by the department or any amendments thereto that have been
4456 approved by the department.

4457 4. The craft grower has submitted an agent, employee,
4458 contracting, and subcontracting diversity report as required by
4459 the department.

4460 5. The craft grower has submitted an environmental impact
4461 report.

4462 (b) If a craft grower fails to renew its license before
4463 expiration, it shall cease operations until its license is
4464 renewed.

4465 (c) If a craft grower agent fails to renew his or her
4466 identification card before its expiration, he or she shall cease
4467 to work as an agent of the craft grower organization until his
4468 or her identification card is renewed.

4469 (d) Any craft grower that continues to operate, or any
4470 craft grower agent who continues to work as an agent, after the
4471 applicable license or identification card has expired without
4472 renewal is subject to the penalties provided under s. 566.4701.

4473 (e) All fees or fines collected from the renewal of a
4474 craft grower license shall be deposited into the Alcoholic

4475 Beverage, Marijuana, and Tobacco Trust Fund.

4476 566.405 Infuser organizations.—

4477 (1) ISSUANCE OF LICENSES.—

4478 (a) The department shall issue up to 40 infuser licenses
4479 through a process provided for in this section no later than
4480 July 1, 2022.

4481 (b) The department shall make the application for infuser
4482 licenses available on January 7, 2022, or if that date falls on
4483 a weekend or holiday, the business day immediately succeeding
4484 the weekend or holiday and every January or succeeding business
4485 day thereafter, and shall receive such applications no later
4486 than March 15, 2022, or, if that date falls on a weekend or
4487 holiday, the business day immediately succeeding the weekend or
4488 holiday and every March 15, or succeeding business day
4489 thereafter.

4490 (c) By December 21, 2023, the department may issue up to
4491 60 additional infuser licenses. Before issuing such licenses,
4492 the department may adopt rules through emergency rulemaking to
4493 modify or raise the number of infuser licenses and modify or
4494 change the licensing application process to reduce or eliminate
4495 barriers. In determining whether to exercise the authority
4496 granted by this subsection, the department must consider the
4497 following factors:

4498 1. The percentage of cannabis sales occurring in this
4499 states not in the regulated market using the best available data

4500 to ascertain total cannabis consumption in this state compared
 4501 to the amount of sales in licensed dispensing organizations.

4502 2. Whether there is an adequate supply of cannabis and
 4503 cannabis-infused products to serve registered medical cannabis
 4504 patients.

4505 3. Whether there is an adequate supply of cannabis and
 4506 cannabis-infused products to serve purchasers.

4507 4. Whether there is an oversupply of cannabis in this
 4508 state leading to trafficking of cannabis to states where the
 4509 sale of cannabis is not permitted by law.

4510 5. Population increases or shifts.

4511 6. Changes to federal law.

4512 7. Perceived security risks of increasing the number or
 4513 location of infuser organizations.

4514 8. The past security record of infuser organizations.

4515 9. The department's capacity to appropriately regulate
 4516 additional licensees.

4517 10. The reduction or elimination of any identified
 4518 barriers to entry in the cannabis industry.

4519 11. Any other criteria the department deems relevant.

4520 (d) After January 1, 2022, the department may by rule
 4521 modify or raise the number of infuser licenses, and modify or
 4522 change the licensing application process to reduce or eliminate
 4523 barriers based on the criteria in paragraph (c).

4524 (2) APPLICATION.—

4525 (a) When applying for a license, the applicant shall
4526 electronically submit the following in such form as the
4527 department may direct:

4528 1. The nonrefundable application fee as provided in s.
4529 566.801 to be deposited into the Alcoholic Beverage, Marijuana,
4530 and Tobacco Trust Fund.

4531 2. The legal name of the infuser.

4532 3. The proposed physical address of the infuser.

4533 4. The name, address, social security number, and date of
4534 birth of each principal officer and board member of the infuser;
4535 each principal officer and board member shall be at least 21
4536 years of age.

4537 5. The details of any administrative or judicial
4538 proceeding in which any of the principal officers or board
4539 members of the infuser:

4540 a. Pled guilty, were convicted, fined, or had a
4541 registration or license suspended or revoked; or

4542 b. Managed or served on the board of a business or
4543 nonprofit organization that pled guilty, was convicted, fined,
4544 or had a registration or license suspended or revoked.

4545 6. Proposed operating bylaws that include procedures for
4546 the oversight of the infuser, including the development and
4547 implementation of a plant monitoring system, accurate
4548 recordkeeping, staffing plan, and security plan approved by the
4549 Department of Law Enforcement that are in accordance with the

4550 rules issued by the department under this section. A physical
4551 inventory of all cannabis shall be performed on a weekly basis
4552 by the infuser.

4553 7. Verification from the Department of Law Enforcement
4554 that all background checks of the prospective principal
4555 officers, board members, and agents of the infuser organization
4556 have been conducted.

4557 8. A copy of the current local zoning ordinance and
4558 verification that the proposed infuser is in compliance with the
4559 local zoning rules and distance limitations established by the
4560 local jurisdiction.

4561 9. Proposed employment practices, in which the applicant
4562 must demonstrate a plan of action to inform, hire, and educate
4563 minorities, women, veterans, and persons with disabilities,
4564 engage in fair labor practices, and provide worker protections.

4565 10. Whether an applicant can demonstrate experience in or
4566 business practices that promote economic empowerment in
4567 disproportionately impacted areas.

4568 11. Experience with infusing products with cannabis
4569 concentrate.

4570 12. A description of the enclosed, locked facility where
4571 cannabis will be infused, packaged, or otherwise prepared for
4572 distribution to a dispensing organization or other infuser.

4573 13. Processing, inventory, and packaging plans.

4574 14. A description of the applicant's experience with

4575 operating a commercial kitchen or laboratory preparing products
4576 for human consumption.

4577 15. A list of any academic degrees, certifications, or
4578 relevant experience of all prospective principal officers, board
4579 members, and agents of the related business.

4580 16. The identity of every person having a financial or
4581 voting interest of 5 percent or greater in the infuser operation
4582 with respect to which the license is sought, whether a trust,
4583 corporation, partnership, limited liability company, or sole
4584 proprietorship, including the name and address of each person;

4585 17. A plan describing how the infuser will address each of
4586 the following:

4587 a. Energy needs, including estimates of monthly
4588 electricity and gas usage, to what extent it will procure energy
4589 from a local utility or from on-site generation, and if it has
4590 or will adopt a sustainable energy use and energy conservation
4591 policy.

4592 b. Water needs, including estimated water draw, and if it
4593 has or will adopt a sustainable water use and water conservation
4594 policy.

4595 c. Waste management, including adopt a waste reduction
4596 policy.

4597 18. A recycling plan that requires:

4598 a. A commitment that any recyclable waste generated by the
4599 infuser shall be recycled per applicable state and local laws,

4600 ordinances, and rules; and

4601 b. A commitment to comply with local waste provisions. An
4602 infuser commits to remain in compliance with applicable state
4603 and federal environmental requirements, including, but not
4604 limited to, storing, securing, and managing all recyclables and
4605 waste, including organic waste composed of or containing
4606 finished cannabis and cannabis products, in accordance with
4607 applicable state and local laws, ordinances, and rules.

4608 19. Any other information required by rule.

4609 (b) Applicants must submit all required information,
4610 including the information required in subsection (3), to the
4611 department. Failure by an applicant to submit all required
4612 information may result in the application being disqualified.

4613 (c) If the department receives an application with missing
4614 information, the department may issue a deficiency notice to the
4615 applicant. The applicant shall have 10 calendar days from the
4616 date of the deficiency notice to resubmit the incomplete
4617 information. Applications that are still incomplete after this
4618 opportunity to cure will not be scored and will be disqualified.

4619 (3) ISSUING LICENSES.—

4620 (a) The department shall by rule develop a system to score
4621 infuser applications to administratively rank applications based
4622 on the clarity, organization, and quality of the applicant's
4623 responses to required information. Applicants shall be awarded
4624 points based on the following categories:

- 4625 | 1. Suitability of the proposed facility.
- 4626 | 2. Suitability of the employee training plan.
- 4627 | 3. Security and recordkeeping plan.
- 4628 | 4. Infusing plan.
- 4629 | 5. Product safety and labeling plan.
- 4630 | 6. Business plan.
- 4631 | 7. The applicant's status as a social equity applicant,
 4632 | which shall constitute no less than 20 percent of total
 4633 | available points.
- 4634 | 8. Labor and employment practices, which shall constitute
 4635 | no less than 2 percent of total available points.
- 4636 | 9. Environmental plan as described in subparagraphs
 4637 | (2) (a) 17. and 18.
- 4638 | 10. The applicant is 51 percent or more owned and
 4639 | controlled by an individual or individuals who have been a
 4640 | resident of this state for the past 5 years as proved by tax
 4641 | records.
- 4642 | 11. The applicant is 51 percent or more controlled and
 4643 | owned by an individual or individuals who meet the
 4644 | qualifications of a veteran as defined in s. 1.01(14).
- 4645 | 12. A diversity plan that includes a narrative of not more
 4646 | than 2,500 words that establishes a goal of diversity in
 4647 | ownership, management, employment, and contracting to ensure
 4648 | that diverse participants and groups are afforded equality of
 4649 | opportunity.

4650 13. Any other criteria the department may set by rule for
4651 points.

4652 (b) The department may also award up to two bonus points
4653 for the applicant's plan to engage with the community. The
4654 applicant may demonstrate a desire to engage with its community
4655 by participating in one or more of, but not limited to, the
4656 following actions:

4657 1. Establishment of an incubator program designed to
4658 increase participation in the cannabis industry by persons who
4659 would qualify as social equity applicants;

4660 2. Providing financial assistance to substance abuse
4661 treatment centers;

4662 3. Educating children and teens about the potential harms
4663 of cannabis use; or

4664 4. Other measures demonstrating a commitment to the
4665 applicant's community. Bonus points will only be awarded if the
4666 department receives applications that receive an equal score for
4667 a particular region.

4668 (c) Should the applicant be awarded an infuser license,
4669 the information and plans that an applicant provided in its
4670 application, including any plans submitted for the acquiring of
4671 bonus points, becomes a mandatory condition of the permit. Any
4672 variation from or failure to perform such plans may result in
4673 discipline, including the revocation or nonrenewal of a license.

4674 (d) Should the applicant be awarded an infuser

4675 organization license, it shall pay a fee as provided in s.
4676 566.801 before receiving the license, to be deposited into the
4677 Alcoholic Beverage, Marijuana, and Tobacco Trust Fund.

4678 (4) DENIAL OF APPLICATION.—An application for an infuser
4679 license shall be denied if any of the following conditions are
4680 met:

4681 (a) The applicant failed to submit the materials required
4682 by this section;

4683 (b) The applicant would not be in compliance with local
4684 zoning rules or permit requirements;

4685 (c) One or more of the prospective principal officers or
4686 board members causes a violation of subsection (5);

4687 (d) One or more of the principal officers or board members
4688 is under 21 years of age;

4689 (e) The person has submitted an application for a license
4690 under this chapter that contains false information; or

4691 (f) If the licensee; principal officer, board member, or
4692 person having a financial or voting interest of 5 percent or
4693 greater in the licensee; or agent is delinquent in filing any
4694 required tax returns or paying any amounts owed to the state.

4695 (5) INFUSER ORGANIZATION REQUIREMENTS; PROHIBITIONS.—

4696 (a) The operating documents of an infuser shall include
4697 procedures for the oversight of the infuser, an inventory
4698 monitoring system, including a physical inventory recorded
4699 weekly, accurate recordkeeping, and a staffing plan.

HB 1597

2021

4700 (b) An infuser shall implement a security plan reviewed by
4701 the Department of Law Enforcement that includes, but is not
4702 limited to, facility access controls, perimeter intrusion
4703 detection systems, personnel identification systems, and a 24-
4704 hour surveillance system to monitor the interior and exterior of
4705 the infuser facility and that is accessible to authorized law
4706 enforcement, the Department of Health, and the department in
4707 real time.

4708 (c) All processing of cannabis by an infuser must take
4709 place in an enclosed, locked facility at the physical address
4710 provided to the department during the licensing process. The
4711 infuser location shall only be accessed by the agents working
4712 for the infuser, the department staff performing inspections,
4713 the Department of Health staff performing inspections, state and
4714 local law enforcement or other emergency personnel, contractors
4715 working on jobs unrelated to cannabis, such as installing or
4716 maintaining security devices or performing electrical wiring,
4717 transporting organization agents as provided in this chapter,
4718 participants in the incubator program, individuals in a
4719 mentoring or educational program approved by the state, local
4720 safety or health inspectors, or other individuals as provided by
4721 rule. However, if an infuser shares a premises with a craft
4722 grower or dispensing organization, agents from these other
4723 licensees may access the infuser portion of the premises if that
4724 is the location of common bathrooms, lunchrooms, locker rooms,

4725 or other areas of the building where processing of cannabis is
4726 not performed. At no time may a craft grower or dispensing
4727 organization agent perform work at an infuser without being a
4728 registered agent of the infuser.

4729 (d) An infuser may not sell or distribute any cannabis to
4730 any person other than a dispensing organization, or as otherwise
4731 authorized by rule.

4732 (e) An infuser may not either directly or indirectly
4733 discriminate in price between different cannabis business
4734 establishments that are purchasing a like grade, strain, brand,
4735 and quality of cannabis or cannabis-infused product. Nothing in
4736 this paragraph prevents an infuser from pricing cannabis
4737 differently based on differences in the cost of manufacturing or
4738 processing, the quantities sold, such volume discounts, or the
4739 way the products are delivered.

4740 (f) All cannabis infused by an infuser and intended for
4741 distribution to a dispensing organization must be entered into a
4742 data collection system, packaged and labeled under s. 566.4805,
4743 and, if distribution is to a dispensing organization that does
4744 not share a premises with the infuser, placed into a cannabis
4745 container for transport. All cannabis produced by an infuser and
4746 intended for distribution to a cultivation center, infuser
4747 organization, or craft grower with which it does not share a
4748 premises, must be packaged in a labeled cannabis container and
4749 entered into a data collection system before transport.

HB 1597

2021

4750 (g) Infusers are subject to random inspections by the
4751 department, the Department of Health, the Department of Law
4752 Enforcement, and local law enforcement.

4753 (h) An infuser agent shall notify local law enforcement,
4754 the Department of Law Enforcement, and the department within 24
4755 hours of the discovery of any loss or theft. Notification shall
4756 be made by phone, in person, or by written or electronic
4757 communication.

4758 (i) An infuser organization may not be located in an area
4759 zoned for residential use.

4760 (j) An infuser or infuser agent shall not transport
4761 cannabis or cannabis-infused products to any other cannabis
4762 business establishment without a transport organization license
4763 unless:

4764 1. If the infuser is located in a county with a population
4765 of 3,000,000 or more, the cannabis business establishment
4766 receiving the cannabis or cannabis-infused product is within
4767 2,000 feet of the property line of the infuser;

4768 2. If the infuser is located in a county with a population
4769 of more than 700,000 but fewer than 3,000,000, the cannabis
4770 business establishment receiving the cannabis or cannabis-
4771 infused product is within 2 miles of the infuser; or

4772 3. If the infuser is located in a county with a population
4773 of fewer than 700,000, the cannabis business establishment
4774 receiving the cannabis or cannabis-infused product is within 15

4775 miles of the infuser.

4776 (k) An infuser may enter into a contract with a
4777 transporting organization to transport cannabis to a dispensing
4778 organization or a laboratory.

4779 (l) An infuser organization may share premises with a
4780 craft grower or a dispensing organization, or both, provided
4781 each licensee stores currency and cannabis or cannabis-infused
4782 products in a separate secured vault to which the other licensee
4783 does not have access or all licensees sharing a vault share more
4784 than 50 percent of the same ownership.

4785 (m) It is unlawful for any person or entity having an
4786 infuser organization license or any officer, associate, member,
4787 representative or agent of such licensee to offer or deliver
4788 money, or anything else of value, directly or indirectly to any
4789 person having an early approval adult use dispensing
4790 organization license, a conditional adult use dispensing
4791 organization license, an adult use dispensing organization
4792 License, or a medical marijuana treatment center, or to any
4793 person connected with or in any way representing, or to any
4794 member of the family of, such person holding an early approval
4795 adult use dispensing organization license, a conditional adult
4796 use dispensing organization license, an adult use dispensing
4797 organization license, or a medical marijuana treatment center,
4798 or to any stockholders in any corporation engaged the retail
4799 sales of cannabis, or to any officer, manager, agent, or

4800 representative of the early approval adult use dispensing
4801 organization license, a conditional adult use dispensing
4802 organization license, an adult use dispensing organization
4803 license, or a medical marijuana treatment center to obtain
4804 preferential placement within the dispensing organization,
4805 including, without limitation, on shelves and in display cases
4806 where purchasers can view products, or on the dispensing
4807 organization's website.

4808 (n) At no time shall an infuser organization or an infuser
4809 agent perform the extraction of cannabis concentrate from
4810 cannabis flower.

4811 (6) IDENTIFICATION CARD.—

4812 (a) The department shall:

4813 1. Establish by rule the information required in an
4814 initial application or renewal application for an agent
4815 identification card submitted under this section and the
4816 nonrefundable fee to accompany the initial application or
4817 renewal application.

4818 2. Verify the information contained in an initial
4819 application or renewal application for an agent identification
4820 card submitted under this section, and approve or deny an
4821 application within 30 days after receiving a completed initial
4822 application or renewal application and all supporting
4823 documentation required by rule.

4824 3. Issue an agent identification card to a qualifying

4825 agent within 15 business days of approving the initial
4826 application or renewal application.

4827 4. Enter the license number of the infuser where the agent
4828 works.

4829 5. allow for an electronic initial application and renewal
4830 application process, and provide a confirmation by electronic or
4831 other methods that an application has been submitted. The
4832 department may by rule require prospective agents to file their
4833 applications by electronic means and provide notices to the
4834 agents by electronic means.

4835 (b) An agent must keep his or her identification card
4836 visible at all times when on the property of a cannabis business
4837 establishment including the cannabis business establishment for
4838 which he or she is an agent.

4839 (c) The agent identification cards shall contain the
4840 following:

4841 1. The name of the cardholder.

4842 2. The date of issuance and expiration date of the
4843 identification card.

4844 3. A random 10-digit alphanumeric identification number
4845 containing at least four numbers and at least four letters that
4846 is unique to the holder.

4847 4. A photograph of the cardholder.

4848 5. The legal name of the infuser organization employing
4849 the agent.

4850 (d) An agent identification card shall be immediately
4851 returned to the infuser organization of the agent upon
4852 termination of his or her employment.

4853 (e) Any agent identification card lost by a transporting
4854 agent shall be reported to the Department of Law Enforcement and
4855 the department immediately upon discovery of the loss.

4856 (7) ENSURING AN ADEQUATE SUPPLY OF RAW MATERIALS.—

4857 (a) As used in this subsection, the term "raw materials"
4858 includes, CO2 hash oil, crude, distillate, or any other cannabis
4859 concentrate extracted from cannabis flower by use of a solvent
4860 or a mechanical process.

4861 (b) The department may by rule design a method for
4862 assessing whether licensed infusers have access to an adequate
4863 supply of reasonably affordable raw materials, which may include
4864 but not be limited to:

4865 1. A survey of infusers.

4866 2. A market study on the sales trends of cannabis-infused
4867 products manufactured by infusers.

4868 3. The costs cultivation centers and craft growers assume
4869 for the raw materials they use in any cannabis-infused products
4870 they manufacture.

4871 (c) The department shall perform an assessment of whether
4872 infusers have access to an adequate supply of reasonably
4873 affordable raw materials that shall start no sooner than January
4874 1, 2024, and shall conclude no later than April 1, 2024.

4875 (d) The department shall perform an assessment of whether
4876 infusers have access to an adequate supply of reasonably
4877 affordable raw materials that shall start no sooner than January
4878 1, 2023, and shall conclude no later than April 1, 2025.

4879 (e) The department may by rule adopt measures to ensure
4880 infusers have access to an adequate supply of reasonably
4881 affordable raw materials necessary for the manufacture of
4882 cannabis-infused products. Such measures may include, but not be
4883 limited to requiring cultivation centers and craft growers to
4884 set aside a minimum amount of raw materials for the wholesale
4885 market or enabling infusers to apply for a processor license to
4886 extract raw materials from cannabis flower.

4887 (f) If the department determines processor licenses may be
4888 available to infusing organizations based upon findings made
4889 pursuant to paragraph (e), infuser organizations may submit to
4890 the department on forms provided by the department the following
4891 information as part of an application to receive a processor
4892 license:

4893 1. Experience with the extraction, processing, or infusing
4894 of oils similar to those derived from cannabis, or other
4895 business practices to be performed by the infuser.

4896 2. A description of the applicant's experience with
4897 manufacturing equipment and chemicals to be used in processing;

4898 3. Expertise in relevant scientific fields.

4899 4. A commitment that any cannabis waste, liquid waste, or

4900 hazardous waste shall be disposed of in accordance applicable
4901 laws and that all cannabis plant waste will be rendered
4902 unusable by grinding and incorporating the cannabis plant waste
4903 with compostable mixed waste to be disposed of or composted in
4904 accordance with applicable laws.

4905 5. Any other information the department deems relevant.

4906 (g) The department may only issue an infusing organization
4907 a processor license if, based on the information pursuant to
4908 paragraph (f) and any other criteria set by the department,
4909 which may, include, but not be limited to, an inspection of the
4910 site where processing would occur, the department is reasonably
4911 certain the infusing organization will process cannabis in a
4912 safe and compliant manner.

4913 (8) BACKGROUND CHECKS.—

4914 (a) Through the Department of Law Enforcement, the
4915 department shall conduct a background check of the prospective
4916 principal officers, board members, and agents of an infuser
4917 applying for a license or identification card under this
4918 section. The Department of Law Enforcement may charge a fee as
4919 provided in s. 943.053. In order to carry out this provision,
4920 each infuser organization's prospective principal officer, board
4921 member, or agent shall submit a full set of fingerprints to the
4922 Department of Law Enforcement for the purpose of obtaining a
4923 state and federal criminal records check. These fingerprints
4924 shall be checked against the fingerprint records now and

4925 hereafter, to the extent allowed by law, filed in the Department
 4926 of Law Enforcement and Federal Bureau of Investigation criminal
 4927 history records databases. The Department of Law Enforcement
 4928 shall furnish, following positive identification, all conviction
 4929 information to the department.

4930 (b) When applying for the initial license or
 4931 identification card, the background checks for all prospective
 4932 principal officers, board members, and agents shall be completed
 4933 before submitting the application to the licensing or issuing
 4934 agency.

4935 (9) RENEWAL OF LICENSES AND IDENTIFICATION CARDS.—

4936 (a) Licenses and identification cards issued under this
 4937 section shall be renewed annually. An infuser organization shall
 4938 receive written or electronic notice 90 days before the
 4939 expiration of its current license that the license will expire.
 4940 The department shall grant a renewal within 45 days of
 4941 submission of a renewal application if:

4942 1. The infuser organization submits a renewal application
 4943 and the required nonrefundable renewal fee as provided in s.
 4944 566.801 to be deposited into the Alcoholic Beverage, Marijuana,
 4945 and Tobacco Trust Fund.

4946 2. The department has not suspended or revoked the license
 4947 of the infuser organization for violating this section or rules
 4948 adopted under this section.

4949 3. The infuser organization has continued to operate in

4950 accordance with all plans submitted as part of its application
 4951 and approved by the department or any amendments thereto that
 4952 have been approved by the department.

4953 4. The infuser has submitted an agent, employee,
 4954 contracting, and subcontracting diversity report as required by
 4955 the department.

4956 5. The infuser has submitted an environmental impact
 4957 report.

4958 (b) If an infuser organization fails to renew its license
 4959 before expiration, it shall cease operations until its license
 4960 is renewed.

4961 (c) If an infuser organization agent fails to renew his or
 4962 her identification card before its expiration, he or she shall
 4963 cease to work as an agent of the infuser organization until his
 4964 or her identification card is renewed.

4965 (d) Any infuser organization that continues to operate, or
 4966 any infuser organization agent who continues to work as an
 4967 agent, after the applicable license or identification card has
 4968 expired without renewal is subject to the penalties provided
 4969 under subsection (5).

4970 (e) The department shall not renew a license or an agent
 4971 identification card if the applicant is delinquent in filing any
 4972 required tax returns or paying any amounts owed to the state.

4973 566.4501 Transporting organizations.-

4974 (1) ISSUANCE OF LICENSES

4975 (a) The department shall issue transporting licenses
 4976 through a process provided for in this section no later than
 4977 July 1, 2022.

4978 (b) The department shall make the application for
 4979 transporting organization licenses available on January 7, 2022,
 4980 and shall receive such applications no later than March 15,
 4981 2022. Thereafter, the department shall make available such
 4982 applications on every January 7 thereafter or if that date falls
 4983 on a weekend or holiday, the business day immediately succeeding
 4984 the weekend or holiday and shall receive such applications no
 4985 later than March 15 or the succeeding business day thereafter.

4986 (2) APPLICATION.—

4987 (a) When applying for a transporting organization license,
 4988 the applicant shall electronically submit the following in such
 4989 form as the department may direct:

4990 1. The nonrefundable application fee as provided in s.
 4991 566.801 to be deposited into the Alcoholic Beverage, Marijuana,
 4992 and Tobacco Trust Fund.

4993 2. The legal name of the transporting organization.

4994 3. The proposed physical address of the transporting
 4995 organization, if one is proposed.

4996 4. The name, address, social security number, and date of
 4997 birth of each principal officer and board member of the
 4998 transporting organization; each principal officer and board
 4999 member shall be at least 21 years of age.

5000 5. The details of any administrative or judicial
5001 proceeding in which any of the principal officers or board
5002 members of the transporting organization:

5003 a. Pled guilty, were convicted, fined, or had a
5004 registration or license suspended or revoked; or

5005 b. Managed or served on the board of a business or non-
5006 profit organization that pled guilty, was convicted, fined, or
5007 had a registration or license suspended or revoked.

5008 6. Proposed operating bylaws that include procedures for
5009 the oversight of the transporting organization, including the
5010 development and implementation of an accurate recordkeeping
5011 plan, staffing plan, and security plan approved by the
5012 Department of Law Enforcement that are in accordance with the
5013 rules issued by the department under this section; a physical
5014 inventory shall be performed of all cannabis on a weekly basis
5015 by the transporting organization.

5016 7. Verification from the Department of Law Enforcement
5017 that all background checks of the prospective principal
5018 officers, board members, and agents of the transporting
5019 organization have been conducted.

5020 8. A copy of the current local zoning ordinance or permit
5021 and verification that the proposed transporting organization is
5022 in compliance with the local zoning rules and distance
5023 limitations established by the local jurisdiction, if the
5024 transporting organization has a business address.

5025 9. Proposed employment practices, in which the applicant
5026 must demonstrate a plan of action to inform, hire, and educate
5027 minorities, women, veterans, and persons with disabilities,
5028 engage in fair labor practices, and provide worker protections.

5029 10. Whether an applicant can demonstrate experience in or
5030 business practices that promote economic empowerment in
5031 Disproportionately Impacted Areas.

5032 11. The number and type of equipment the transporting
5033 organization will use to transport cannabis and cannabis-infused
5034 products.

5035 12. Loading, transporting, and unloading plans.

5036 13. A description of the applicant's experience in the
5037 distribution or security business.

5038 14. The identity of every person having a financial or
5039 voting interest of 5 percent or more in the transporting
5040 organization with respect to which the license is sought,
5041 whether a trust, corporation, partnership, limited liability
5042 company, or sole proprietorship, including the name and address
5043 of each person.

5044 15. Any other information required by rule.

5045 (b) Applicants must submit all required information,
5046 including the information required in subsection (3) to the
5047 department. Failure by an applicant to submit all required
5048 information may result in the application being disqualified.

5049 (c) If the department receives an application with missing

5050 information, the department may issue a deficiency notice to the
5051 applicant. The applicant shall have 10 calendar days from the
5052 date of the deficiency notice to resubmit the incomplete
5053 information. Applications that are still incomplete after this
5054 opportunity to cure will not be scored and will be disqualified.

5055 (3) ISSUING LICENSES.—

5056 (a) The department shall by rule develop a system to score
5057 transporter applications to administratively rank applications
5058 based on the clarity, organization, and quality of the
5059 applicant's responses to required information. Applicants shall
5060 be awarded points based on the following categories:

5061 1. Suitability of employee training plan.

5062 2. Security and recordkeeping plan.

5063 3. Business plan.

5064 4. The applicant's status as a social equity applicant,
5065 which shall constitute no less than 20 percent of total
5066 available points.

5067 5. Labor and employment practices, which shall constitute
5068 no less than 2 percent of total available points.

5069 6. Environmental plan that demonstrates an environmental
5070 plan of action to minimize the carbon footprint, environmental
5071 impact, and resource needs for the transporter, which may
5072 include, without limitation, recycling cannabis product
5073 packaging.

5074 7. The applicant is 51 percent or more owned and

5075 controlled by an individual or individuals who have been a
5076 resident of this state for the past 5 years as proved by tax
5077 records.

5078 8. The applicant is 51 percent or more controlled and
5079 owned by an individual or individuals who meet the
5080 qualifications of a veteran as defined in s. 1.01(14).

5081 9. A diversity plan that includes a narrative of not more
5082 than 2,500 words that establishes a goal of diversity in
5083 ownership, management, employment, and contracting ensure that
5084 diverse participants and groups are afforded equality of
5085 opportunity.

5086 10. Any other criteria the department may set by rule for
5087 points.

5088 (b) The department may also award up to two bonus points
5089 for the applicant's plan to engage with the community. The
5090 applicant may demonstrate a desire to engage with its community
5091 by participating in one or more of, but not limited to, the
5092 following actions:

5093 1. Establishment of an incubator program designed to
5094 increase participation in the cannabis industry by persons who
5095 would qualify as social equity applicants;

5096 2. Providing financial assistance to substance abuse
5097 treatment centers;

5098 3. Educating children and teens about the potential harms
5099 of cannabis use; or

5100 4. Other measures demonstrating a commitment to the
5101 applicant's community.

5102
5103 Bonus points will only be awarded if the department receives
5104 applications that receive an equal score for a particular
5105 region.

5106 (c) Applicants for transportation organization licenses
5107 that score at least 85 percent of available points according to
5108 the system developed by rule and meet all other requirements for
5109 a transporter license shall be issued a license by the
5110 department within 60 days after receiving the application.
5111 Applicants that were registered as medical cannabis cultivation
5112 centers before January 1, 2022, and who meet all other
5113 requirements for a transporter license shall be issued a license
5114 by the department within 60 days after receiving the
5115 application.

5116 (d) Should the applicant be awarded a transportation
5117 organization license, the information and plans that an
5118 applicant provided in its application, including any plans
5119 submitted for the acquiring of bonus points, shall be a
5120 mandatory condition of the permit. Any variation from or failure
5121 to perform such plans may result in discipline, including the
5122 revocation or nonrenewal of a license.

5123 (e) Should the applicant be awarded a transporting
5124 organization license, the applicant shall pay a prorated fee as

5125 provided in s. 566.801 before receiving the license, to be
 5126 deposited into the Alcoholic Beverage, Marijuana, and Tobacco
 5127 Trust Fund.

5128 (4) DENIAL OF APPLICATION.—An application for a
 5129 transportation organization license shall be denied if any of
 5130 the following conditions are met:

5131 (a) The applicant failed to submit the materials required
 5132 by this section;

5133 (b) The applicant would not be in compliance with local
 5134 zoning rules or permit requirements;

5135 (c) One or more of the prospective principal officers or
 5136 board members causes a violation of subsection (5);

5137 (d) One or more of the principal officers or board members
 5138 is under 21 years of age;

5139 (e) The person has submitted an application for license
 5140 under this chapter that contains false information; or

5141 (f) The licensee, principal officer, board member, or
 5142 person having a financial or voting interest of 5 percent or
 5143 greater in the licensee is delinquent in filing any required tax
 5144 returns or paying any amounts owed to the state.

5145 (5) ORGANIZATION REQUIREMENTS; PROHIBITIONS.—

5146 (a) The operating documents of a transporting organization
 5147 shall include procedures for the oversight of the transporter,
 5148 an inventory monitoring system, including a physical inventory
 5149 recorded weekly, accurate recordkeeping, and a staffing plan.

5150 (b) A transporting organization may not transport cannabis
5151 or cannabis-infused products to any person other than a
5152 cultivation center, a craft grower, an infuser organization, a
5153 dispensing organization, a testing facility, or as otherwise
5154 authorized by rule.

5155 (c) All cannabis transported by a transporting
5156 organization must be entered into a data collection system and
5157 placed into a cannabis container for transport.

5158 (d) Transporters are subject to random inspections by the
5159 department, the Department of Health, and the Department of Law
5160 Enforcement.

5161 (e) A transporting organization agent shall notify local
5162 law enforcement, the Department of Law Enforcement, and the
5163 department within 24 hours of the discovery of any loss or
5164 theft. Notification shall be made by phone, in person, or by
5165 written or electronic communication.

5166 (f) No person under the age of 21 years shall be in a
5167 commercial vehicle or trailer transporting cannabis goods.

5168 (g) No person or individual who is not a transporting
5169 organization agent shall be in a vehicle while transporting
5170 cannabis goods.

5171 (h) Transporters may not use commercial motor vehicles
5172 with a weight rating of over 10,001 pounds.

5173 (i) It is unlawful for any person to offer or deliver
5174 money, or anything else of value, directly or indirectly, to any

5175 of the following persons to obtain preferential placement within
5176 the dispensing organization, including, without limitation, on
5177 shelves and in display cases where purchasers can view products,
5178 or on the dispensing organization's website:

5179 1. A person having a transporting organization license, or
5180 any officer, associate, member, representative, or agent of the
5181 licensee;

5182 2. A person having an early applicant adult use dispensing
5183 organization license, an adult use dispensing organization
5184 license, or a medical marijuana treatment center license;

5185 3. A person connected with or in any way representing, or
5186 a member of the family of, a person holding an early applicant
5187 adult use dispensing organization license, an adult use
5188 dispensing organization license, or a medical marijuana
5189 treatment center license; or

5190 4. A stockholder, officer, manager, agent, or
5191 representative of a corporation engaged in the retail sale of
5192 cannabis, an early applicant adult use dispensing organization
5193 license, an adult use dispensing organization license, or a
5194 medical marijuana treatment center license.

5195 (j) A transportation organization agent must keep his or
5196 her identification card visible at all times when on the
5197 property of a cannabis business establishment and during the
5198 transportation of cannabis when acting under his or her duties
5199 as a transportation organization agent. During these times, the

5200 transporter organization agent must also provide the
5201 identification card upon request of any law enforcement officer
5202 engaged in his or her official duties.

5203 (k) A copy of the transporting organization's registration
5204 and a manifest for the delivery shall be present in any vehicle
5205 transporting cannabis.

5206 (l) Cannabis shall be transported so it is not visible or
5207 recognizable from outside the vehicle.

5208 (m) A vehicle transporting cannabis must not bear any
5209 markings to indicate the vehicle contains cannabis or bear the
5210 name or logo of the cannabis business establishment.

5211 (n) Cannabis must be transported in an enclosed, locked
5212 storage compartment that is secured or affixed to the vehicle.

5213 (o) The department may, by rule, impose any other
5214 requirements or prohibitions on the transportation of cannabis.

5215 (6) IDENTIFICATION CARD.—

5216 (a) The department shall:

5217 1. Establish by rule the information required in an
5218 initial application or renewal application for an agent
5219 identification card submitted under this chapter and the
5220 nonrefundable fee to accompany the initial application or
5221 renewal application.

5222 2. Verify the information contained in an initial
5223 application or renewal application for an agent identification
5224 card submitted under this section and approve or deny an

5225 application within 30 days after receiving a completed initial
5226 application or renewal application and all supporting
5227 documentation required by rule.

5228 3. Issue an agent identification card to a qualifying
5229 agent within 15 business days of approving the initial
5230 application or renewal application.

5231 4. Enter the license number of the transporting
5232 organization where the agent works.

5233 5. Allow for an electronic initial application and renewal
5234 application process, and provide a confirmation by electronic or
5235 other methods that an application has been submitted. The
5236 department may by rule require prospective agents to file their
5237 applications by electronic means and provide notices to the
5238 agents by electronic means.

5239 (b) An agent must keep his or her identification card
5240 visible at all times when on the property of a cannabis business
5241 establishment, including the cannabis business establishment for
5242 which he or she is an agent.

5243 (c) The agent identification cards shall contain the
5244 following:

5245 1. The name of the cardholder.

5246 2. The date of issuance and expiration date of the
5247 identification card.

5248 3. A random 10-digit alphanumeric identification number
5249 containing at least 4 numbers and at least 4 letters that is

5250 unique to the holder.

5251 4. A photograph of the cardholder.

5252 5. The legal name of the transporter organization
5253 employing the agent.

5254 (d) An agent identification card shall be immediately
5255 returned to the transporter organization of the agent upon
5256 termination of his or her employment.

5257 (e) Any agent identification card lost by a transporting
5258 agent shall be reported to the Department of Law Enforcement and
5259 the department immediately upon discovery of the loss.

5260 (f) An application for an agent identification card shall
5261 be denied if the applicant is delinquent in filing any required
5262 tax returns or paying any amounts owed to this state.

5263 (7) BACKGROUND CHECKS.—

5264 (a) Through the Department of Law Enforcement, the
5265 department shall conduct a background check of the prospective
5266 principal officers, board members, and agents of a transporter
5267 applying for a license or identification card under this
5268 section. The Department of Law Enforcement may charge a fee as
5269 provided in s. 943.053. In order to carry out this provision,
5270 each transporter organization's prospective principal officer,
5271 board member, or agent shall submit a full set of fingerprints
5272 to the Department of Law Enforcement for the purpose of
5273 obtaining a state and federal criminal records check. These
5274 fingerprints shall be checked against the fingerprint records

5275 now and hereafter, to the extent allowed by law, filed in the
 5276 Department of Law Enforcement and Federal Bureau of
 5277 Investigation criminal history records databases. The Department
 5278 of Law Enforcement shall furnish, following positive
 5279 identification, all conviction information to the department.

5280 (b) When applying for the initial license or
 5281 identification card, the background checks for all prospective
 5282 principal officers, board members, and agents shall be completed
 5283 before submitting the application to the department.

5284 (8) RENEWAL OF LICENSES AND AGENT IDENTIFICATION CARDS.—

5285 (a) Licenses and identification cards issued under this
 5286 section shall be renewed annually. A transporting organization
 5287 shall receive written or electronic notice 90 days before the
 5288 expiration of its current license that the license will expire.
 5289 The department shall grant a renewal within 45 days of
 5290 submission of a renewal application if:

5291 1. The transporting organization submits a renewal
 5292 application and the required nonrefundable renewal fee as
 5293 provided in s. 566.801 to be deposited into the Alcoholic
 5294 Beverage, Marijuana, and Tobacco Trust Fund.

5295 2. The department has not suspended or revoked the license
 5296 of the transporting organization for violating this chapter or
 5297 rules adopted under this chapter.

5298 3. The transporting organization has continued to operate
 5299 in accordance with all plans submitted as part of its

5300 application and approved by the department or any amendments
 5301 thereto that have been approved by the department.

5302 4. The transporter has submitted an agent, employee,
 5303 contracting, and subcontracting diversity report as required by
 5304 the department.

5305 (b) If a transporting organization fails to renew its
 5306 license before expiration, it shall cease operations until its
 5307 license is renewed.

5308 (c) If a transporting organization agent fails to renew
 5309 his or her identification card before its expiration, he or she
 5310 shall cease to work as an agent of the transporter organization
 5311 until his or her identification card is renewed.

5312 (d) Any transporting organization that continues to
 5313 operate, or any transporting organization agent who continues to
 5314 work as an agent, after the applicable license or identification
 5315 card has expired without renewal is subject to the penalties
 5316 provided under subsection (5).

5317 (e) The department shall not renew a license or an agent
 5318 identification card if the applicant is delinquent in filing any
 5319 required tax returns or paying any amounts owed to the state.

5320 566.4601 Testing.-

5321 (1) Notwithstanding any other provision of law, the
 5322 following acts, when performed by a cannabis testing facility
 5323 with a current, valid registration, or a person 21 years of age
 5324 or older who is acting in his or her capacity as an owner,

5325 employee, or agent of a cannabis testing facility, are not
5326 unlawful and shall not be an offense under state law or be a
5327 basis for seizure or forfeiture of assets under state law:

5328 (a) Possessing, repackaging, transporting, storing, or
5329 displaying cannabis or cannabis-infused products.

5330 (b) Receiving or transporting cannabis or cannabis-infused
5331 products from a cannabis business establishment, a community
5332 college licensed under the Florida College System Cannabis
5333 Vocational Pilot Program, or a person 21 years of age or older.

5334 (c) Returning or transporting cannabis or cannabis-infused
5335 products to a cannabis business establishment, a community
5336 college licensed under the Community College Cannabis Vocational
5337 Training Pilot Program, or a person 21 years of age or older.

5338 (2) (a) No laboratory shall handle, test, or analyze
5339 cannabis unless approved by the department in accordance with
5340 this section.

5341 (b) No laboratory shall be approved to handle, test, or
5342 analyze cannabis unless the laboratory:

5343 1. Is accredited by a private laboratory accrediting
5344 organization.

5345 2. Is independent from all other persons involved in the
5346 cannabis industry in this state and no person with a direct or
5347 indirect interest in the laboratory has a direct or indirect
5348 financial, management, or other interest in a Florida
5349 cultivation center, craft grower, dispensary, infuser,

5350 transporter, certifying physician, or any other entity in the
5351 state that may benefit from the production, manufacture,
5352 dispensing, sale, purchase, or use of cannabis.

5353 3. Has employed at least one person to oversee and be
5354 responsible for the laboratory testing who has earned, from a
5355 college or university accredited by a national or regional
5356 certifying authority, at least:

5357 a. A master's level degree in chemical or biological
5358 sciences and a minimum of 2 years' post-degree laboratory
5359 experience; or

5360 b. A bachelor's degree in chemical or biological sciences
5361 and a minimum of 4 years' post-degree laboratory experience.

5362 4. Each independent testing laboratory that claims to be
5363 accredited must provide the department with a copy of the most
5364 recent annual inspection report granting accreditation and every
5365 annual report thereafter.

5366 (3) Immediately before manufacturing or natural processing
5367 of any cannabis or cannabis-infused product or packaging
5368 cannabis for sale to a dispensary, each batch shall be made
5369 available by the cultivation center, craft grower, or infuser
5370 for an employee of an approved laboratory to select a random
5371 sample, which shall be tested by the approved laboratory for:

5372 (a) Microbiological contaminants.

5373 (b) Mycotoxins.

5374 (c) Pesticide active ingredients.

- 5375 | (d) Residual solvent.
- 5376 | (e) An active ingredient analysis.
- 5377 | (4) The department may select a random sample that shall,
5378 | for the purposes of conducting an active ingredient analysis, be
5379 | tested by the department for verification of label information.
- 5380 | (5) A laboratory shall immediately return or dispose of
5381 | any cannabis upon the completion of any testing, use, or
5382 | research. If cannabis is disposed of, it shall be done in
5383 | compliance with department rule.
- 5384 | (6) If a sample of cannabis does not pass the
5385 | microbiological, mycotoxin, pesticide chemical residue, or
5386 | solvent residue test, based on the standards established by the
5387 | department, the following shall apply:
- 5388 | (a) If the sample failed the pesticide chemical residue
5389 | test, the entire batch from which the sample was taken shall, if
5390 | applicable, be recalled as provided by rule.
- 5391 | (b) If the sample failed any other test, the batch may be
5392 | used to make a CO₂-based or solvent based extract. After
5393 | processing, the CO₂-based or solvent based extract must still
5394 | pass all required tests.
- 5395 | (7) The department shall establish standards for
5396 | microbial, mycotoxin, pesticide residue, solvent residue, or
5397 | other standards for the presence of possible contaminants, in
5398 | addition to labeling requirements for contents and potency.
- 5399 | (8) The laboratory shall file with the department an

5400 electronic copy of each laboratory test result for any batch
5401 that does not pass the microbiological, mycotoxin, or pesticide
5402 chemical residue test, at the same time that it transmits those
5403 results to the cultivation center. In addition, the laboratory
5404 shall maintain the laboratory test results for at least 5 years
5405 and make them available at the department's request.

5406 (9) A cultivation center, craft grower, and infuser shall
5407 provide to a dispensing organization the laboratory test results
5408 for each batch of cannabis product purchased by the dispensing
5409 organization, if sampled. Each dispensary organization must have
5410 those laboratory results available upon request to purchasers.

5411 (10) The department may adopt rules related to testing in
5412 furtherance of this chapter.

5413 566.4701 Enforcement and immunities.-

5414 (1) Notwithstanding any other criminal penalties related
5415 to the unlawful possession of cannabis, the department may
5416 revoke, suspend, place on probation, reprimand, issue cease and
5417 desist orders, refuse to issue or renew a license, or take any
5418 other disciplinary or nondisciplinary action as each department
5419 may deem proper with regard to a cannabis business establishment
5420 or cannabis business establishment agent, including fines not to
5421 exceed:

5422 (a) By a cultivation center or cultivation center agent,
5423 \$50,000 for each violation of this chapter or rules adopted
5424 under this chapter.

5425 (b) By a dispensing organization or dispensing
5426 organization agent \$10,000 for each violation of this chapter or
5427 rules adopted thereunder.

5428 (c) By a craft grower or craft grower agent, \$15,000 for
5429 each violation of this chapter or rules adopted thereunder.

5430 (d) By an infuser organization or infuser organization
5431 agent. \$10,000 for each violation of this chapter or rules
5432 adopted thereunder.

5433 (e) By a transporting organization or transporting
5434 organization agent, \$10,000 for each violation of this chapter
5435 or rules adopted thereunder.

5436 (2) The department shall consider licensee cooperation in
5437 any agency or other investigation in its determination of
5438 penalties imposed under this section.

5439 (3) The procedures for disciplining a cannabis business
5440 establishment or cannabis business establishment agent and for
5441 administrative hearings shall be determined by rule, and shall
5442 provide for the review of final decisions under chapter 120.

5443 (4) The Attorney General may also enforce a violation of
5444 s. 566.4801 or s. 566.4805 as an unlawful practice under the
5445 Florida Deceptive and Unfair Trade Practices Act.

5446 (5) (a) A cultivation center, craft grower, infuser
5447 organization, or transporting organization is not subject to:
5448 prosecution; search or inspection, except by the department, the
5449 Department of Health, or state or local law enforcement under

5450 this chapter; seizure; penalty in any manner, including, but not
5451 limited to, civil penalty; denial of any right or privilege; or
5452 disciplinary action by a business licensing board or entity for
5453 acting under this chapter and rules adopted thereunder to
5454 acquire, possess, cultivate, manufacture, process, deliver,
5455 transfer, transport, supply, or sell cannabis or cannabis
5456 paraphernalia under this chapter.

5457 (b) A licensed cultivation center agent, licensed craft
5458 grower agent, licensed infuser organization agent, or licensed
5459 transporting organization agent is not subject to prosecution;
5460 search; penalty in any manner, including, but not limited to,
5461 civil penalty; denial of any right or privilege; or disciplinary
5462 action by a business licensing board or entity, for engaging in
5463 cannabis-related activities authorized under this chapter and
5464 rules adopted thereunder.

5465 (c) A dispensing organization is not subject to
5466 prosecution; search or inspection, except by the department or
5467 state or local law enforcement under this chapter; seizure;
5468 penalty in any manner, including, but not limited to, civil
5469 penalty; denial of any right or privilege; or disciplinary
5470 action by a business licensing board or entity, for acting under
5471 this chapter and rules adopted thereunder to acquire, possess,
5472 or dispense cannabis, cannabis-infused products, cannabis
5473 paraphernalia, or related supplies, and educational materials
5474 under this chapter.

5475 (d) A licensed dispensing organization agent is not
5476 subject to prosecution; search; or penalty in any manner, or
5477 denial of any right or privilege, including civil penalty or
5478 disciplinary action by a business licensing board or entity, for
5479 working for a dispensing organization under this chapter and
5480 rules adopted thereunder.

5481 (e) Any cannabis, cannabis-infused product, cannabis
5482 paraphernalia, legal property, or interest in legal property
5483 that is possessed, owned, or used in connection with the use of
5484 cannabis as allowed under this chapter, or acts incidental to
5485 that use, may not be seized or forfeited. This chapter does not
5486 prevent the seizure or forfeiture of cannabis exceeding the
5487 amounts allowed under this chapter, nor does it prevent seizure
5488 or forfeiture if the basis for the action is unrelated to the
5489 cannabis that is possessed, manufactured, transferred, or used
5490 under this chapter.

5491 (f) This chapter does not preclude local or state law
5492 enforcement agencies from searching a cultivation center, craft
5493 grower, infuser organization, transporting organization, or
5494 dispensing organization if there is probable cause to believe
5495 that the criminal laws of this state have been violated and the
5496 search is conducted in conformity with the State Constitution,
5497 the Constitution of the United States, and applicable law.

5498 (g) This chapter does not preclude the Attorney General or
5499 other authorized government agency from investigating or

5500 bringing a civil action against a cannabis business
5501 establishment, or an agent thereof, for a violation of state law
5502 civil rights violations and violations of the Florida Deceptive
5503 and Unfair Trade Practices Act.

5504 (6) Any standards, requirements, and rules regarding the
5505 health and safety, environmental protection, testing, security,
5506 food safety, and worker protections established by the state
5507 shall be the minimum standards for all licensees under this
5508 chapter statewide, where applicable. Knowing violations of any
5509 state or local law, ordinance, or rule conferring worker
5510 protections or legal rights on the employees of a licensee may
5511 be grounds for disciplinary action under this chapter, in
5512 addition to penalties established elsewhere.

5513 566.4801 Advertising and promotions.-

5514 (1) A cannabis business establishment and any other person
5515 or entity may not engage in advertising that contains any
5516 statement or illustration that:

5517 (a) Is false or misleading;

5518 (b) Promotes overconsumption of cannabis or cannabis
5519 products;

5520 (c) Depicts the actual consumption of cannabis or cannabis
5521 products;

5522 (d) Depicts a person under 21 years of age consuming
5523 cannabis;

5524 (e) Makes any health, medicinal, or therapeutic claims

HB 1597

2021

5525 about cannabis or cannabis-infused products;
5526 (f) Includes the image of a cannabis leaf or bud; or
5527 (g) Includes any image designed or likely to appeal to
5528 minors, including cartoons, toys, animals, or children, or any
5529 other likeness to images, characters, or phrases that is
5530 designed in any manner to be appealing to or encourage
5531 consumption of persons under 21 years of age.
5532 (2) No cannabis business establishment nor any other
5533 person or entity shall place or maintain, or cause to be placed
5534 or maintained, an advertisement of cannabis or a cannabis-
5535 infused product in any form or through any medium:
5536 (a) Within 1,000 feet of the perimeter of school grounds,
5537 a playground, a recreation center or facility, a child care
5538 center, a public park or public library, or a game arcade to
5539 which admission is not restricted to persons 21 years of age or
5540 older;
5541 (b) On or in a public transit vehicle or public transit
5542 shelter;
5543 (c) On or in publicly owned or publicly operated property;
5544 or
5545 (d) That contains information that:
5546 1. Is false or misleading;
5547 2. Promotes excessive consumption;
5548 3. Depicts a person under 21 years of age consuming
5549 cannabis;

5550 4. Includes the image of a cannabis leaf; or

5551 5. Includes any image designed or likely to appeal to
5552 minors, including cartoons, toys, animals, or children, or any
5553 other likeness to images, characters, or phrases that are
5554 popularly used to advertise to children, or any imitation of
5555 candy packaging or labeling, or that promotes consumption of
5556 cannabis.

5557 (3) Subsections (1) and (2) do not apply to an educational
5558 message.

5559 (4) No cannabis business establishment nor any other
5560 person or entity may encourage the sale of cannabis or cannabis
5561 products by giving away cannabis or cannabis products, by
5562 conducting games or competitions related to the consumption of
5563 cannabis or cannabis products, or by providing promotional
5564 materials or activities of a manner or type that would be
5565 appealing to children.

5566 566.4805 Cannabis product packaging and labeling.-

5567 (1) Each cannabis product produced for sale shall be
5568 registered with the department on forms provided by the
5569 department. Each product registration shall include a label and
5570 the required registration fee at the rate established by the
5571 department for a comparable medical cannabis product, or as
5572 established by rule. The registration fee is for the name of the
5573 product offered for sale and one fee shall be sufficient for all
5574 package sizes.

5575 (2) All harvested cannabis intended for distribution to a
5576 cannabis enterprise must be packaged in a sealed, labeled
5577 container.

5578 (3) Any product containing cannabis shall be packaged in a
5579 sealed, odor-proof, and child-resistant cannabis container
5580 consistent with current standards, including the Consumer
5581 Product Safety Commission standards referenced by the Poison
5582 Prevention Act.

5583 (4) All cannabis-infused products shall be individually
5584 wrapped or packaged at the original point of preparation. The
5585 packaging of the cannabis-infused product shall conform to the
5586 labeling requirements of the Florida Food, Drug and Cosmetic
5587 Act, in addition to the other requirements set forth in this
5588 section.

5589 (5) Each cannabis product shall be labeled before sale and
5590 each label shall be securely affixed to the package and shall
5591 state in legible English and any languages required by the
5592 department:

5593 (a) The name and post office box of the registered
5594 cultivation center or craft grower where the item was
5595 manufactured;

5596 (b) The common or usual name of the item and the
5597 registered name of the cannabis product that was registered with
5598 the department under subsection (1);

5599 (c) A unique serial number that will match the product

5600 with a cultivation center or craft grower batch and lot number
5601 to facilitate any warnings or recalls the department,
5602 cultivation center, or craft grower deems appropriate;

5603 (d) The date of final testing and packaging, if sampled,
5604 and the identification of the independent testing laboratory;

5605 (e) The date of harvest and "use by" date;

5606 (f) The quantity (in ounces or grams) of cannabis
5607 contained in the product;

5608 (g) A pass or fail rating based on the laboratory's
5609 microbiological, mycotoxins, and pesticide and solvent residue
5610 analyses, if sampled;

5611 (h)1. A list of the following, including the minimum and
5612 maximum percentage content by weight for sub-subparagraphs a.
5613 through b.:

5614 a. Delta-9-tetrahydrocannabinol (THC).

5615 b. Tetrahydrocannabinolic acid (THCA).

5616 c. Cannabidiol (CBD).

5617 d. Cannabidiolic acid (CBDA).

5618 e. All other ingredients of the item, including any
5619 colors, artificial flavors, and preservatives, listed in
5620 descending order by predominance of weight shown with common or
5621 usual names.

5622 2. The acceptable tolerances for the minimum percentage
5623 printed on the label for any of sub-subparagraphs 1.a. through
5624 1.d. shall not be below 85 percent or above 115 percent of the

- 5625 | labeled amount.
- 5626 | (i) Packaging must not contain information that:
- 5627 | 1. Is false or misleading.
- 5628 | 2. Promotes excessive consumption.
- 5629 | 3. Depicts a person under 21 years of age consuming
- 5630 | cannabis.
- 5631 | 4. Includes the image of a cannabis leaf.
- 5632 | 5. Includes any image designed or likely to appeal to
- 5633 | minors, including cartoons, toys, animals, or children, or any
- 5634 | other likeness to images, characters, or phrases that are
- 5635 | popularly used to advertise to children, or any packaging or
- 5636 | labeling that bears reasonable resemblance to any product
- 5637 | available for consumption as a commercially available candy, or
- 5638 | that promotes consumption of cannabis.
- 5639 | (j) Contains any seal, flag, crest, coat of arms, or other
- 5640 | insignia likely to mislead the purchaser to believe that the
- 5641 | product has been endorsed, made, or used by the this state or
- 5642 | any of its representatives except where authorized by this
- 5643 | chapter.
- 5644 | (k) Cannabis products produced by concentrating or
- 5645 | extracting ingredients from the cannabis plant shall contain the
- 5646 | following information, where applicable:
- 5647 | 1. If solvents were used to create the concentrate or
- 5648 | extract, a statement that discloses the type of extraction
- 5649 | method, including any solvents or gases used to create the

5650 concentrate or extract.

5651 2. Any other chemicals or compounds used to produce or
5652 were added to the concentrate or extract.

5653 (1) All cannabis products must contain warning statements
5654 established for purchasers, of a size that is legible and
5655 readily visible to a consumer inspecting a package, which may
5656 not be covered or obscured in any way. The Department of Health
5657 shall define and update appropriate health warnings for packages
5658 including specific labeling or warning requirements for specific
5659 cannabis products.

5660 (m) Unless modified by rule to strengthen or respond to
5661 new evidence and science, the following warnings shall apply to
5662 all cannabis products unless modified by rule:

5663 "This product contains cannabis and is intended for use by
5664 adults 21 and over. Its use can impair cognition and may be
5665 habit forming. This product should not be used by pregnant
5666 or breastfeeding women. It is unlawful to sell or provide
5667 this item to any individual, and it may not be transported
5668 outside the State of Florida. It is illegal to operate a
5669 motor vehicle while under the influence of cannabis.
5670 Possession or use of this product may carry significant
5671 legal penalties in some jurisdictions and under federal
5672 law."

5673 (n) Warnings for each of the following product types must
5674 be present on labels when offered for sale to a purchaser:

5675 (o) Cannabis that may be smoked must contain a statement
5676 that "Smoking is hazardous to your health."

5677 (p) Cannabis-infused products. Other than those intended
5678 for topical application, must contain a statement "CAUTION: This
5679 product contains cannabis, and intoxication following use may be
5680 delayed 2 or more hours. This product was produced in a facility
5681 that cultivates cannabis, and that may also process common food
5682 allergens."

5683 (q) Cannabis-infused products intended for topical
5684 application must contain a statement "DO NOT EAT" in bold,
5685 capital letters.

5686 (r) Each cannabis-infused product intended for consumption
5687 must be individually packaged, must include the total milligram
5688 content of THC and CBD, and may not include more than a total of
5689 100 milligrams of THC per package. A package may contain
5690 multiple servings of 10 milligrams of THC, and indicated by
5691 scoring, wrapping, or by other indicators designating individual
5692 serving sizes. The department may change the total amount of THC
5693 allowed for each package, or the total amount of THC allowed for
5694 each serving size, by rule.

5695 (s) No individual other than the purchaser may alter or
5696 destroy any labeling affixed to the primary packaging of
5697 cannabis or cannabis-infused products.

5698 (t) For each commercial weighing and measuring device used
5699 at a facility, the cultivation center or craft grower must:

- 5700 1. Ensure that the commercial device is regularly
5701 inspected and approved as required under chapter 531.
- 5702 2. Maintain documentation of the inspection of the
5703 commercial device.
- 5704 3. Provide a copy of the inspection documentation for the
5705 commercial device to the department for review upon request.
- 5706 (u) It is the responsibility of the department to ensure
5707 that packaging and labeling requirements, including product
5708 warnings, are enforced at all times for products provided to
5709 purchasers. Product registration requirements and container
5710 requirements may be modified by rule by the department.
- 5711 (v) Labeling, including warning labels, may be modified by
5712 rule by the department.
- 5713 566.5701 Local ordinances.-Unless otherwise provided under
5714 this chapter or otherwise in accordance with state law:
- 5715 (1) A unit of local government may enact reasonable zoning
5716 ordinances or resolutions, not in conflict with this chapter or
5717 rules adopted pursuant to this chapter, regulating cannabis
5718 business establishments. No unit of local government, including
5719 a home rule unit or any nonhome rule county within the
5720 unincorporated territory of the county, may prohibit home
5721 cultivation or unreasonably prohibit use of cannabis authorized
5722 by this chapter.
- 5723 (2) A unit of local government may enact ordinances or
5724 rules not in conflict with this chapter or with rules adopted

5725 pursuant to this chapter governing the time, place, manner, and
5726 number of cannabis business establishment operations, including
5727 minimum distance limitations between cannabis business
5728 establishments and locations it deems sensitive, including
5729 colleges and universities, through the use of conditional use
5730 permits. A unit of local government may establish civil
5731 penalties for violation of an ordinance or rules governing the
5732 time, place, and manner of operation of a cannabis business
5733 establishment or a conditional use permit in the jurisdiction of
5734 the unit of local government. No unit of local government may
5735 unreasonably restrict the time, place, manner, and number of
5736 cannabis business establishment operations authorized by this
5737 chapter.

5738 (3) A unit of local government may regulate the on-
5739 premises consumption of cannabis at or in a cannabis business
5740 establishment within its jurisdiction in a manner consistent
5741 with this chapter. A cannabis business establishment or other
5742 entity authorized or permitted by a unit of local government to
5743 allow on-site consumption shall not be deemed a public place
5744 within the meaning of the Florida Clean Indoor Air Act.

5745 (4) A unit of local government, including a home rule unit
5746 or any nonhome rule county within the unincorporated territory
5747 of the county, may not regulate the activities described in
5748 subsection (1), subsection (2), or subsection (3) in a manner
5749 more restrictive than the regulation of those activities by the

5750 state under this chapter.

5751 (5) A unit of local government may enact ordinances to
 5752 prohibit or significantly limit a cannabis business
 5753 establishment's location.

5754 566.5801 Restricted cannabis zones.-

5755 (1) As used in this section, the term:

5756 (a) "Legal voter" means a person who:

5757 1. Is duly registered to vote in a city with a population
 5758 of over 500,000.

5759 2. Whose name appears on a voter list compiled by the
 5760 county's supervisor of elections since the last preceding
 5761 election, regardless of whether the election was a primary,
 5762 general, or special election.

5763 3. Who, at the relevant time, is a resident of the address
 5764 at which he or she is registered to vote.

5765 4. Whose address, at the relevant time, is located in the
 5766 precinct where such person seeks to circulate or sign a petition
 5767 under this section.

5768 (b) "Relevant time" means any time that:

5769 1. A notice of intent is filed, pursuant to subsection
 5770 (3), to initiate the petition process under this section;

5771 2. The petition is circulated for signature in the
 5772 applicable precinct; or

5773 3. The petition is signed by registered voters in the
 5774 applicable precinct.

5775 (c) "Petition" means the petition described in this
5776 section.

5777 (d) "Precinct" means the smallest constituent territory
5778 within a city with a population of over 500,000 in which
5779 electors vote as a unit at the same polling place in any
5780 election governed by the Florida Election Code.

5781 (e) "Restricted cannabis zone" means a precinct within
5782 which home cultivation, one or more types of cannabis business
5783 establishments, or both has been prohibited pursuant to an
5784 ordinance initiated by a petition under this section.

5785 (2) (a) The legal voters of any precinct within a city with
5786 a population of over 500,000 may petition their city
5787 commissioner, using a petition form made available online by the
5788 city clerk, to introduce an ordinance establishing the precinct
5789 as a restricted zone. Such petition shall specify whether it
5790 seeks an ordinance to prohibit, within the precinct:

5791 1. Home cultivation;

5792 2. One or more types of cannabis business establishments;

5793 or

5794 3. Home cultivation and one or more types of cannabis
5795 business establishments.

5796 (b) Upon receiving a petition containing the signatures of
5797 at least 25 percent of the registered voters of the precinct,
5798 and concluding that the petition is legally sufficient following
5799 the posting and review process in subsection (3), the city clerk

5800 shall notify the city commissioner of the district in which the
5801 precinct is located. Upon being notified, that commissioner,
5802 following an assessment of relevant factors within the precinct,
5803 including but not limited to, its geography, density and
5804 character, the prevalence of residentially zoned property,
5805 current licensed cannabis business establishments in the
5806 precinct, the current amount of home cultivation in the
5807 precinct, and the prevailing viewpoint with regard to the issue
5808 raised in the petition, may introduce an ordinance to the city's
5809 governing body creating a restricted cannabis zone in that
5810 precinct.

5811 (3) A person seeking to initiate the petition process
5812 described in this Section shall first submit to the city clerk
5813 notice of intent to do so, on a form made available online by
5814 the city clerk. That notice shall include a description of the
5815 potentially affected area and the scope of the restriction
5816 sought. The city clerk shall publicly post the submitted notice
5817 online. To be legally sufficient, a petition must contain the
5818 requisite number of valid signatures and all such signatures
5819 must be obtained within 90 days of the date that the city clerk
5820 publicly posts the notice of intent. Upon receipt, the city
5821 clerk shall post the petition on the municipality's website for
5822 a 30-day comment period. The city clerk is authorized to take
5823 all necessary and appropriate steps to verify the legal
5824 sufficiency of a submitted petition. Following the petition

5825 review and comment period, the city clerk shall publicly post
5826 online the status of the petition as accepted or rejected, and
5827 if rejected, the reasons therefor. If the city clerk rejects a
5828 petition as legally insufficient, a minimum of 12 months must
5829 elapse from the time the city clerk posts the rejection notice
5830 before a new notice of intent for that same precinct may be
5831 submitted.

5832 (4) Notwithstanding any law to the contrary, the city may
5833 enact an ordinance creating a restricted cannabis zone. The
5834 ordinance shall:

5835 (a) Identify the applicable precinct boundaries as of the
5836 date of the petition.

5837 (b) State whether the ordinance prohibits within the
5838 defined boundaries of the precinct, and in what combination one
5839 or more types of cannabis business establishments, or home
5840 cultivation.

5841 (c) Be in effect for 4 years, unless repealed earlier.

5842 (d) Once in effect, be subject to renewal by ordinance at
5843 the expiration of the 4-year period without the need for another
5844 supporting petition.

5845 566.601 Defense of state law.—The Attorney General shall
5846 to the best of the abilities of the office and in good faith
5847 advocate to quash any federal subpoena for records involving
5848 marijuana establishments.

5849 566.602 Research.—Notwithstanding the provisions of this

5850 chapter regulating the distribution of marijuana, a scientific
5851 or medical researcher who has previously published peer-reviewed
5852 research may purchase, possess, and securely store marijuana for
5853 purposes of conducting research. A scientific or medical
5854 researcher may administer and distribute marijuana to a
5855 participant in research who is at least 21 years of age after
5856 receiving informed consent from that participant.

5857 566.701 Construction.—

5858 (1) EMPLOYMENT POLICIES.—This chapter does not require an
5859 employer to permit or accommodate the use, consumption,
5860 possession, transfer, display, transportation, sale, or growing
5861 of marijuana in the workplace or to affect the ability of
5862 employers to have policies restricting the use of marijuana by
5863 their employees.

5864 (2) OPERATING UNDER THE INFLUENCE.—This chapter does not
5865 exempt a person from the laws prohibiting operating under the
5866 influence under chapter 316 or chapter 327.

5867 (3) TRANSFER TO MINOR.—This chapter does not permit the
5868 transfer of marijuana, with or without remuneration, to a minor
5869 or to allow a minor to purchase, possess, use, transport, grow,
5870 or consume marijuana.

5871 (4) RESTRICTION ON USE OF PROPERTY.—This chapter does not
5872 prohibit a person, employer, school, hospital, detention
5873 facility, corporation, or other entity that occupies, owns, or
5874 controls real property from prohibiting or otherwise regulating

5875 the possession, consumption, use, display, transfer,
5876 distribution, sale, transportation, or growing of marijuana on
5877 or in that real property.

5878 (5) COMPASSIONATE USE OF LOW-THC CANNABIS.—This chapter
5879 does not apply to the compassionate use of low-THC cannabis
5880 under s. 381.986.

5881 566.702 Rulemaking.—The division shall adopt any rules
5882 necessary to administer and enforce the provisions of this
5883 chapter.

5884 566.703 Good moral character.—Engaging in conduct allowed
5885 by this chapter may not be the basis for a finding of a lack of
5886 good moral character as that term is used in the Florida
5887 Statutes.

5888 566.704 Penalties for violations.—It is unlawful for any
5889 person to violate any provision of the this chapter, and any
5890 person who violates any provision of the this chapter for which
5891 no penalty has been provided commits misdemeanor of the second
5892 degree, punishable as provided in s. 775.082 or s. 775.083;
5893 provided, that any person who shall have been convicted of a
5894 violation of any provision of this chapter and shall thereafter
5895 be convicted of a second or subsequent violation, commits a
5896 felony of the third degree, punishable as provided in s.
5897 775.082, s. 775.083, or s. 775.084.

5898 566.805 Cannabis cultivation.—

5899 (1) ARREST; SEARCH AND SEIZURE WITHOUT WARRANT.—Any duly

5900 authorized employee of the department may arrest without warrant
5901 any person committing in his or her presence a violation of any
5902 of the provisions of this section; may without a search warrant
5903 inspect all cannabis located in any place of business; may seize
5904 any cannabis in the possession of the retailer in violation of
5905 this chapter; and may seize any cannabis on which the tax
5906 imposed by this section has not been paid. The cannabis so
5907 seized is subject to confiscation and forfeiture as provided in
5908 subsections (13) and (14).

5909 (2) SEIZURE AND FORFEITURE.—After seizing any cannabis as
5910 provided in subsection (12), the department must hold a hearing
5911 and determine whether the retailer was properly registered to
5912 sell the cannabis at the time of its seizure by the department.
5913 The department shall give not less than 20 days' notice of the
5914 time and place of the hearing to the owner of the cannabis, if
5915 the owner is known, and also to the person in whose possession
5916 the cannabis was found, if that person is known and if the
5917 person in possession is not the owner of the cannabis. If
5918 neither the owner nor the person in possession of the cannabis
5919 is known, the department must cause publication of the time and
5920 place of the hearing to be made at least once in each week for 3
5921 weeks successively in a newspaper of general circulation in the
5922 county where the hearing is to be held. If, as the result of the
5923 hearing, the department determines that the retailer was not
5924 properly registered at the time the cannabis was seized, the

5925 department must enter an order declaring the cannabis
 5926 confiscated and forfeited to the state, to be held by the
 5927 department for disposal by it as provided in subsection (14).
 5928 The department must give notice of the order to the owner of the
 5929 cannabis, if the owner is known, and also to the person in whose
 5930 possession the cannabis was found, if that person is known and
 5931 if the person in possession is not the owner of the cannabis. If
 5932 neither the owner nor the person in possession of the cannabis
 5933 is known, the department must cause publication of the order to
 5934 be made at least once in each week for 3 weeks successively in a
 5935 newspaper of general circulation in the county where the hearing
 5936 was held in accordance with chapter 50.

5937 (3) SEARCH WARRANT; ISSUANCE AND RETURN; PROCESS;
 5938 CONFISCATION OF CANNABIS; FORFEITURES.—

5939 (a) If a law enforcement officer of this state or any duly
 5940 authorized officer or employee of the department has reason to
 5941 believe that any violation of this section or a rule of the
 5942 department for the administration and enforcement of this
 5943 section has occurred and that the person violating this section
 5944 or rule has in that person's possession any cannabis in
 5945 violation of this section or a rule of the department for the
 5946 administration and enforcement of this section, that law
 5947 enforcement officer or officer or employee of the department may
 5948 file or cause to be filed his or her complaint in writing,
 5949 verified by affidavit, with any court within whose jurisdiction

5950 the premises to be searched are situated, stating the facts upon
5951 which the belief is founded, the premises to be searched, and
5952 the property to be seized, and procure a search warrant and
5953 execute that warrant. Upon the execution of the search warrant,
5954 the law enforcement officer, or officer or employee of the
5955 department, executing the search warrant shall make due return
5956 of the warrant to the court issuing the warrant, together with
5957 an inventory of the property taken under the warrant. The court
5958 must then issue process against the owner of the property if the
5959 owner is known; otherwise, process must be issued against the
5960 person in whose possession the property is found, if that person
5961 is known. In case of inability to serve process upon the owner
5962 or the person in possession of the property at the time of its
5963 seizure, notice of the proceedings before the court must be
5964 given in the same manner as required by the law governing cases
5965 of attachment. Upon the return of the process duly served or
5966 upon the posting or publishing of notice made, as appropriate,
5967 the court or jury, if a jury is demanded, shall proceed to
5968 determine whether the property so seized was held or possessed
5969 in violation of this section or a rule of the department for the
5970 administration and enforcement of this section. If a violation
5971 is found, judgment shall be entered confiscating the property
5972 and forfeiting it to the state and ordering its delivery to the
5973 department. In addition, the court may tax and assess the costs
5974 of the proceedings.

5975 (b) When any cannabis has been declared forfeited to the
 5976 state by the department, as provided in subsection (13) and this
 5977 section, and when all proceedings for the judicial review of the
 5978 department's decision have terminated, the department shall, to
 5979 the extent that its decision is sustained on review, destroy or
 5980 maintain and use such cannabis in an undercover capacity.

5981 (c) The department may, before any destruction of
 5982 cannabis, permit the true holder of trademark rights in the
 5983 cannabis to inspect such cannabis in order to assist the
 5984 department in any investigation regarding such cannabis.

5985 (4) CANNABIS RETAILERS; PURCHASE AND POSSESSION OF
 5986 CANNABIS.-Cannabis retailers shall purchase cannabis for resale
 5987 only from cannabis business establishments as authorized by this
 5988 chapter.

5989 Section 6. (1) On or before December 1, 2021, the
 5990 Department of Business and Professional Regulation shall submit
 5991 a report to the Governor, the President of the Senate, and the
 5992 Speaker of the House of Representatives regarding the progress
 5993 of the cannabis equity grant program. The report shall include,
 5994 but is not limited to, the following information:

5995 (a) The number of cannabis equity applicants and general
 5996 applicants applying for and receiving licenses that received
 5997 grants.

5998 (b) Information collected from the programs.

5999 (2) The department shall post the report required by this

6000 section on its website.

6001 Section 6. Paragraph (p) of subsection (1) of section
6002 500.03, Florida Statutes, is amended to read:

6003 500.03 Definitions; construction; applicability.—

6004 (1) For the purpose of this chapter, the term:

6005 (p) "Food establishment" means a factory, food outlet, or
6006 other facility manufacturing, processing, packing, holding, or
6007 preparing food or selling food at wholesale or retail. The term
6008 does not include a business or activity that is regulated under
6009 s. 413.051, s. 500.80, chapter 509, or chapter 601. The term
6010 includes a retail marijuana store that sells food containing
6011 marijuana pursuant to chapter 566. The term includes tomato
6012 packinghouses and repackers but does not include any other
6013 establishments that pack fruits and vegetables in their raw or
6014 natural states, including those fruits or vegetables that are
6015 washed, colored, or otherwise treated in their unpeeled, natural
6016 form before they are marketed.

6017 Section 7. Section 500.105, Florida Statutes, is created
6018 to read:

6019 500.105 Retail marijuana store food products containing
6020 marijuana.—Food products containing marijuana that are prepared
6021 in a food establishment that holds a permit under s. 500.12, if
6022 required, and that are sold by a retail marijuana store licensed
6023 under chapter 566 are not considered adulterated under this
6024 chapter due to the presence of marijuana.

6025 Section 8. Subsection (1) of section 562.13, Florida
 6026 Statutes, is amended to read:

6027 562.13 Employment of minors or certain other persons by
 6028 certain vendors prohibited; exceptions.—

6029 (1) Unless otherwise provided in this section, it is
 6030 unlawful for any vendor licensed under the Beverage Law or a
 6031 licensee under chapter 566 to employ any person under 18 years
 6032 of age.

6033 Section 9. Subsection (1) of section 569.0073, Florida
 6034 Statutes, is amended to read:

6035 569.0073 Special provisions; smoking pipes and smoking
 6036 devices.—

6037 (1) It is unlawful for any person to offer for sale at
 6038 retail any of the items listed in subsection (2) unless such
 6039 person:

6040 (a) Has a retail tobacco products dealer permit under s.
 6041 569.003 or is a marijuana establishment licensed under s.
 6042 566.036. The provisions of this chapter apply to any person that
 6043 offers for retail sale any of the items listed in subsection
 6044 (2); and

6045 (b)1. Derives at least 75 percent of its annual gross
 6046 revenues from the retail sale of cigarettes, cigars, and other
 6047 tobacco products or marijuana products sold in compliance with
 6048 chapter 566; or

6049 2. Derives no more than 25 percent of its annual gross

6050 revenues from the retail sale of the items listed in subsection
6051 (2).

6052 Section 10. Paragraph (c) of subsection (1) of section
6053 893.03, Florida Statutes, is amended to read:

6054 893.03 Standards and schedules.—The substances enumerated
6055 in this section are controlled by this chapter. The controlled
6056 substances listed or to be listed in Schedules I, II, III, IV,
6057 and V are included by whatever official, common, usual,
6058 chemical, trade name, or class designated. The provisions of
6059 this section shall not be construed to include within any of the
6060 schedules contained in this section any excluded drugs listed
6061 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
6062 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
6063 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
6064 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
6065 Anabolic Steroid Products."

6066 (1) SCHEDULE I.—A substance in Schedule I has a high
6067 potential for abuse and has no currently accepted medical use in
6068 treatment in the United States and in its use under medical
6069 supervision does not meet accepted safety standards. The
6070 following substances are controlled in Schedule I:

6071 (c) Unless specifically excepted or unless listed in
6072 another schedule, any material, compound, mixture, or
6073 preparation that contains any quantity of the following
6074 hallucinogenic substances or that contains any of their salts,

HB 1597

2021

6075 isomers, including optical, positional, or geometric isomers,
6076 homologues, nitrogen-heterocyclic analogs, esters, ethers, and
6077 salts of isomers, homologues, nitrogen-heterocyclic analogs,
6078 esters, or ethers, if the existence of such salts, isomers, and
6079 salts of isomers is possible within the specific chemical
6080 designation or class description:

- 6081 1. Alpha-Ethyltryptamine.
- 6082 2. 4-Methylaminorex (2-Amino-4-methyl-5-phenyl-2-
6083 oxazoline).
- 6084 3. Aminorex (2-Amino-5-phenyl-2-oxazoline).
- 6085 4. DOB (4-Bromo-2,5-dimethoxyamphetamine).
- 6086 5. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).
- 6087 6. Bufotenine.
- 6088 ~~7. Cannabis.~~
- 6089 7.8. Cathinone.
- 6090 ~~8.9.~~ DET (Diethyltryptamine).
- 6091 ~~9.10.~~ 2,5-Dimethoxyamphetamine.
- 6092 ~~10.11.~~ DOET (4-Ethyl-2,5-Dimethoxyamphetamine).
- 6093 ~~11.12.~~ DMT (Dimethyltryptamine).
- 6094 ~~12.13.~~ PCE (N-Ethyl-1-phenylcyclohexylamine) (Ethylamine
6095 analog of phencyclidine).
- 6096 ~~13.14.~~ JB-318 (N-Ethyl-3-piperidyl benzilate).
- 6097 ~~14.15.~~ N-Ethylamphetamine.
- 6098 ~~15.16.~~ Fenethylamine.
- 6099 ~~16.17.~~ 3,4-Methylenedioxy-N-hydroxyamphetamine.

- 6100 | ~~17.18.~~ Ibogaine.
- 6101 | ~~18.19.~~ LSD (Lysergic acid diethylamide).
- 6102 | ~~19.20.~~ Mescaline.
- 6103 | ~~20.21.~~ Methcathinone.
- 6104 | ~~21.22.~~ 5-Methoxy-3,4-methylenedioxyamphetamine.
- 6105 | ~~22.23.~~ PMA (4-Methoxyamphetamine).
- 6106 | ~~23.24.~~ PMMA (4-Methoxymethamphetamine).
- 6107 | ~~24.25.~~ DOM (4-Methyl-2,5-dimethoxyamphetamine).
- 6108 | ~~25.26.~~ MDEA (3,4-Methylenedioxy-N-ethylamphetamine).
- 6109 | ~~26.27.~~ MDA (3,4-Methylenedioxyamphetamine).
- 6110 | ~~27.28.~~ JB-336 (N-Methyl-3-piperidyl benzilate).
- 6111 | ~~28.29.~~ N,N-Dimethylamphetamine.
- 6112 | ~~29.30.~~ Parahexyl.
- 6113 | ~~30.31.~~ Peyote.
- 6114 | ~~31.32.~~ PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine)
- 6115 | (Pyrrolidine analog of phencyclidine).
- 6116 | ~~32.33.~~ Psilocybin.
- 6117 | ~~33.34.~~ Psilocyn.
- 6118 | ~~34.35.~~ Salvia divinorum, except for any drug product
- 6119 | approved by the United States Food and Drug Administration which
- 6120 | contains Salvia divinorum or its isomers, esters, ethers, salts,
- 6121 | and salts of isomers, esters, and ethers, if the existence of
- 6122 | such isomers, esters, ethers, and salts is possible within the
- 6123 | specific chemical designation.
- 6124 | ~~35.36.~~ Salvinorin A, except for any drug product approved

6125 | by the United States Food and Drug Administration which contains
 6126 | Salvinorin A or its isomers, esters, ethers, salts, and salts of
 6127 | isomers, esters, and ethers, if the existence of such isomers,
 6128 | esters, ethers, and salts is possible within the specific
 6129 | chemical designation.

6130 | ~~36.37.~~ Xylazine.

6131 | ~~37.38.~~ TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine)
 6132 | (Thiophene analog of phencyclidine).

6133 | ~~38.39.~~ 3,4,5-Trimethoxyamphetamine.

6134 | ~~39.40.~~ Methydone (3,4-Methylenedioxyamphetaminone).

6135 | ~~40.41.~~ MDPV (3,4-Methylenedioxypropylamphetamine).

6136 | ~~41.42.~~ Methylenedioxyamphetamine.

6137 | ~~42.43.~~ Methoxyamphetamine.

6138 | ~~43.44.~~ Fluoromethamphetamine.

6139 | ~~44.45.~~ Methylethamphetamine.

6140 | ~~45.46.~~ CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-
 6141 | methyloctan-2-yl)phenol) and its dimethyloctyl (C8) homologue.

6142 | ~~46.47.~~ HU-210 [(6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-
 6143 | 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
 6144 | ol].

6145 | ~~47.48.~~ JWH-018 (1-Pentyl-3-(1-naphthoyl)indole).

6146 | ~~48.49.~~ JWH-073 (1-Butyl-3-(1-naphthoyl)indole).

6147 | ~~49.50.~~ JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-
 6148 | naphthoyl)indole).

6149 | ~~50.51.~~ BZP (Benzylpiperazine).

- 6150 | ~~51.52.~~ Fluorophenylpiperazine.
- 6151 | ~~52.53.~~ Methylphenylpiperazine.
- 6152 | ~~53.54.~~ Chlorophenylpiperazine.
- 6153 | ~~54.55.~~ Methoxyphenylpiperazine.
- 6154 | ~~55.56.~~ DBZP (1,4-Dibenzylpiperazine).
- 6155 | ~~56.57.~~ TFMPP (Trifluoromethylphenylpiperazine).
- 6156 | ~~57.58.~~ MBDB (Methylbenzodioxolylbutanamine) or (3,4-
- 6157 | Methyleneoxy-N-methylbutanamine).
- 6158 | ~~58.59.~~ 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).
- 6159 | ~~59.60.~~ 5-Hydroxy-N-methyltryptamine.
- 6160 | ~~60.61.~~ 5-MeO-MiPT (5-Methoxy-N-methyl-N-
- 6161 | isopropyltryptamine).
- 6162 | ~~61.62.~~ 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).
- 6163 | ~~62.63.~~ Methyltryptamine.
- 6164 | ~~63.64.~~ 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).
- 6165 | ~~64.65.~~ 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).
- 6166 | ~~65.66.~~ Tyramine (4-Hydroxyphenethylamine).
- 6167 | ~~66.67.~~ 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).
- 6168 | ~~67.68.~~ DiPT (N,N-Diisopropyltryptamine).
- 6169 | ~~68.69.~~ DPT (N,N-Dipropyltryptamine).
- 6170 | ~~69.70.~~ 4-Hydroxy-DiPT (4-Hydroxy-N,N-
- 6171 | diisopropyltryptamine).
- 6172 | ~~70.71.~~ 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).
- 6173 | ~~71.72.~~ DOI (4-Iodo-2,5-dimethoxyamphetamine).
- 6174 | ~~72.73.~~ DOC (4-Chloro-2,5-dimethoxyamphetamine).

- 6175 | 73.74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 6176 | ~~74.75.~~ 2C-T-4 (4-Isopropylthio-2,5-
- 6177 | dimethoxyphenethylamine).
- 6178 | ~~75.76.~~ 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 6179 | ~~76.77.~~ 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).
- 6180 | ~~77.78.~~ 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).
- 6181 | ~~78.79.~~ 2C-T-7 (4-(n)-Propylthio-2,5-
- 6182 | dimethoxyphenethylamine).
- 6183 | ~~79.80.~~ 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- 6184 | ~~80.81.~~ Butylone (3,4-Methylenedioxy-alpha-
- 6185 | methylaminobutyrophenone).
- 6186 | ~~81.82.~~ Ethcathinone.
- 6187 | ~~82.83.~~ Ethylone (3,4-Methylenedioxy-N-ethylcathinone).
- 6188 | ~~83.84.~~ Naphyrone (Naphthylpyrovalerone).
- 6189 | ~~84.85.~~ Dimethylone (3,4-Methylenedioxy-N,N-
- 6190 | dimethylcathinone).
- 6191 | ~~85.86.~~ 3,4-Methylenedioxy-N,N-diethylcathinone.
- 6192 | ~~86.87.~~ 3,4-Methylenedioxy-propiofenone.
- 6193 | ~~87.88.~~ 3,4-Methylenedioxy-alpha-bromopropiofenone.
- 6194 | ~~88.89.~~ 3,4-Methylenedioxy-propiofenone-2-oxime.
- 6195 | ~~89.90.~~ 3,4-Methylenedioxy-N-acetylcathinone.
- 6196 | ~~90.91.~~ 3,4-Methylenedioxy-N-acetylmethcathinone.
- 6197 | ~~91.92.~~ 3,4-Methylenedioxy-N-acetylethcathinone.
- 6198 | ~~92.93.~~ Bromomethcathinone.
- 6199 | ~~93.94.~~ Buphedrone (alpha-Methylamino-butyrophenone).

- 6200 ~~94.95.~~ Eutylone (3,4-Methylenedioxy-alpha-
- 6201 ethylaminobutyrophenone).
- 6202 ~~95.96.~~ Dimethylcathinone.
- 6203 ~~96.97.~~ Dimethylmethcathinone.
- 6204 ~~97.98.~~ Pentylone (3,4-Methylenedioxy-alpha-
- 6205 methylaminovalerophenone).
- 6206 ~~98.99.~~ MDPPP (3,4-Methylenedioxy-alpha-
- 6207 pyrrolidinopropiophenone).
- 6208 ~~99.100.~~ MDPBP (3,4-Methylenedioxy-alpha-
- 6209 pyrrolidinobutyrophenone).
- 6210 ~~100.101.~~ MOPPP (Methoxy-alpha-pyrrolidinopropiophenone).
- 6211 ~~101.102.~~ MPHP (Methyl-alpha-pyrrolidinohexanophenone).
- 6212 ~~102.103.~~ BTCP (Benzothiophenylcyclohexylpiperidine) or BCP
- 6213 (Benocyclidine).
- 6214 ~~103.104.~~ F-MABP (Fluoromethylaminobutyrophenone).
- 6215 ~~104.105.~~ MeO-PBP (Methoxypyrrolidinobutyrophenone).
- 6216 ~~105.106.~~ Et-PBP (Ethylpyrrolidinobutyrophenone).
- 6217 ~~106.107.~~ 3-Me-4-MeO-MCAT (3-Methyl-4-
- 6218 Methoxymethcathinone).
- 6219 ~~107.108.~~ Me-EABP (Methylethylaminobutyrophenone).
- 6220 ~~108.109.~~ Etizolam.
- 6221 ~~109.110.~~ PPP (Pyrrolidinopropiophenone).
- 6222 ~~110.111.~~ PBP (Pyrrolidinobutyrophenone).
- 6223 ~~111.112.~~ PVP (Pyrrolidinovalerophenone) or
- 6224 (Pyrrolidinopentiophenone).

- 6225 | ~~112.113.~~ MPPP (Methyl-alpha-pyrrolidinopropiophenone).
- 6226 | ~~113.114.~~ JWH-007 (1-Pentyl-2-methyl-3-(1-
- 6227 | naphthoyl) indole).
- 6228 | ~~114.115.~~ JWH-015 (1-Propyl-2-methyl-3-(1-
- 6229 | naphthoyl) indole).
- 6230 | ~~115.116.~~ JWH-019 (1-Hexyl-3-(1-naphthoyl) indole).
- 6231 | ~~116.117.~~ JWH-020 (1-Heptyl-3-(1-naphthoyl) indole).
- 6232 | ~~117.118.~~ JWH-072 (1-Propyl-3-(1-naphthoyl) indole).
- 6233 | ~~118.119.~~ JWH-081 (1-Pentyl-3-(4-methoxy-1-
- 6234 | naphthoyl) indole).
- 6235 | ~~119.120.~~ JWH-122 (1-Pentyl-3-(4-methyl-1-
- 6236 | naphthoyl) indole).
- 6237 | ~~120.121.~~ JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-
- 6238 | methylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
- 6239 | ~~121.122.~~ JWH-175 (1-Pentyl-3-(1-naphthylmethyl) indole).
- 6240 | ~~122.123.~~ JWH-201 (1-Pentyl-3-(4-
- 6241 | methoxyphenylacetyl) indole).
- 6242 | ~~123.124.~~ JWH-203 (1-Pentyl-3-(2-
- 6243 | chlorophenylacetyl) indole).
- 6244 | ~~124.125.~~ JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl) indole).
- 6245 | ~~125.126.~~ JWH-250 (1-Pentyl-3-(2-
- 6246 | methoxyphenylacetyl) indole).
- 6247 | ~~126.127.~~ JWH-251 (1-Pentyl-3-(2-
- 6248 | methylphenylacetyl) indole).
- 6249 | ~~127.128.~~ JWH-302 (1-Pentyl-3-(3-

HB 1597

2021

6250 methoxyphenylacetyl) indole) .
6251 ~~128.129.~~ JWH-398 (1-Pentyl-3-(4-chloro-1-
6252 naphthoyl) indole) .
6253 ~~129.130.~~ HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-
6254 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-
6255 tetrahydrobenzo[c]chromen-1-ol) .
6256 ~~130.131.~~ HU-308 ([(1R,2R,5R)-2-[2,6-Dimethoxy-4-(2-
6257 methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-
6258 enyl] methanol) .
6259 ~~131.132.~~ HU-331 (3-Hydroxy-2-[(1R,6R)-3-methyl-6-(1-
6260 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-
6261 1,4-dione) .
6262 ~~132.133.~~ CB-13 (4-Pentyloxy-1-(1-naphthoyl)naphthalene) .
6263 ~~133.134.~~ CB-25 (N-Cyclopropyl-11-(3-hydroxy-5-
6264 pentyloxy)-undecanamide) .
6265 ~~134.135.~~ CB-52 (N-Cyclopropyl-11-(2-hexyl-5-
6266 hydroxyphenoxy)-undecanamide) .
6267 ~~135.136.~~ CP 55,940 (2-[3-Hydroxy-6-propanol-cyclohexyl]-5-
6268 (2-methyloctan-2-yl)phenol) .
6269 ~~136.137.~~ AM-694 (1-(5-Fluoropentyl)-3-(2-
6270 iodobenzoyl) indole) .
6271 ~~137.138.~~ AM-2201 (1-(5-Fluoropentyl)-3-(1-
6272 naphthoyl) indole) .
6273 ~~138.139.~~ RCS-4 (1-Pentyl-3-(4-methoxybenzoyl) indole) .
6274 ~~139.140.~~ RCS-8 (1-(2-Cyclohexylethyl)-3-(2-

6275 methoxyphenylacetyl) indole) .

6276 140.141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-

6277 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-

6278 naphthalenylmethanone) .

6279 141.142. WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-

6280 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-

6281 naphthalenylmethanone) .

6282 142.143. Pentedrone (alpha-Methylaminovalerophenone) .

6283 143.144. Fluoroamphetamine .

6284 144.145. Fluoromethamphetamine .

6285 145.146. Methoxetamine .

6286 146.147. Methiopropamine .

6287 147.148. Methylbuphedrone (Methyl-alpha-

6288 methylaminobutyrophenone) .

6289 148.149. APB ((2-Aminopropyl)benzofuran) .

6290 149.150. APDB ((2-Aminopropyl)-2,3-dihydrobenzofuran) .

6291 150.151. UR-144 (1-Pentyl-3-(2,2,3,3-

6292 tetramethylcyclopropanoyl)indole) .

6293 151.152. XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-

6294 tetramethylcyclopropanoyl)indole) .

6295 152.153. Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-

6296 tetramethylcyclopropanoyl)indole) .

6297 153.154. AKB48 (N-Adamant-1-yl 1-pentylindazole-3-

6298 carboxamide) .

6299 154.155. AM-2233 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-

6300 iodobenzoyl) indole).

6301 ~~155.156.~~ STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl) indole-

6302 3-carboxamide).

6303 ~~156.157.~~ URB-597 ((3'-(Aminocarbonyl) [1,1'-biphenyl]-3-

6304 yl)-cyclohexylcarbamate).

6305 ~~157.158.~~ URB-602 ([1,1'-Biphenyl]-3-yl-carbamic acid,

6306 cyclohexyl ester).

6307 ~~158.159.~~ URB-754 (6-Methyl-2-[(4-methylphenyl) amino]-1-

6308 benzoxazin-4-one).

6309 ~~159.160.~~ 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).

6310 ~~160.161.~~ 2C-H (2,5-Dimethoxyphenethylamine).

6311 ~~161.162.~~ 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).

6312 ~~162.163.~~ 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).

6313 ~~163.164.~~ 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-

6314 methoxybenzyl)]phenethylamine).

6315 ~~164.165.~~ MDMA (3,4-Methylenedioxymethamphetamine).

6316 ~~165.166.~~ PB-22 (8-Quinoliny 1-pentylindole-3-

6317 carboxylate).

6318 ~~166.167.~~ Fluoro PB-22 (8-Quinoliny 1-

6319 (fluoropentyl) indole-3-carboxylate).

6320 ~~167.168.~~ BB-22 (8-Quinoliny 1-(cyclohexylmethyl) indole-3-

6321 carboxylate).

6322 ~~168.169.~~ Fluoro AKB48 (N-Adamant-1-yl 1-

6323 (fluoropentyl) indazole-3-carboxamide).

6324 ~~169.170.~~ AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-

HB 1597

2021

6325 1-pentylindazole-3-carboxamide) .

6326 ~~170.171.~~ AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-

6327 yl)-1-(4-fluorobenzyl)indazole-3-carboxamide) .

6328 ~~171.172.~~ ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-

6329 yl)-1-pentylindazole-3-carboxamide) .

6330 ~~172.173.~~ Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-

6331 oxobutan-2-yl)-1-(fluoropentyl)indole-3-carboxamide) .

6332 ~~173.174.~~ 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-

6333 methoxybenzyl)]phenethylamine) .

6334 ~~174.175.~~ 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-

6335 methoxybenzyl)]phenethylamine) .

6336 ~~175.176.~~ AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-

6337 yl)-1-(cyclohexylmethyl)indazole-3-carboxamide) .

6338 ~~176.177.~~ FUB-PB-22 (8-Quinolinyl 1-(4-fluorobenzyl)indole-

6339 3-carboxylate) .

6340 ~~177.178.~~ Fluoro-NNEI (N-Naphthalen-1-yl 1-

6341 (fluoropentyl)indole-3-carboxamide) .

6342 ~~178.179.~~ Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-

6343 yl)-1-(fluoropentyl)indazole-3-carboxamide) .

6344 ~~179.180.~~ THJ-2201 (1-(5-Fluoropentyl)-3-(1-

6345 naphthoyl)indazole) .

6346 ~~180.181.~~ AM-855 ((4aR,12bR)-8-Hexyl-2,5,5-trimethyl-

6347 1,4,4a,8,9,10,11,12b-octahydronaphtho[3,2-c]isochromen-12-ol) .

6348 ~~181.182.~~ AM-905 ((6aR,9R,10aR)-3-[(E)-Hept-1-enyl]-9-

6349 (hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-

6350 hexahydrobenzo[c]chromen-1-ol).

6351 182.183. AM-906 ((6aR,9R,10aR)-3-[(Z)-Hept-1-enyl]-9-

6352 (hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-

6353 hexahydrobenzo[c]chromen-1-ol).

6354 183.184. AM-2389 ((6aR,9R,10aR)-3-(1-Hexyl-cyclobut-1-yl)-

6355 6a,7,8,9,10,10a-hexahydro-6,6-dimethyl-6H-dibenzo[b,d]pyran-1,9

6356 diol).

6357 184.185. HU-243 ((6aR,8S,9S,10aR)-9-(Hydroxymethyl)-6,6-

6358 dimethyl-3-(2-methyloctan-2-yl)-8,9-ditritio-7,8,10,10a-

6359 tetrahydro-6aH-benzo[c]chromen-1-ol).

6360 185.186. HU-336 ((6aR,10aR)-6,6,9-Trimethyl-3-pentyl-

6361 6a,7,10,10a-tetrahydro-1H-benzo[c]chromene-1,4(6H)-dione).

6362 186.187. MAPB ((2-Methylaminopropyl)benzofuran).

6363 187.188. 5-IT (2-(1H-Indol-5-yl)-1-methyl-ethylamine).

6364 188.189. 6-IT (2-(1H-Indol-6-yl)-1-methyl-ethylamine).

6365 189.190. Synthetic Cannabinoids.—Unless specifically

6366 excepted or unless listed in another schedule or contained

6367 within a pharmaceutical product approved by the United States

6368 Food and Drug Administration, any material, compound, mixture,

6369 or preparation that contains any quantity of a synthetic

6370 cannabinoid found to be in any of the following chemical class

6371 descriptions, or homologues, nitrogen-heterocyclic analogs,

6372 isomers (including optical, positional, or geometric), esters,

6373 ethers, salts, and salts of homologues, nitrogen-heterocyclic

6374 analogs, isomers, esters, or ethers, whenever the existence of

6375 such homologues, nitrogen-heterocyclic analogs, isomers, esters,
6376 ethers, salts, and salts of isomers, esters, or ethers is
6377 possible within the specific chemical class or designation.

6378 Since nomenclature of these synthetically produced cannabinoids
6379 is not internationally standardized and may continually evolve,
6380 these structures or the compounds of these structures shall be
6381 included under this subparagraph, regardless of their specific
6382 numerical designation of atomic positions covered, if it can be
6383 determined through a recognized method of scientific testing or
6384 analysis that the substance contains properties that fit within
6385 one or more of the following categories:

6386 a. Tetrahydrocannabinols.—Any tetrahydrocannabinols
6387 naturally contained in a plant of the genus Cannabis, the
6388 synthetic equivalents of the substances contained in the plant
6389 or in the resinous extracts of the genus Cannabis, or synthetic
6390 substances, derivatives, and their isomers with similar chemical
6391 structure and pharmacological activity, including, but not
6392 limited to, Delta 9 tetrahydrocannabinols and their optical
6393 isomers, Delta 8 tetrahydrocannabinols and their optical
6394 isomers, Delta 6a,10a tetrahydrocannabinols and their optical
6395 isomers, or any compound containing a tetrahydrobenzo[c]chromene
6396 structure with substitution at either or both the 3-position or
6397 9-position, with or without substitution at the 1-position with
6398 hydroxyl or alkoxy groups, including, but not limited to:

6399 (I) Tetrahydrocannabinol.

- 6400 (II) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-
 6401 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
 6402 ol).
- 6403 (III) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
 6404 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
 6405 ol).
- 6406 (IV) JWH-051 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-
 6407 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
- 6408 (V) JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methylpentan-
 6409 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
- 6410 (VI) JWH-057 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methyloctan-
 6411 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
- 6412 (VII) JWH-359 ((6aR,10aR)-1-Methoxy-6,6,9-trimethyl-3-
 6413 (2,3-dimethylpentan-2-yl)-6a,7,10,10a-
 6414 tetrahydrobenzo[c]chromene).
- 6415 (VIII) AM-087 ((6aR,10aR)-3-(2-Methyl-6-bromohex-2-yl)-
 6416 6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
- 6417 (IX) AM-411 ((6aR,10aR)-3-(1-Adamantyl)-6,6,9-trimethyl-
 6418 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
- 6419 (X) Parahexyl.
- 6420 b. Naphthoylindoles, Naphthoylindazoles,
 6421 Naphthoylcarbazoles, Naphthylmethylindoles,
 6422 Naphthylmethylindazoles, and Naphthylmethylcarbazoles.—Any
 6423 compound containing a naphthoylindole, naphthoylindazole,
 6424 naphthoylcarbazole, naphthylmethylindole,

HB 1597

2021

6425 naphthylmethylindazole, or naphthylmethylcarbazole structure,
6426 with or without substitution on the indole, indazole, or
6427 carbazole ring to any extent, whether or not substituted on the
6428 naphthyl ring to any extent, including, but not limited to:

6429 (I) JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl)indole).
6430 (II) JWH-011 (1-(1-Methylhexyl)-2-methyl-3-(1-
6431 naphthoyl)indole).
6432 (III) JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl)indole).
6433 (IV) JWH-016 (1-Butyl-2-methyl-3-(1-naphthoyl)indole).
6434 (V) JWH-018 (1-Pentyl-3-(1-naphthoyl)indole).
6435 (VI) JWH-019 (1-Hexyl-3-(1-naphthoyl)indole).
6436 (VII) JWH-020 (1-Heptyl-3-(1-naphthoyl)indole).
6437 (VIII) JWH-022 (1-(4-Pentenyl)-3-(1-naphthoyl)indole).
6438 (IX) JWH-071 (1-Ethyl-3-(1-naphthoyl)indole).
6439 (X) JWH-072 (1-Propyl-3-(1-naphthoyl)indole).
6440 (XI) JWH-073 (1-Butyl-3-(1-naphthoyl)indole).
6441 (XII) JWH-080 (1-Butyl-3-(4-methoxy-1-naphthoyl)indole).
6442 (XIII) JWH-081 (1-Pentyl-3-(4-methoxy-1-naphthoyl)indole).
6443 (XIV) JWH-098 (1-Pentyl-2-methyl-3-(4-methoxy-1-
6444 naphthoyl)indole).
6445 (XV) JWH-116 (1-Pentyl-2-ethyl-3-(1-naphthoyl)indole).
6446 (XVI) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
6447 (XVII) JWH-149 (1-Pentyl-2-methyl-3-(4-methyl-1-
6448 naphthoyl)indole).
6449 (XVIII) JWH-164 (1-Pentyl-3-(7-methoxy-1-

6450 naphthoyl) indole).

6451 (XIX) JWH-175 (1-Pentyl-3-(1-naphthylmethyl) indole).

6452 (XX) JWH-180 (1-Propyl-3-(4-propyl-1-naphthoyl) indole).

6453 (XXI) JWH-182 (1-Pentyl-3-(4-propyl-1-naphthoyl) indole).

6454 (XXII) JWH-184 (1-Pentyl-3-[(4-methyl)-1-

6455 naphthylmethyl] indole).

6456 (XXIII) JWH-193 (1-[2-(4-Morpholinyl) ethyl]-3-(4-methyl-1-

6457 naphthoyl) indole).

6458 (XXIV) JWH-198 (1-[2-(4-Morpholinyl) ethyl]-3-(4-methoxy-1-

6459 naphthoyl) indole).

6460 (XXV) JWH-200 (1-[2-(4-Morpholinyl) ethyl]-3-(1-

6461 naphthoyl) indole).

6462 (XXVI) JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl) indole).

6463 (XXVII) JWH-387 (1-Pentyl-3-(4-bromo-1-naphthoyl) indole).

6464 (XXVIII) JWH-398 (1-Pentyl-3-(4-chloro-1-

6465 naphthoyl) indole).

6466 (XXIX) JWH-412 (1-Pentyl-3-(4-fluoro-1-naphthoyl) indole).

6467 (XXX) JWH-424 (1-Pentyl-3-(8-bromo-1-naphthoyl) indole).

6468 (XXXI) AM-1220 (1-[(1-Methyl-2-piperidinyl) methyl]-3-(1-

6469 naphthoyl) indole).

6470 (XXXII) AM-1235 (1-(5-Fluoropentyl)-6-nitro-3-(1-

6471 naphthoyl) indole).

6472 (XXXIII) AM-2201 (1-(5-Fluoropentyl)-3-(1-

6473 naphthoyl) indole).

6474 (XXXIV) Chloro JWH-018 (1-(Chloropentyl)-3-(1-

HB 1597

2021

6475 naphthoyl) indole).

6476 (XXXV) Bromo JWH-018 (1-(Bromopentyl)-3-(1-

6477 naphthoyl) indole).

6478 (XXXVI) AM-2232 (1-(4-Cyanobutyl)-3-(1-naphthoyl) indole).

6479 (XXXVII) THJ-2201 (1-(5-Fluoropentyl)-3-(1-

6480 naphthoyl) indazole).

6481 (XXXVIII) MAM-2201 (1-(5-Fluoropentyl)-3-(4-methyl-1-

6482 naphthoyl) indole).

6483 (XXXIX) EAM-2201 (1-(5-Fluoropentyl)-3-(4-ethyl-1-

6484 naphthoyl) indole).

6485 (XL) EG-018 (9-Pentyl-3-(1-naphthoyl) carbazole).

6486 (XLI) EG-2201 (9-(5-Fluoropentyl)-3-(1-

6487 naphthoyl) carbazole).

6488 c. Naphthoylpyrroles.—Any compound containing a

6489 naphthoylpyrrole structure, with or without substitution on the

6490 pyrrole ring to any extent, whether or not substituted on the

6491 naphthyl ring to any extent, including, but not limited to:

6492 (I) JWH-030 (1-Pentyl-3-(1-naphthoyl) pyrrole).

6493 (II) JWH-031 (1-Hexyl-3-(1-naphthoyl) pyrrole).

6494 (III) JWH-145 (1-Pentyl-5-phenyl-3-(1-naphthoyl) pyrrole).

6495 (IV) JWH-146 (1-Heptyl-5-phenyl-3-(1-naphthoyl) pyrrole).

6496 (V) JWH-147 (1-Hexyl-5-phenyl-3-(1-naphthoyl) pyrrole).

6497 (VI) JWH-307 (1-Pentyl-5-(2-fluorophenyl)-3-(1-

6498 naphthoyl) pyrrole).

6499 (VII) JWH-309 (1-Pentyl-5-(1-naphthalenyl)-3-(1-

6500 naphthoyl)pyrrole).

6501 (VIII) JWH-368 (1-Pentyl-5-(3-fluorophenyl)-3-(1-
6502 naphthoyl)pyrrole).

6503 (IX) JWH-369 (1-Pentyl-5-(2-chlorophenyl)-3-(1-
6504 naphthoyl)pyrrole).

6505 (X) JWH-370 (1-Pentyl-5-(2-methylphenyl)-3-(1-
6506 naphthoyl)pyrrole).

6507 d. Naphthylmethylenindenes.—Any compound containing a
6508 naphthylmethylenindene structure, with or without substitution
6509 at the 3-position of the indene ring to any extent, whether or
6510 not substituted on the naphthyl ring to any extent, including,
6511 but not limited to, JWH-176 (3-Pentyl-1-
6512 (naphthylmethylene)indene).

6513 e. Phenylacetylindoles and Phenylacetylindazoles.—Any
6514 compound containing a phenylacetylindole or phenylacetylindazole
6515 structure, with or without substitution on the indole or
6516 indazole ring to any extent, whether or not substituted on the
6517 phenyl ring to any extent, including, but not limited to:

6518 (I) JWH-167 (1-Pentyl-3-(phenylacetyl)indole).

6519 (II) JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl)indole).

6520 (III) JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole).

6521 (IV) JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole).

6522 (V) JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole).

6523 (VI) JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl)indole).

6524 (VII) Cannabipiperidiethanone.

6525 (VIII) RCS-8 (1-(2-Cyclohexylethyl)-3-(2-
6526 methoxyphenylacetyl)indole).

6527 f. Cyclohexylphenols.—Any compound containing a
6528 cyclohexylphenol structure, with or without substitution at the
6529 5-position of the phenolic ring to any extent, whether or not
6530 substituted on the cyclohexyl ring to any extent, including, but
6531 not limited to:

6532 (I) CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-2-
6533 yl)phenol).

6534 (II) Cannabicyclohexanol (CP 47,497 dimethyloctyl (C8)
6535 homologue).

6536 (III) CP-55,940 (2-(3-Hydroxy-6-propanol-cyclohexyl)-5-(2-
6537 methyloctan-2-yl)phenol).

6538 g. Benzoylindoles and Benzoylindazoles.—Any compound
6539 containing a benzoylindole or benzoylindazole structure, with or
6540 without substitution on the indole or indazole ring to any
6541 extent, whether or not substituted on the phenyl ring to any
6542 extent, including, but not limited to:

6543 (I) AM-679 (1-Pentyl-3-(2-iodobenzoyl)indole).

6544 (II) AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole).

6545 (III) AM-1241 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-
6546 iodo-5-nitrobenzoyl)indole).

6547 (IV) Pravadoline (1-[2-(4-Morpholinyl)ethyl]-2-methyl-3-
6548 (4-methoxybenzoyl)indole).

6549 (V) AM-2233 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-

6550 iodobenzoyl) indole).

6551 (VI) RCS-4 (1-Pentyl-3-(4-methoxybenzoyl) indole).

6552 (VII) RCS-4 C4 homologue (1-Butyl-3-(4-

6553 methoxybenzoyl) indole).

6554 (VIII) AM-630 (1-[2-(4-Morpholinyl)ethyl]-2-methyl-6-iodo-

6555 3-(4-methoxybenzoyl) indole).

6556 h. Tetramethylcyclopropanoylindoles and

6557 Tetramethylcyclopropanoylindazoles.—Any compound containing a

6558 tetramethylcyclopropanoylindole or

6559 tetramethylcyclopropanoylindazole structure, with or without

6560 substitution on the indole or indazole ring to any extent,

6561 whether or not substituted on the tetramethylcyclopropyl group

6562 to any extent, including, but not limited to:

6563 (I) UR-144 (1-Pentyl-3-(2,2,3,3-

6564 tetramethylcyclopropanoyl) indole).

6565 (II) XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-

6566 tetramethylcyclopropanoyl) indole).

6567 (III) Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-

6568 tetramethylcyclopropanoyl) indole).

6569 (IV) A-796,260 (1-[2-(4-Morpholinyl)ethyl]-3-(2,2,3,3-

6570 tetramethylcyclopropanoyl) indole).

6571 (V) A-834,735 (1-[4-(Tetrahydropyranyl)methyl]-3-(2,2,3,3-

6572 tetramethylcyclopropanoyl) indole).

6573 (VI) M-144 (1-(5-Fluoropentyl)-2-methyl-3-(2,2,3,3-

6574 tetramethylcyclopropanoyl) indole).

- 6575 (VII) FUB-144 (1-(4-Fluorobenzyl)-3-(2,2,3,3-
 6576 tetramethylcyclopropanoyl)indole).
- 6577 (VIII) FAB-144 (1-(5-Fluoropentyl)-3-(2,2,3,3-
 6578 tetramethylcyclopropanoyl)indazole).
- 6579 (IX) XLR12 (1-(4,4,4-Trifluorobutyl)-3-(2,2,3,3-
 6580 tetramethylcyclopropanoyl)indole).
- 6581 (X) AB-005 (1-[(1-Methyl-2-piperidinyl)methyl]-3-(2,2,3,3-
 6582 tetramethylcyclopropanoyl)indole).
- 6583 i. Adamantoylindoles, Adamantoylindazoles, Adamantylindole
 6584 carboxamides, and Adamantylindazole carboxamides.—Any compound
 6585 containing an adamantoyl indole, adamantoyl indazole, adamantyl
 6586 indole carboxamide, or adamantyl indazole carboxamide structure,
 6587 with or without substitution on the indole or indazole ring to
 6588 any extent, whether or not substituted on the adamantyl ring to
 6589 any extent, including, but not limited to:
- 6590 (I) AKB48 (N-Adamant-1-yl 1-pentylindazole-3-carboxamide).
- 6591 (II) Fluoro AKB48 (N-Adamant-1-yl 1-
 6592 (fluoropentyl)indazole-3-carboxamide).
- 6593 (III) STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-3-
 6594 carboxamide).
- 6595 (IV) AM-1248 (1-(1-Methylpiperidine)methyl-3-(1-
 6596 adamantoyl)indole).
- 6597 (V) AB-001 (1-Pentyl-3-(1-adamantoyl)indole).
- 6598 (VI) APICA (N-Adamant-1-yl 1-pentylindole-3-carboxamide).
- 6599 (VII) Fluoro AB-001 (1-(Fluoropentyl)-3-(1-

HB 1597

2021

6600 adamantoyl)indole).

6601 j. Quinolinyndolecarboxylates,

6602 Quinolinyndazolecarboxylates, Quinolinyndolecarboxamides,

6603 and Quinolinyndazolecarboxamides.—Any compound containing a

6604 quinolinyndole carboxylate, quinolinyndazole carboxylate,

6605 isoquinolinyndole carboxylate, isoquinolinyndazole

6606 carboxylate, quinolinyndole carboxamide, quinolinyndazole

6607 carboxamide, isoquinolinyndole carboxamide, or

6608 isoquinolinyndazole carboxamide structure, with or without

6609 substitution on the indole or indazole ring to any extent,

6610 whether or not substituted on the quinoline or isoquinoline ring

6611 to any extent, including, but not limited to:

6612 (I) PB-22 (8-Quinolinyndyl 1-pentyndole-3-carboxylate).

6613 (II) Fluoro PB-22 (8-Quinolinyndyl 1-(fluoropentynd)indole-3-

6614 carboxylate).

6615 (III) BB-22 (8-Quinolinyndyl 1-(cyclohexyndmethyl)indole-3-

6616 carboxylate).

6617 (IV) FUB-PB-22 (8-Quinolinyndyl 1-(4-fluorobenzyl)indole-3-

6618 carboxylate).

6619 (V) NPB-22 (8-Quinolinyndyl 1-pentyndazole-3-carboxylate).

6620 (VI) Fluoro NPB-22 (8-Quinolinyndyl 1-(fluoropentynd)indazole-

6621 3-carboxylate).

6622 (VII) FUB-NPB-22 (8-Quinolinyndyl 1-(4-fluorobenzyl)indazole-

6623 3-carboxylate).

6624 (VIII) THJ (8-Quinolinyndyl 1-pentyndazole-3-carboxamide).

HB 1597

2021

6625 (IX) Fluoro THJ (8-Quinoliny 1-(fluoropentyl)indazole-3-
6626 carboxamide).

6627 k. Naphthylindolecarboxylates and
6628 Naphthylindazolecarboxylates.—Any compound containing a
6629 naphthylindole carboxylate or naphthylindazole carboxylate
6630 structure, with or without substitution on the indole or
6631 indazole ring to any extent, whether or not substituted on the
6632 naphthyl ring to any extent, including, but not limited to:

6633 (I) NM-2201 (1-Naphthalenyl 1-(5-fluoropentyl)indole-3-
6634 carboxylate).

6635 (II) SDB-005 (1-Naphthalenyl 1-pentylindazole-3-
6636 carboxylate).

6637 (III) Fluoro SDB-005 (1-Naphthalenyl 1-
6638 (fluoropentyl)indazole-3-carboxylate).

6639 (IV) FDU-PB-22 (1-Naphthalenyl 1-(4-fluorobenzyl)indole-3-
6640 carboxylate).

6641 (V) 3-CAF (2-Naphthalenyl 1-(2-fluorophenyl)indazole-3-
6642 carboxylate).

6643 l. Naphthylindole carboxamides and Naphthylindazole
6644 carboxamides.—Any compound containing a naphthylindole
6645 carboxamide or naphthylindazole carboxamide structure, with or
6646 without substitution on the indole or indazole ring to any
6647 extent, whether or not substituted on the naphthyl ring to any
6648 extent, including, but not limited to:

6649 (I) NNEI (N-Naphthalen-1-yl 1-pentylindole-3-carboxamide).

HB 1597

2021

6650 (II) Fluoro-NNEI (N-Naphthalen-1-yl 1-
 6651 (fluoropentyl)indole-3-carboxamide).
 6652 (III) Chloro-NNEI (N-Naphthalen-1-yl 1-
 6653 (chloropentyl)indole-3-carboxamide).
 6654 (IV) MN-18 (N-Naphthalen-1-yl 1-pentylindazole-3-
 6655 carboxamide).
 6656 (V) Fluoro MN-18 (N-Naphthalen-1-yl 1-
 6657 (fluoropentyl)indazole-3-carboxamide).
 6658 m. Alkylcarbonyl indole carboxamides, Alkylcarbonyl
 6659 indazole carboxamides, Alkylcarbonyl indole carboxylates, and
 6660 Alkylcarbonyl indazole carboxylates.—Any compound containing an
 6661 alkylcarbonyl group, including 1-amino-3-methyl-1-oxobutan-2-yl,
 6662 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-amino-1-oxo-3-
 6663 phenylpropan-2-yl, 1-methoxy-1-oxo-3-phenylpropan-2-yl, with an
 6664 indole carboxamide, indazole carboxamide, indole carboxylate, or
 6665 indazole carboxylate, with or without substitution on the indole
 6666 or indazole ring to any extent, whether or not substituted on
 6667 the alkylcarbonyl group to any extent, including, but not
 6668 limited to:
 6669 (I) ADBICA, (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-
 6670 pentylindole-3-carboxamide).
 6671 (II) Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
 6672 yl)-1-(fluoropentyl)indole-3-carboxamide).
 6673 (III) Fluoro ABICA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-
 6674 1-(fluoropentyl)indole-3-carboxamide).

- 6675 (IV) AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
- 6676 pentylindazole-3-carboxamide).
- 6677 (V) Fluoro AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-
- 6678 yl)-1-(fluoropentyl)indazole-3-carboxamide).
- 6679 (VI) ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-
- 6680 1-pentylindazole-3-carboxamide).
- 6681 (VII) Fluoro ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-
- 6682 oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).
- 6683 (VIII) AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-
- 6684 1-(4-fluorobenzyl)indazole-3-carboxamide).
- 6685 (IX) ADB-FUBINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
- 6686 yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).
- 6687 (X) AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
- 6688 (cyclohexylmethyl)indazole-3-carboxamide).
- 6689 (XI) MA-CHMINACA (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-
- 6690 1-(cyclohexylmethyl)indazole-3-carboxamide).
- 6691 (XII) MAB-CHMINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
- 6692 yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).
- 6693 (XIII) AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-
- 6694 pentylindazole-3-carboxamide).
- 6695 (XIV) Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-
- 6696 1-(fluoropentyl)indazole-3-carboxamide).
- 6697 (XV) FUB-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(4-
- 6698 fluorobenzyl)indazole-3-carboxamide).
- 6699 (XVI) MDMB-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-

HB 1597

2021

6700 2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).

6701 (XVII) MDMB-FUBINACA (N-(1-Methoxy-3,3-dimethyl-1-

6702 oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).

6703 (XVIII) MDMB-CHMICA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-

6704 2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide).

6705 (XIX) PX-1 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-

6706 fluoropentyl)indole-3-carboxamide).

6707 (XX) PX-2 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-

6708 fluoropentyl)indazole-3-carboxamide).

6709 (XXI) PX-3 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-

6710 (cyclohexylmethyl)indazole-3-carboxamide).

6711 (XXII) PX-4 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(4-

6712 fluorobenzyl)indazole-3-carboxamide).

6713 (XXIII) MO-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-

6714 2-yl)-1-(cyclohexylmethyl)indazole-3-carboxylate).

6715 n. Cumylindolecarboxamides and Cumylindazolecarboxamides.—

6716 Any compound containing a N-(2-phenylpropan-2-yl) indole

6717 carboxamide or N-(2-phenylpropan-2-yl) indazole carboxamide

6718 structure, with or without substitution on the indole or

6719 indazole ring to any extent, whether or not substituted on the

6720 phenyl ring of the cumyl group to any extent, including, but not

6721 limited to:

6722 (I) CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-pentylindole-3-

6723 carboxamide).

6724 (II) Fluoro CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-

6725 (fluoropentyl)indole-3-carboxamide).

6726 o. Other Synthetic Cannabinoids.—Any material, compound,
6727 mixture, or preparation that contains any quantity of a
6728 Synthetic Cannabinoid, as described in sub-subparagraphs a.-n.:

6729 (I) With or without modification or replacement of a
6730 carbonyl, carboxamide, alkylene, alkyl, or carboxylate linkage
6731 between either two core rings, or linkage between a core ring
6732 and group structure, with or without the addition of a carbon or
6733 replacement of a carbon;

6734 (II) With or without replacement of a core ring or group
6735 structure, whether or not substituted on the ring or group
6736 structures to any extent; and

6737 (III) Is a cannabinoid receptor agonist, unless
6738 specifically excepted or unless listed in another schedule or
6739 contained within a pharmaceutical product approved by the United
6740 States Food and Drug Administration.

6741 190.191. Substituted Cathinones.—Unless specifically
6742 excepted, listed in another schedule, or contained within a
6743 pharmaceutical product approved by the United States Food and
6744 Drug Administration, any material, compound, mixture, or
6745 preparation, including its salts, isomers, esters, or ethers,
6746 and salts of isomers, esters, or ethers, whenever the existence
6747 of such salts is possible within any of the following specific
6748 chemical designations:

6749 a. Any compound containing a 2-amino-1-phenyl-1-propanone

6750 structure;

6751 b. Any compound containing a 2-amino-1-naphthyl-1-
6752 propanone structure; or

6753 c. Any compound containing a 2-amino-1-thiophenyl-1-
6754 propanone structure,

6755 whether or not the compound is further modified:

6756 (I) With or without substitution on the ring system to any
6757 extent with alkyl, alkylthio, thio, fused alkylenedioxy, alkoxy,
6758 haloalkyl, hydroxyl, nitro, fused furan, fused benzofuran, fused
6759 dihydrofuran, fused tetrahydropyran, fused alkyl ring, or halide
6760 substituents;

6761 (II) With or without substitution at the 3-propanone
6762 position with an alkyl substituent or removal of the methyl
6763 group at the 3-propanone position;

6764 (III) With or without substitution at the 2-amino nitrogen
6765 atom with alkyl, dialkyl, acetyl, or benzyl groups, whether or
6766 not further substituted in the ring system; or

6767 (IV) With or without inclusion of the 2-amino nitrogen
6768 atom in a cyclic structure, including, but not limited to:

6769 (A) Methcathinone.

6770 (B) Ethcathinone.

6771 (C) Methydone (3,4-Methylenedioxy-methcathinone).

6772 (D) 2,3-Methylenedioxy-methcathinone.

6773 (E) MDPV (3,4-Methylenedioxy-pyrovalerone).

6774 (F) Methylmethcathinone.

- 6775 (G) Methoxymethcathinone.
- 6776 (H) Fluoromethcathinone.
- 6777 (I) Methylethcathinone.
- 6778 (J) Butylone (3,4-Methylenedioxy-alpha-
- 6779 methylaminobutyrophenone).
- 6780 (K) Ethylone (3,4-Methylenedioxy-N-ethylcathinone).
- 6781 (L) BMDP (3,4-Methylenedioxy-N-benzylcathinone).
- 6782 (M) Naphyrone (Naphthylpyrovalerone).
- 6783 (N) Bromomethcathinone.
- 6784 (O) Buphedrone (alpha-Methylaminobutyrophenone).
- 6785 (P) Eutylone (3,4-Methylenedioxy-alpha-
- 6786 ethylaminobutyrophenone).
- 6787 (Q) Dimethylcathinone.
- 6788 (R) Dimethylmethcathinone.
- 6789 (S) Pentylone (3,4-Methylenedioxy-alpha-
- 6790 methylaminovalerophenone).
- 6791 (T) Pentedrone (alpha-Methylaminovalerophenone).
- 6792 (U) MDPPP (3,4-Methylenedioxy-alpha-
- 6793 pyrrolidinopropiophenone).
- 6794 (V) MDPBP (3,4-Methylenedioxy-alpha-
- 6795 pyrrolidinobutyrophenone).
- 6796 (W) MPPP (Methyl-alpha-pyrrolidinopropiophenone).
- 6797 (X) PPP (Pyrrolidinopropiophenone).
- 6798 (Y) PVP (Pyrrolidinovalerophenone) or
- 6799 (Pyrrolidinopentiophenone).

- 6800 (Z) MOPPP (Methoxy-alpha-pyrrolidinopropiophenone).
- 6801 (AA) MPHP (Methyl-alpha-pyrrolidinohexanophenone).
- 6802 (BB) F-MABP (Fluoromethylaminobutyrophenone).
- 6803 (CC) Me-EABP (Methylethylaminobutyrophenone).
- 6804 (DD) PBP (Pyrrolidinobutyrophenone).
- 6805 (EE) MeO-PBP (Methoxypyrrolidinobutyrophenone).
- 6806 (FF) Et-PBP (Ethylpyrrolidinobutyrophenone).
- 6807 (GG) 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).
- 6808 (HH) Dimethylone (3,4-Methylenedioxy-N,N-
- 6809 dimethylcathinone).
- 6810 (II) 3,4-Methylenedioxy-N,N-diethylcathinone.
- 6811 (JJ) 3,4-Methylenedioxy-N-acetylcathinone.
- 6812 (KK) 3,4-Methylenedioxy-N-acetylmethcathinone.
- 6813 (LL) 3,4-Methylenedioxy-N-acetylethcathinone.
- 6814 (MM) Methylbuphedrone (Methyl-alpha-
- 6815 methylaminobutyrophenone).
- 6816 (NN) Methyl-alpha-methylaminohexanophenone.
- 6817 (OO) N-Ethyl-N-methylcathinone.
- 6818 (PP) PHP (Pyrrolidinohexanophenone).
- 6819 (QQ) PV8 (Pyrrolidinoheptanophenone).
- 6820 (RR) Chloromethcathinone.
- 6821 (SS) 4-Bromo-2,5-dimethoxy-alpha-aminoacetophenone.
- 6822 191.192. Substituted Phenethylamines.—Unless specifically
- 6823 excepted or unless listed in another schedule, or contained
- 6824 within a pharmaceutical product approved by the United States

6825 Food and Drug Administration, any material, compound, mixture,
6826 or preparation, including its salts, isomers, esters, or ethers,
6827 and salts of isomers, esters, or ethers, whenever the existence
6828 of such salts is possible within any of the following specific
6829 chemical designations, any compound containing a phenethylamine
6830 structure, without a beta-keto group, and without a benzyl group
6831 attached to the amine group, whether or not the compound is
6832 further modified with or without substitution on the phenyl ring
6833 to any extent with alkyl, alkylthio, nitro, alkoxy, thio,
6834 halide, fused alkylendioxy, fused furan, fused benzofuran,
6835 fused dihydrofuran, or fused tetrahydropyran substituents,
6836 whether or not further substituted on a ring to any extent, with
6837 or without substitution at the alpha or beta position by any
6838 alkyl substituent, with or without substitution at the nitrogen
6839 atom, and with or without inclusion of the 2-amino nitrogen atom
6840 in a cyclic structure, including, but not limited to:

- 6841 a. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).
- 6842 b. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 6843 c. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine).
- 6844 d. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 6845 e. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).
- 6846 f. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).
- 6847 g. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine).
- 6848 h. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- 6849 i. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).

- 6850 j. 2C-H (2,5-Dimethoxyphenethylamine).
- 6851 k. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).
- 6852 l. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).
- 6853 m. MDMA (3,4-Methylenedioxyamphetamine).
- 6854 n. MBDB (Methylbenzodioxolylbutanamine) or (3,4-
- 6855 Methylenedioxy-N-methylbutanamine).
- 6856 o. MDA (3,4-Methylenedioxyamphetamine).
- 6857 p. 2,5-Dimethoxyamphetamine.
- 6858 q. Fluoroamphetamine.
- 6859 r. Fluoromethamphetamine.
- 6860 s. MDEA (3,4-Methylenedioxy-N-ethylamphetamine).
- 6861 t. DOB (4-Bromo-2,5-dimethoxyamphetamine).
- 6862 u. DOC (4-Chloro-2,5-dimethoxyamphetamine).
- 6863 v. DOET (4-Ethyl-2,5-dimethoxyamphetamine).
- 6864 w. DOI (4-Iodo-2,5-dimethoxyamphetamine).
- 6865 x. DOM (4-Methyl-2,5-dimethoxyamphetamine).
- 6866 y. PMA (4-Methoxyamphetamine).
- 6867 z. N-Ethylamphetamine.
- 6868 aa. 3,4-Methylenedioxy-N-hydroxyamphetamine.
- 6869 bb. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 6870 cc. PMMA (4-Methoxymethamphetamine).
- 6871 dd. N,N-Dimethylamphetamine.
- 6872 ee. 3,4,5-Trimethoxyamphetamine.
- 6873 ff. 4-APB (4-(2-Aminopropyl)benzofuran).
- 6874 gg. 5-APB (5-(2-Aminopropyl)benzofuran).

- 6875 | hh. 6-APB (6-(2-Aminopropyl)benzofuran) .
- 6876 | ii. 7-APB (7-(2-Aminopropyl)benzofuran) .
- 6877 | jj. 4-APDB (4-(2-Aminopropyl)-2,3-dihydrobenzofuran) .
- 6878 | kk. 5-APDB (5-(2-Aminopropyl)-2,3-dihydrobenzofuran) .
- 6879 | ll. 6-APDB (6-(2-Aminopropyl)-2,3-dihydrobenzofuran) .
- 6880 | mm. 7-APDB (7-(2-Aminopropyl)-2,3-dihydrobenzofuran) .
- 6881 | nn. 4-MAPB (4-(2-Methylaminopropyl)benzofuran) .
- 6882 | oo. 5-MAPB (5-(2-Methylaminopropyl)benzofuran) .
- 6883 | pp. 6-MAPB (6-(2-Methylaminopropyl)benzofuran) .
- 6884 | qq. 7-MAPB (7-(2-Methylaminopropyl)benzofuran) .
- 6885 | rr. 5-EAPB (5-(2-Ethylaminopropyl)benzofuran) .
- 6886 | ss. 5-MAPDB (5-(2-Methylaminopropyl)-2,3-

6887 | dihydrobenzofuran),

6888 |

6889 | which does not include phenethylamine, mescaline as described in

6890 | subparagraph 20., substituted cathinones as described in

6891 | subparagraph 191., N-Benzyl phenethylamine compounds as

6892 | described in subparagraph 193., or methamphetamine as described

6893 | in subparagraph (2)(c)5.

6894 | 192.193. N-Benzyl Phenethylamine Compounds.—Unless

6895 | specifically excepted or unless listed in another schedule, or

6896 | contained within a pharmaceutical product approved by the United

6897 | States Food and Drug Administration, any material, compound,

6898 | mixture, or preparation, including its salts, isomers, esters,

6899 | or ethers, and salts of isomers, esters, or ethers, whenever the

6900 existence of such salts is possible within any of the following
6901 specific chemical designations, any compound containing a
6902 phenethylamine structure without a beta-keto group, with
6903 substitution on the nitrogen atom of the amino group with a
6904 benzyl substituent, with or without substitution on the phenyl
6905 or benzyl ring to any extent with alkyl, alkoxy, thio,
6906 alkylthio, halide, fused alkylenedioxy, fused furan, fused
6907 benzofuran, or fused tetrahydropyran substituents, whether or
6908 not further substituted on a ring to any extent, with or without
6909 substitution at the alpha position by any alkyl substituent,
6910 including, but not limited to:

6911 a. 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-
6912 methoxybenzyl)]phenethylamine).

6913 b. 25B-NBOH (4-Bromo-2,5-dimethoxy-[N-(2-
6914 hydroxybenzyl)]phenethylamine).

6915 c. 25B-NBF (4-Bromo-2,5-dimethoxy-[N-(2-
6916 fluorobenzyl)]phenethylamine).

6917 d. 25B-NBMD (4-Bromo-2,5-dimethoxy-[N-(2,3-
6918 methylenedioxybenzyl)]phenethylamine).

6919 e. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-
6920 methoxybenzyl)]phenethylamine).

6921 f. 25I-NBOH (4-Iodo-2,5-dimethoxy-[N-(2-
6922 hydroxybenzyl)]phenethylamine).

6923 g. 25I-NBF (4-Iodo-2,5-dimethoxy-[N-(2-
6924 fluorobenzyl)]phenethylamine).

- 6925 | h. 25I-NBMD (4-Iodo-2,5-dimethoxy-[N-(2,3-
- 6926 | methylenedioxybenzyl)]phenethylamine).
- 6927 | i. 25T2-NBOMe (4-Methylthio-2,5-dimethoxy-[N-(2-
- 6928 | methoxybenzyl)]phenethylamine).
- 6929 | j. 25T4-NBOMe (4-Isopropylthio-2,5-dimethoxy-[N-(2-
- 6930 | methoxybenzyl)]phenethylamine).
- 6931 | k. 25T7-NBOMe (4-(n)-Propylthio-2,5-dimethoxy-[N-(2-
- 6932 | methoxybenzyl)]phenethylamine).
- 6933 | l. 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-
- 6934 | methoxybenzyl)]phenethylamine).
- 6935 | m. 25C-NBOH (4-Chloro-2,5-dimethoxy-[N-(2-
- 6936 | hydroxybenzyl)]phenethylamine).
- 6937 | n. 25C-NBF (4-Chloro-2,5-dimethoxy-[N-(2-
- 6938 | fluorobenzyl)]phenethylamine).
- 6939 | o. 25C-NBMD (4-Chloro-2,5-dimethoxy-[N-(2,3-
- 6940 | methylenedioxybenzyl)]phenethylamine).
- 6941 | p. 25H-NBOMe (2,5-Dimethoxy-[N-(2-
- 6942 | methoxybenzyl)]phenethylamine).
- 6943 | q. 25H-NBOH (2,5-Dimethoxy-[N-(2-
- 6944 | hydroxybenzyl)]phenethylamine).
- 6945 | r. 25H-NBF (2,5-Dimethoxy-[N-(2-
- 6946 | fluorobenzyl)]phenethylamine).
- 6947 | s. 25D-NBOMe (4-Methyl-2,5-dimethoxy-[N-(2-
- 6948 | methoxybenzyl)]phenethylamine),
- 6949 |

6950 | which does not include substituted cathinones as described in
6951 | subparagraph 191.

6952 | 193.194. Substituted Tryptamines.—Unless specifically
6953 | excepted or unless listed in another schedule, or contained
6954 | within a pharmaceutical product approved by the United States
6955 | Food and Drug Administration, any material, compound, mixture,
6956 | or preparation containing a 2-(1H-indol-3-yl)ethanamine, for
6957 | example tryptamine, structure with or without mono- or di-
6958 | substitution of the amine nitrogen with alkyl or alkenyl groups,
6959 | or by inclusion of the amino nitrogen atom in a cyclic
6960 | structure, whether or not substituted at the alpha position with
6961 | an alkyl group, whether or not substituted on the indole ring to
6962 | any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy
6963 | groups, including, but not limited to:

- 6964 | a. Alpha-Ethyltryptamine.
6965 | b. Bufotenine.
6966 | c. DET (Diethyltryptamine).
6967 | d. DMT (Dimethyltryptamine).
6968 | e. MET (N-Methyl-N-ethyltryptamine).
6969 | f. DALT (N,N-Diallyltryptamine).
6970 | g. EiPT (N-Ethyl-N-isopropyltryptamine).
6971 | h. MiPT (N-Methyl-N-isopropyltryptamine).
6972 | i. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).
6973 | j. 5-Hydroxy-N-methyltryptamine.
6974 | k. 5-MeO-MiPT (5-Methoxy-N-methyl-N-isopropyltryptamine).

- 6975 | l. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).
- 6976 | m. Methyltryptamine.
- 6977 | n. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).
- 6978 | o. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).
- 6979 | p. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).
- 6980 | q. DiPT (N,N-Diisopropyltryptamine).
- 6981 | r. DPT (N,N-Dipropyltryptamine).
- 6982 | s. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).
- 6983 | t. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).
- 6984 | u. 4-AcO-DMT (4-Acetoxy-N,N-dimethyltryptamine).
- 6985 | v. 4-AcO-DiPT (4-Acetoxy-N,N-diisopropyltryptamine).
- 6986 | w. 4-Hydroxy-DET (4-Hydroxy-N,N-diethyltryptamine).
- 6987 | x. 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-ethyltryptamine).
- 6988 | y. 4-Hydroxy-MiPT (4-Hydroxy-N-methyl-N-
- 6989 | isopropyltryptamine).
- 6990 | z. Methyl-alpha-ethyltryptamine.
- 6991 | aa. Bromo-DALT (Bromo-N,N-diallyltryptamine),

6992 |
 6993 | which does not include tryptamine, psilocyn as described in
 6994 | subparagraph 34., or psilocybin as described in subparagraph 33.

6995 | 194.195. Substituted Phenylcyclohexylamines.—Unless
 6996 | specifically excepted or unless listed in another schedule, or
 6997 | contained within a pharmaceutical product approved by the United
 6998 | States Food and Drug Administration, any material, compound,
 6999 | mixture, or preparation containing a phenylcyclohexylamine

HB 1597

2021

7000 structure, with or without any substitution on the phenyl ring,
7001 any substitution on the cyclohexyl ring, any replacement of the
7002 phenyl ring with a thiophenyl or benzothiophenyl ring, with or
7003 without substitution on the amine with alkyl, dialkyl, or alkoxy
7004 substituents, inclusion of the nitrogen in a cyclic structure,
7005 or any combination of the above, including, but not limited to:

- 7006 a. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP
7007 (Benocyclidine).
- 7008 b. PCE (N-Ethyl-1-phenylcyclohexylamine) (Ethylamine analog
7009 of phencyclidine).
- 7010 c. PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine) (Pyrrolidine
7011 analog of phencyclidine).
- 7012 d. PCPr (Phenylcyclohexylpropylamine).
- 7013 e. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine) (Thiophene
7014 analog of phencyclidine).
- 7015 f. PCEEA (Phenylcyclohexyl(ethoxyethylamine)).
- 7016 g. PCMPA (Phenylcyclohexyl(methoxypropylamine)).
- 7017 h. Methoxetamine.
- 7018 i. 3-Methoxy-PCE ((3-Methoxyphenyl)cyclohexylethylamine).
- 7019 j. Bromo-PCP ((Bromophenyl)cyclohexylpiperidine).
- 7020 k. Chloro-PCP ((Chlorophenyl)cyclohexylpiperidine).
- 7021 l. Fluoro-PCP ((Fluorophenyl)cyclohexylpiperidine).
- 7022 m. Hydroxy-PCP ((Hydroxyphenyl)cyclohexylpiperidine).
- 7023 n. Methoxy-PCP ((Methoxyphenyl)cyclohexylpiperidine).
- 7024 o. Methyl-PCP ((Methylphenyl)cyclohexylpiperidine).

HB 1597

2021

- 7025 p. Nitro-PCP ((Nitrophenyl)cyclohexylpiperidine).
- 7026 q. Oxo-PCP ((Oxophenyl)cyclohexylpiperidine).
- 7027 r. Amino-PCP ((Aminophenyl)cyclohexylpiperidine).
- 7028 195.196. W-15, 4-chloro-N-[1-(2-phenylethyl)-2-
- 7029 piperidinylidene]-benzenesulfonamide.
- 7030 196.197. W-18, 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-
- 7031 piperidinylidene]-benzenesulfonamide.
- 7032 197.198. AH-7921, 3,4-dichloro-N-[[1-
- 7033 (dimethylamino)cyclohexyl]methyl]-benzamide.
- 7034 198.199. U47700, trans-3,4-dichloro-N-[2-
- 7035 (dimethylamino)cyclohexyl]-N-methyl-benzamide.
- 7036 199.200. MT-45, 1-cyclohexyl-4-(1,2-diphenylethyl)-
- 7037 piperazine, dihydrochloride.

7038

7039 Section 11. Subsections (3), (6), and (9) of section

7040 893.13, Florida Statutes are amended, and subsection (10) is

7041 added to that section, to read:

7042 893.13 Prohibited acts; penalties.—

7043 ~~(3) A person who delivers, without consideration, 20 grams~~

7044 ~~or less of cannabis, as defined in this chapter, commits a~~

7045 ~~misdemeanor of the first degree, punishable as provided in s.~~

7046 ~~775.082 or s. 775.083. As used in this subsection, the term~~

7047 ~~"cannabis" does not include the resin extracted from the plants~~

7048 ~~of the genus Cannabis or any compound manufacture, salt,~~

7049 ~~derivative, mixture, or preparation of such resin.~~

HB 1597

2021

7050 (5)~~(6)~~ (a) A person may not be in actual or constructive
7051 possession of a controlled substance unless such controlled
7052 substance was lawfully obtained from a practitioner or pursuant
7053 to a valid prescription or order of a practitioner while acting
7054 in the course of his or her professional practice or to be in
7055 actual or constructive possession of a controlled substance
7056 except as otherwise authorized by this chapter. A person who
7057 violates this provision commits a felony of the third degree,
7058 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

7059 ~~(b) If the offense is the possession of 20 grams or less
7060 of cannabis, as defined in this chapter, the person commits a
7061 misdemeanor of the first degree, punishable as provided in s.
7062 775.082 or s. 775.083. As used in this subsection, the term
7063 "cannabis" does not include the resin extracted from the plants
7064 of the genus Cannabis, or any compound manufacture, salt,
7065 derivative, mixture, or preparation of such resin.~~

7066 (b)~~(e)~~ Except as provided in this chapter, a person may
7067 not possess more than 10 grams of any substance named or
7068 described in s. 893.03(1)(a), (1)(b), or (2)(b), or any
7069 combination thereof, or any mixture containing any such
7070 substance. A person who violates this paragraph commits a felony
7071 of the first degree, punishable as provided in s. 775.082, s.
7072 775.083, or s. 775.084.

7073 (c)~~(d)~~ If the offense is possession of a controlled
7074 substance named or described in s. 893.03(5), the person commits

7075 a misdemeanor of the second degree, punishable as provided in s.
7076 775.082 or s. 775.083.

7077 ~~(c) Notwithstanding any provision to the contrary of the~~
7078 ~~laws of this state relating to arrest, a law enforcement officer~~
7079 ~~may arrest without warrant any person who the officer has~~
7080 ~~probable cause to believe is violating the provisions of this~~
7081 ~~chapter relating to possession of cannabis.~~

7082 (8)-(9) ~~The provisions of Subsections (1)-(7) (1)-(8)~~ are
7083 not applicable to the delivery to, or actual or constructive
7084 possession for medical or scientific use or purpose only of
7085 controlled substances by, persons included in any of the
7086 following classes, or the agents or employees of such persons,
7087 for use in the usual course of their business or profession or
7088 in the performance of their official duties:

7089 (a) Pharmacists.

7090 (b) Practitioners.

7091 (c) Persons who procure controlled substances in good
7092 faith and in the course of professional practice only, by or
7093 under the supervision of pharmacists or practitioners employed
7094 by them, or for the purpose of lawful research, teaching, or
7095 testing, and not for resale.

7096 (d) Hospitals that procure controlled substances for
7097 lawful administration by practitioners, but only for use by or
7098 in the particular hospital.

7099 (e) Officers or employees of state, federal, or local

7100 governments acting in their official capacity only, or informers
 7101 acting under their jurisdiction.

7102 (f) Common carriers.

7103 (g) Manufacturers, wholesalers, and distributors.

7104 (h) Law enforcement officers for bona fide law enforcement
 7105 purposes in the course of an active criminal investigation.

7106 (10) Subsections (1)-(7) are not applicable to conduct
 7107 authorized under chapter 566.

7108 Section 12. Subsection (1) of section 893.135, Florida
 7109 Statutes, is amended to read:

7110 893.135 Trafficking; mandatory sentences; suspension or
 7111 reduction of sentences; conspiracy to engage in trafficking.-

7112 (1) Except as authorized in this chapter, or in chapter
 7113 499 or chapter 566 and notwithstanding ~~the provisions of s.~~
 7114 893.13:

7115 ~~(a) Any person who knowingly sells, purchases,~~
 7116 ~~manufactures, delivers, or brings into this state, or who is~~
 7117 ~~knowingly in actual or constructive possession of, in excess of~~
 7118 ~~25 pounds of cannabis, or 300 or more cannabis plants, commits a~~
 7119 ~~felony of the first degree, which felony shall be known as~~
 7120 ~~"trafficking in cannabis," punishable as provided in s. 775.082,~~
 7121 ~~s. 775.083, or s. 775.084. If the quantity of cannabis involved:~~

7122 ~~1. Is in excess of 25 pounds, but less than 2,000 pounds,~~
 7123 ~~or is 300 or more cannabis plants, but not more than 2,000~~
 7124 ~~cannabis plants, such person shall be sentenced to a mandatory~~

7125 ~~minimum term of imprisonment of 3 years, and the defendant shall~~
7126 ~~be ordered to pay a fine of \$25,000.~~

7127 ~~2. Is 2,000 pounds or more, but less than 10,000 pounds,~~
7128 ~~or is 2,000 or more cannabis plants, but not more than 10,000~~
7129 ~~cannabis plants, such person shall be sentenced to a mandatory~~
7130 ~~minimum term of imprisonment of 7 years, and the defendant shall~~
7131 ~~be ordered to pay a fine of \$50,000.~~

7132 ~~3. Is 10,000 pounds or more, or is 10,000 or more cannabis~~
7133 ~~plants, such person shall be sentenced to a mandatory minimum~~
7134 ~~term of imprisonment of 15 calendar years and pay a fine of~~
7135 ~~\$200,000.~~

7136

7137 ~~For the purpose of this paragraph, a plant, including, but not~~
7138 ~~limited to, a seedling or cutting, is a "cannabis plant" if it~~
7139 ~~has some readily observable evidence of root formation, such as~~
7140 ~~root hairs. To determine if a piece or part of a cannabis plant~~
7141 ~~severed from the cannabis plant is itself a cannabis plant, the~~
7142 ~~severed piece or part must have some readily observable evidence~~
7143 ~~of root formation, such as root hairs. Callous tissue is not~~
7144 ~~readily observable evidence of root formation. The viability and~~
7145 ~~sex of a plant and the fact that the plant may or may not be a~~
7146 ~~dead harvested plant are not relevant in determining if the~~
7147 ~~plant is a "cannabis plant" or in the charging of an offense~~
7148 ~~under this paragraph. Upon conviction, the court shall impose~~
7149 ~~the longest term of imprisonment provided for in this paragraph.~~

HB 1597

2021

7150 (a)~~(b)~~1. Any person who knowingly sells, purchases,
7151 manufactures, delivers, or brings into this state, or who is
7152 knowingly in actual or constructive possession of, 28 grams or
7153 more of cocaine, as described in s. 893.03(2)(a)4., or of any
7154 mixture containing cocaine, but less than 150 kilograms of
7155 cocaine or any such mixture, commits a felony of the first
7156 degree, which felony shall be known as "trafficking in cocaine,"
7157 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
7158 If the quantity involved:

7159 a. Is 28 grams or more, but less than 200 grams, such
7160 person shall be sentenced to a mandatory minimum term of
7161 imprisonment of 3 years, and the defendant shall be ordered to
7162 pay a fine of \$50,000.

7163 b. Is 200 grams or more, but less than 400 grams, such
7164 person shall be sentenced to a mandatory minimum term of
7165 imprisonment of 7 years, and the defendant shall be ordered to
7166 pay a fine of \$100,000.

7167 c. Is 400 grams or more, but less than 150 kilograms, such
7168 person shall be sentenced to a mandatory minimum term of
7169 imprisonment of 15 calendar years and pay a fine of \$250,000.

7170 2. Any person who knowingly sells, purchases,
7171 manufactures, delivers, or brings into this state, or who is
7172 knowingly in actual or constructive possession of, 150 kilograms
7173 or more of cocaine, as described in s. 893.03(2)(a)4., commits
7174 the first degree felony of trafficking in cocaine. A person who

7175 | has been convicted of the first degree felony of trafficking in
7176 | cocaine under this subparagraph shall be punished by life
7177 | imprisonment and is ineligible for any form of discretionary
7178 | early release except pardon or executive clemency or conditional
7179 | medical release under s. 947.149. However, if the court
7180 | determines that, in addition to committing any act specified in
7181 | this paragraph:

7182 | a. The person intentionally killed an individual or
7183 | counseled, commanded, induced, procured, or caused the
7184 | intentional killing of an individual and such killing was the
7185 | result; or

7186 | b. The person's conduct in committing that act led to a
7187 | natural, though not inevitable, lethal result,

7188 |
7189 | such person commits the capital felony of trafficking in
7190 | cocaine, punishable as provided in ss. 775.082 and 921.142. Any
7191 | person sentenced for a capital felony under this paragraph shall
7192 | also be sentenced to pay the maximum fine provided under
7193 | subparagraph 1.

7194 | 3. Any person who knowingly brings into this state 300
7195 | kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
7196 | and who knows that the probable result of such importation would
7197 | be the death of any person, commits capital importation of
7198 | cocaine, a capital felony punishable as provided in ss. 775.082
7199 | and 921.142. Any person sentenced for a capital felony under

7200 this paragraph shall also be sentenced to pay the maximum fine
7201 provided under subparagraph 1.

7202 (b)~~(e)~~1. A person who knowingly sells, purchases,
7203 manufactures, delivers, or brings into this state, or who is
7204 knowingly in actual or constructive possession of, 4 grams or
7205 more of any morphine, opium, hydromorphone, or any salt,
7206 derivative, isomer, or salt of an isomer thereof, including
7207 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
7208 (3)(c)4., or 4 grams or more of any mixture containing any such
7209 substance, but less than 30 kilograms of such substance or
7210 mixture, commits a felony of the first degree, which felony
7211 shall be known as "trafficking in illegal drugs," punishable as
7212 provided in s. 775.082, s. 775.083, or s. 775.084. If the
7213 quantity involved:

7214 a. Is 4 grams or more, but less than 14 grams, such person
7215 shall be sentenced to a mandatory minimum term of imprisonment
7216 of 3 years and shall be ordered to pay a fine of \$50,000.

7217 b. Is 14 grams or more, but less than 28 grams, such
7218 person shall be sentenced to a mandatory minimum term of
7219 imprisonment of 15 years and shall be ordered to pay a fine of
7220 \$100,000.

7221 c. Is 28 grams or more, but less than 30 kilograms, such
7222 person shall be sentenced to a mandatory minimum term of
7223 imprisonment of 25 years and shall be ordered to pay a fine of
7224 \$500,000.

7225 2. A person who knowingly sells, purchases, manufactures,
 7226 delivers, or brings into this state, or who is knowingly in
 7227 actual or constructive possession of, 28 grams or more of
 7228 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
 7229 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28
 7230 grams or more of any mixture containing any such substance,
 7231 commits a felony of the first degree, which felony shall be
 7232 known as "trafficking in hydrocodone," punishable as provided in
 7233 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:
 7234 a. Is 28 grams or more, but less than 50 grams, such
 7235 person shall be sentenced to a mandatory minimum term of
 7236 imprisonment of 3 years and shall be ordered to pay a fine of
 7237 \$50,000.
 7238 b. Is 50 grams or more, but less than 100 grams, such
 7239 person shall be sentenced to a mandatory minimum term of
 7240 imprisonment of 7 years and shall be ordered to pay a fine of
 7241 \$100,000.
 7242 c. Is 100 grams or more, but less than 300 grams, such
 7243 person shall be sentenced to a mandatory minimum term of
 7244 imprisonment of 15 years and shall be ordered to pay a fine of
 7245 \$500,000.
 7246 d. Is 300 grams or more, but less than 30 kilograms, such
 7247 person shall be sentenced to a mandatory minimum term of
 7248 imprisonment of 25 years and shall be ordered to pay a fine of
 7249 \$750,000.

HB 1597

2021

7250 3. A person who knowingly sells, purchases, manufactures,
7251 delivers, or brings into this state, or who is knowingly in
7252 actual or constructive possession of, 7 grams or more of
7253 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
7254 thereof, or 7 grams or more of any mixture containing any such
7255 substance, commits a felony of the first degree, which felony
7256 shall be known as "trafficking in oxycodone," punishable as
7257 provided in s. 775.082, s. 775.083, or s. 775.084. If the
7258 quantity involved:

7259 a. Is 7 grams or more, but less than 14 grams, such person
7260 shall be sentenced to a mandatory minimum term of imprisonment
7261 of 3 years and shall be ordered to pay a fine of \$50,000.

7262 b. Is 14 grams or more, but less than 25 grams, such
7263 person shall be sentenced to a mandatory minimum term of
7264 imprisonment of 7 years and shall be ordered to pay a fine of
7265 \$100,000.

7266 c. Is 25 grams or more, but less than 100 grams, such
7267 person shall be sentenced to a mandatory minimum term of
7268 imprisonment of 15 years and shall be ordered to pay a fine of
7269 \$500,000.

7270 d. Is 100 grams or more, but less than 30 kilograms, such
7271 person shall be sentenced to a mandatory minimum term of
7272 imprisonment of 25 years and shall be ordered to pay a fine of
7273 \$750,000.

7274 4.a. A person who knowingly sells, purchases,

HB 1597

2021

7275 manufactures, delivers, or brings into this state, or who is
 7276 knowingly in actual or constructive possession of, 4 grams or
 7277 more of:

7278 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

7279 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

7280 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

7281 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

7282 (V) A fentanyl derivative, as described in s.
 7283 893.03(1)(a)62.;

7284 (VI) A controlled substance analog, as described in s.
 7285 893.0356, of any substance described in sub-sub-subparagraphs
 7286 (I)-(V); or

7287 (VII) A mixture containing any substance described in sub-
 7288 sub-subparagraphs (I)-(VI),

7289

7290 commits a felony of the first degree, which felony shall be
 7291 known as "trafficking in fentanyl," punishable as provided in s.
 7292 775.082, s. 775.083, or s. 775.084.

7293 b. If the quantity involved under sub-subparagraph a.:

7294 (I) Is 4 grams or more, but less than 14 grams, such
 7295 person shall be sentenced to a mandatory minimum term of
 7296 imprisonment of 3 years, and shall be ordered to pay a fine of
 7297 \$50,000.

7298 (II) Is 14 grams or more, but less than 28 grams, such
 7299 person shall be sentenced to a mandatory minimum term of

7300 imprisonment of 15 years, and shall be ordered to pay a fine of
 7301 \$100,000.

7302 (III) Is 28 grams or more, such person shall be sentenced
 7303 to a mandatory minimum term of imprisonment of 25 years, and
 7304 shall be ordered to pay a fine of \$500,000.

7305 5. A person who knowingly sells, purchases, manufactures,
 7306 delivers, or brings into this state, or who is knowingly in
 7307 actual or constructive possession of, 30 kilograms or more of
 7308 any morphine, opium, oxycodone, hydrocodone, codeine,
 7309 hydromorphone, or any salt, derivative, isomer, or salt of an
 7310 isomer thereof, including heroin, as described in s.
 7311 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
 7312 more of any mixture containing any such substance, commits the
 7313 first degree felony of trafficking in illegal drugs. A person
 7314 who has been convicted of the first degree felony of trafficking
 7315 in illegal drugs under this subparagraph shall be punished by
 7316 life imprisonment and is ineligible for any form of
 7317 discretionary early release except pardon or executive clemency
 7318 or conditional medical release under s. 947.149. However, if the
 7319 court determines that, in addition to committing any act
 7320 specified in this paragraph:

7321 a. The person intentionally killed an individual or
 7322 counseled, commanded, induced, procured, or caused the
 7323 intentional killing of an individual and such killing was the
 7324 result; or

7325 b. The person's conduct in committing that act led to a
 7326 natural, though not inevitable, lethal result,
 7327
 7328 such person commits the capital felony of trafficking in illegal
 7329 drugs, punishable as provided in ss. 775.082 and 921.142. A
 7330 person sentenced for a capital felony under this paragraph shall
 7331 also be sentenced to pay the maximum fine provided under
 7332 subparagraph 1.

7333 6. A person who knowingly brings into this state 60
 7334 kilograms or more of any morphine, opium, oxycodone,
 7335 hydrocodone, codeine, hydromorphone, or any salt, derivative,
 7336 isomer, or salt of an isomer thereof, including heroin, as
 7337 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
 7338 60 kilograms or more of any mixture containing any such
 7339 substance, and who knows that the probable result of such
 7340 importation would be the death of a person, commits capital
 7341 importation of illegal drugs, a capital felony punishable as
 7342 provided in ss. 775.082 and 921.142. A person sentenced for a
 7343 capital felony under this paragraph shall also be sentenced to
 7344 pay the maximum fine provided under subparagraph 1.

7345 (c)~~(d)~~1. Any person who knowingly sells, purchases,
 7346 manufactures, delivers, or brings into this state, or who is
 7347 knowingly in actual or constructive possession of, 28 grams or
 7348 more of phencyclidine, as described in s. 893.03(2)(b)23., a
 7349 substituted phenylcyclohexylamine, as described in s.

7350 893.03(1)(c)194. ~~s. 893.03(1)(c)195.~~, or a substance described
 7351 in s. 893.03(1)(c)12., 31., 37., 102., or 145. ~~s.~~
 7352 ~~893.03(1)(c)13., 32., 38., 103., or 146.~~, or of any mixture
 7353 containing phencyclidine, as described in s. 893.03(2)(b)23., a
 7354 substituted phenylcyclohexylamine, as described in s.
 7355 893.03(1)(c)194. ~~s. 893.03(1)(c)195.~~, or a substance described
 7356 in s. 893.03(1)(c)12., 31., 37., 102., or 145. ~~s.~~
 7357 ~~893.03(1)(c)13., 32., 38., 103., or 146.~~, commits a felony of
 7358 the first degree, which felony shall be known as "trafficking in
 7359 phencyclidine," punishable as provided in s. 775.082, s.
 7360 775.083, or s. 775.084. If the quantity involved:
 7361 a. Is 28 grams or more, but less than 200 grams, such
 7362 person shall be sentenced to a mandatory minimum term of
 7363 imprisonment of 3 years, and the defendant shall be ordered to
 7364 pay a fine of \$50,000.
 7365 b. Is 200 grams or more, but less than 400 grams, such
 7366 person shall be sentenced to a mandatory minimum term of
 7367 imprisonment of 7 years, and the defendant shall be ordered to
 7368 pay a fine of \$100,000.
 7369 c. Is 400 grams or more, such person shall be sentenced to
 7370 a mandatory minimum term of imprisonment of 15 calendar years
 7371 and pay a fine of \$250,000.
 7372 2. Any person who knowingly brings into this state 800
 7373 grams or more of phencyclidine, as described in s.
 7374 893.03(2)(b)23., a substituted phenylcyclohexylamine, as

HB 1597

2021

7375 described in s. 893.03(1)(c)194. ~~s. 893.03(1)(c)195.~~, or a
7376 substance described in s. 893.03(1)(c)12., 31., 37., 102., or
7377 145. ~~s. 893.03(1)(c)13., 32., 38., 103., or 146.~~, or of any
7378 mixture containing phencyclidine, as described in s.
7379 893.03(2)(b)23., a substituted phenylcyclohexylamine, as
7380 described in s. 893.03(1)(c)194. ~~s. 893.03(1)(c)195.~~, or a
7381 substance described in s. 893.03(1)(c)12., 31., 37., 102., or
7382 145. ~~s. 893.03(1)(c)13., 32., 38., 103., or 146.~~, and who knows
7383 that the probable result of such importation would be the death
7384 of any person commits capital importation of phencyclidine, a
7385 capital felony punishable as provided in ss. 775.082 and
7386 921.142. Any person sentenced for a capital felony under this
7387 paragraph shall also be sentenced to pay the maximum fine
7388 provided under subparagraph 1.

7389 (d)~~(e)~~1. Any person who knowingly sells, purchases,
7390 manufactures, delivers, or brings into this state, or who is
7391 knowingly in actual or constructive possession of, 200 grams or
7392 more of methaqualone or of any mixture containing methaqualone,
7393 as described in s. 893.03(1)(d), commits a felony of the first
7394 degree, which felony shall be known as "trafficking in
7395 methaqualone," punishable as provided in s. 775.082, s. 775.083,
7396 or s. 775.084. If the quantity involved:

7397 a. Is 200 grams or more, but less than 5 kilograms, such
7398 person shall be sentenced to a mandatory minimum term of
7399 imprisonment of 3 years, and the defendant shall be ordered to

7400 pay a fine of \$50,000.

7401 b. Is 5 kilograms or more, but less than 25 kilograms,
 7402 such person shall be sentenced to a mandatory minimum term of
 7403 imprisonment of 7 years, and the defendant shall be ordered to
 7404 pay a fine of \$100,000.

7405 c. Is 25 kilograms or more, such person shall be sentenced
 7406 to a mandatory minimum term of imprisonment of 15 calendar years
 7407 and pay a fine of \$250,000.

7408 2. Any person who knowingly brings into this state 50
 7409 kilograms or more of methaqualone or of any mixture containing
 7410 methaqualone, as described in s. 893.03(1)(d), and who knows
 7411 that the probable result of such importation would be the death
 7412 of any person commits capital importation of methaqualone, a
 7413 capital felony punishable as provided in ss. 775.082 and
 7414 921.142. Any person sentenced for a capital felony under this
 7415 paragraph shall also be sentenced to pay the maximum fine
 7416 provided under subparagraph 1.

7417 (e)~~(f)~~1. Any person who knowingly sells, purchases,
 7418 manufactures, delivers, or brings into this state, or who is
 7419 knowingly in actual or constructive possession of, 14 grams or
 7420 more of amphetamine, as described in s. 893.03(2)(c)2., or
 7421 methamphetamine, as described in s. 893.03(2)(c)5., or of any
 7422 mixture containing amphetamine or methamphetamine, or
 7423 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine
 7424 in conjunction with other chemicals and equipment utilized in

7425 | the manufacture of amphetamine or methamphetamine, commits a
 7426 | felony of the first degree, which felony shall be known as
 7427 | "trafficking in amphetamine," punishable as provided in s.
 7428 | 775.082, s. 775.083, or s. 775.084. If the quantity involved:
 7429 | a. Is 14 grams or more, but less than 28 grams, such
 7430 | person shall be sentenced to a mandatory minimum term of
 7431 | imprisonment of 3 years, and the defendant shall be ordered to
 7432 | pay a fine of \$50,000.
 7433 | b. Is 28 grams or more, but less than 200 grams, such
 7434 | person shall be sentenced to a mandatory minimum term of
 7435 | imprisonment of 7 years, and the defendant shall be ordered to
 7436 | pay a fine of \$100,000.
 7437 | c. Is 200 grams or more, such person shall be sentenced to
 7438 | a mandatory minimum term of imprisonment of 15 calendar years
 7439 | and pay a fine of \$250,000.
 7440 | 2. Any person who knowingly manufactures or brings into
 7441 | this state 400 grams or more of amphetamine, as described in s.
 7442 | 893.03(2)(c)2., or methamphetamine, as described in s.
 7443 | 893.03(2)(c)5., or of any mixture containing amphetamine or
 7444 | methamphetamine, or phenylacetone, phenylacetic acid,
 7445 | pseudoephedrine, or ephedrine in conjunction with other
 7446 | chemicals and equipment used in the manufacture of amphetamine
 7447 | or methamphetamine, and who knows that the probable result of
 7448 | such manufacture or importation would be the death of any person
 7449 | commits capital manufacture or importation of amphetamine, a

7450 capital felony punishable as provided in ss. 775.082 and
7451 921.142. Any person sentenced for a capital felony under this
7452 paragraph shall also be sentenced to pay the maximum fine
7453 provided under subparagraph 1.

7454 (f)~~(g)~~1. Any person who knowingly sells, purchases,
7455 manufactures, delivers, or brings into this state, or who is
7456 knowingly in actual or constructive possession of, 4 grams or
7457 more of flunitrazepam or any mixture containing flunitrazepam as
7458 described in s. 893.03(1)(a) commits a felony of the first
7459 degree, which felony shall be known as "trafficking in
7460 flunitrazepam," punishable as provided in s. 775.082, s.
7461 775.083, or s. 775.084. If the quantity involved:

7462 a. Is 4 grams or more but less than 14 grams, such person
7463 shall be sentenced to a mandatory minimum term of imprisonment
7464 of 3 years, and the defendant shall be ordered to pay a fine of
7465 \$50,000.

7466 b. Is 14 grams or more but less than 28 grams, such person
7467 shall be sentenced to a mandatory minimum term of imprisonment
7468 of 7 years, and the defendant shall be ordered to pay a fine of
7469 \$100,000.

7470 c. Is 28 grams or more but less than 30 kilograms, such
7471 person shall be sentenced to a mandatory minimum term of
7472 imprisonment of 25 calendar years and pay a fine of \$500,000.

7473 2. Any person who knowingly sells, purchases,
7474 manufactures, delivers, or brings into this state or who is

HB 1597

2021

7475 knowingly in actual or constructive possession of 30 kilograms
7476 or more of flunitrazepam or any mixture containing flunitrazepam
7477 as described in s. 893.03(1)(a) commits the first degree felony
7478 of trafficking in flunitrazepam. A person who has been convicted
7479 of the first degree felony of trafficking in flunitrazepam under
7480 this subparagraph shall be punished by life imprisonment and is
7481 ineligible for any form of discretionary early release except
7482 pardon or executive clemency or conditional medical release
7483 under s. 947.149. However, if the court determines that, in
7484 addition to committing any act specified in this paragraph:

7485 a. The person intentionally killed an individual or
7486 counseled, commanded, induced, procured, or caused the
7487 intentional killing of an individual and such killing was the
7488 result; or

7489 b. The person's conduct in committing that act led to a
7490 natural, though not inevitable, lethal result,

7491
7492 such person commits the capital felony of trafficking in
7493 flunitrazepam, punishable as provided in ss. 775.082 and
7494 921.142. Any person sentenced for a capital felony under this
7495 paragraph shall also be sentenced to pay the maximum fine
7496 provided under subparagraph 1.

7497 (g)~~(h)~~1. Any person who knowingly sells, purchases,
7498 manufactures, delivers, or brings into this state, or who is
7499 knowingly in actual or constructive possession of, 1 kilogram or

HB 1597

2021

7500 more of gamma-hydroxybutyric acid (GHB), as described in s.
7501 893.03(1)(d), or any mixture containing gamma-hydroxybutyric
7502 acid (GHB), commits a felony of the first degree, which felony
7503 shall be known as "trafficking in gamma-hydroxybutyric acid
7504 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.
7505 775.084. If the quantity involved:

7506 a. Is 1 kilogram or more but less than 5 kilograms, such
7507 person shall be sentenced to a mandatory minimum term of
7508 imprisonment of 3 years, and the defendant shall be ordered to
7509 pay a fine of \$50,000.

7510 b. Is 5 kilograms or more but less than 10 kilograms, such
7511 person shall be sentenced to a mandatory minimum term of
7512 imprisonment of 7 years, and the defendant shall be ordered to
7513 pay a fine of \$100,000.

7514 c. Is 10 kilograms or more, such person shall be sentenced
7515 to a mandatory minimum term of imprisonment of 15 calendar years
7516 and pay a fine of \$250,000.

7517 2. Any person who knowingly manufactures or brings into
7518 this state 150 kilograms or more of gamma-hydroxybutyric acid
7519 (GHB), as described in s. 893.03(1)(d), or any mixture
7520 containing gamma-hydroxybutyric acid (GHB), and who knows that
7521 the probable result of such manufacture or importation would be
7522 the death of any person commits capital manufacture or
7523 importation of gamma-hydroxybutyric acid (GHB), a capital felony
7524 punishable as provided in ss. 775.082 and 921.142. Any person

7525 | sentenced for a capital felony under this paragraph shall also
 7526 | be sentenced to pay the maximum fine provided under subparagraph
 7527 | 1.

7528 | (h)~~(i)~~1. Any person who knowingly sells, purchases,
 7529 | manufactures, delivers, or brings into this state, or who is
 7530 | knowingly in actual or constructive possession of, 1 kilogram or
 7531 | more of gamma-butyrolactone (GBL), as described in s.
 7532 | 893.03(1)(d), or any mixture containing gamma-butyrolactone
 7533 | (GBL), commits a felony of the first degree, which felony shall
 7534 | be known as "trafficking in gamma-butyrolactone (GBL),"
 7535 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 7536 | If the quantity involved:

7537 | a. Is 1 kilogram or more but less than 5 kilograms, such
 7538 | person shall be sentenced to a mandatory minimum term of
 7539 | imprisonment of 3 years, and the defendant shall be ordered to
 7540 | pay a fine of \$50,000.

7541 | b. Is 5 kilograms or more but less than 10 kilograms, such
 7542 | person shall be sentenced to a mandatory minimum term of
 7543 | imprisonment of 7 years, and the defendant shall be ordered to
 7544 | pay a fine of \$100,000.

7545 | c. Is 10 kilograms or more, such person shall be sentenced
 7546 | to a mandatory minimum term of imprisonment of 15 calendar years
 7547 | and pay a fine of \$250,000.

7548 | 2. Any person who knowingly manufactures or brings into
 7549 | the state 150 kilograms or more of gamma-butyrolactone (GBL), as

7550 described in s. 893.03(1)(d), or any mixture containing gamma-
 7551 butyrolactone (GBL), and who knows that the probable result of
 7552 such manufacture or importation would be the death of any person
 7553 commits capital manufacture or importation of gamma-
 7554 butyrolactone (GBL), a capital felony punishable as provided in
 7555 ss. 775.082 and 921.142. Any person sentenced for a capital
 7556 felony under this paragraph shall also be sentenced to pay the
 7557 maximum fine provided under subparagraph 1.

7558 (i)~~(j)~~1. Any person who knowingly sells, purchases,
 7559 manufactures, delivers, or brings into this state, or who is
 7560 knowingly in actual or constructive possession of, 1 kilogram or
 7561 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of
 7562 any mixture containing 1,4-Butanediol, commits a felony of the
 7563 first degree, which felony shall be known as "trafficking in
 7564 1,4-Butanediol," punishable as provided in s. 775.082, s.
 7565 775.083, or s. 775.084. If the quantity involved:

7566 a. Is 1 kilogram or more, but less than 5 kilograms, such
 7567 person shall be sentenced to a mandatory minimum term of
 7568 imprisonment of 3 years, and the defendant shall be ordered to
 7569 pay a fine of \$50,000.

7570 b. Is 5 kilograms or more, but less than 10 kilograms,
 7571 such person shall be sentenced to a mandatory minimum term of
 7572 imprisonment of 7 years, and the defendant shall be ordered to
 7573 pay a fine of \$100,000.

7574 c. Is 10 kilograms or more, such person shall be sentenced

7575 to a mandatory minimum term of imprisonment of 15 calendar years
 7576 and pay a fine of \$500,000.

7577 2. Any person who knowingly manufactures or brings into
 7578 this state 150 kilograms or more of 1,4-Butanediol as described
 7579 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,
 7580 and who knows that the probable result of such manufacture or
 7581 importation would be the death of any person commits capital
 7582 manufacture or importation of 1,4-Butanediol, a capital felony
 7583 punishable as provided in ss. 775.082 and 921.142. Any person
 7584 sentenced for a capital felony under this paragraph shall also
 7585 be sentenced to pay the maximum fine provided under subparagraph
 7586 1.

7587 (j)~~(k)~~1. A person who knowingly sells, purchases,
 7588 manufactures, delivers, or brings into this state, or who is
 7589 knowingly in actual or constructive possession of, 10 grams or
 7590 more of a:

7591 a. Substance described in s. 893.03(1)(c)4., 5., 9., 10.,
 7592 14., 16., 20.-26., 28., 38., 39.-44., 57., 71.-79., 80.-85.,
 7593 89.-101., 103.-107., 109.-112., 142.-144., 147.-149., 159.-162.,
 7594 164., or 186.-188. ~~s. 893.03(1)(e)4., 5., 10., 11., 15., 17.,~~
 7595 ~~21.-27., 29., 39., 40.-45., 58., 72.-80., 81.-86., 90.-102.,~~
 7596 ~~104.-108., 110.-113., 143.-145., 148.-150., 160.-163., 165., or~~
 7597 ~~187.-189.,~~ a substituted cathinone, as described in s.
 7598 893.03(1)(c)190. ~~s. 893.03(1)(e)191.,~~ or substituted
 7599 phenethylamine, as described in s. 893.03(1)(c)191. ~~s.~~

7600 ~~893.03(1)(c)192.~~;

7601 b. Mixture containing any substance described in sub-
7602 subparagraph a.; or

7603 c. Salt, isomer, ester, or ether or salt of an isomer,
7604 ester, or ether of a substance described in sub-subparagraph a.,

7605
7606 commits a felony of the first degree, which felony shall be
7607 known as "trafficking in phenethylamines," punishable as
7608 provided in s. 775.082, s. 775.083, or s. 775.084.

7609 2. If the quantity involved under subparagraph 1.:

7610 a. Is 10 grams or more, but less than 200 grams, such
7611 person shall be sentenced to a mandatory minimum term of
7612 imprisonment of 3 years and shall be ordered to pay a fine of
7613 \$50,000.

7614 b. Is 200 grams or more, but less than 400 grams, such
7615 person shall be sentenced to a mandatory minimum term of
7616 imprisonment of 7 years and shall be ordered to pay a fine of
7617 \$100,000.

7618 c. Is 400 grams or more, such person shall be sentenced to
7619 a mandatory minimum term of imprisonment of 15 years and shall
7620 be ordered to pay a fine of \$250,000.

7621 3. A person who knowingly manufactures or brings into this
7622 state 30 kilograms or more of a substance described in sub-
7623 subparagraph 1.a., a mixture described in sub-subparagraph 1.b.,
7624 or a salt, isomer, ester, or ether or a salt of an isomer,

HB 1597

2021

7625 ester, or ether described in sub-subparagraph 1.c., and who
7626 knows that the probable result of such manufacture or
7627 importation would be the death of any person commits capital
7628 manufacture or importation of phenethylamines, a capital felony
7629 punishable as provided in ss. 775.082 and 921.142. A person
7630 sentenced for a capital felony under this paragraph shall also
7631 be sentenced to pay the maximum fine under subparagraph 2.

7632 (k)~~(l)~~1. Any person who knowingly sells, purchases,
7633 manufactures, delivers, or brings into this state, or who is
7634 knowingly in actual or constructive possession of, 1 gram or
7635 more of lysergic acid diethylamide (LSD) as described in s.
7636 893.03(1)(c), or of any mixture containing lysergic acid
7637 diethylamide (LSD), commits a felony of the first degree, which
7638 felony shall be known as "trafficking in lysergic acid
7639 diethylamide (LSD)," punishable as provided in s. 775.082, s.
7640 775.083, or s. 775.084. If the quantity involved:

7641 a. Is 1 gram or more, but less than 5 grams, such person
7642 shall be sentenced to a mandatory minimum term of imprisonment
7643 of 3 years, and the defendant shall be ordered to pay a fine of
7644 \$50,000.

7645 b. Is 5 grams or more, but less than 7 grams, such person
7646 shall be sentenced to a mandatory minimum term of imprisonment
7647 of 7 years, and the defendant shall be ordered to pay a fine of
7648 \$100,000.

7649 c. Is 7 grams or more, such person shall be sentenced to a

HB 1597

2021

7650 mandatory minimum term of imprisonment of 15 calendar years and
7651 pay a fine of \$500,000.

7652 2. Any person who knowingly manufactures or brings into
7653 this state 7 grams or more of lysergic acid diethylamide (LSD)
7654 as described in s. 893.03(1)(c), or any mixture containing
7655 lysergic acid diethylamide (LSD), and who knows that the
7656 probable result of such manufacture or importation would be the
7657 death of any person commits capital manufacture or importation
7658 of lysergic acid diethylamide (LSD), a capital felony punishable
7659 as provided in ss. 775.082 and 921.142. Any person sentenced for
7660 a capital felony under this paragraph shall also be sentenced to
7661 pay the maximum fine provided under subparagraph 1.

7662 (1)~~(m)~~1. A person who knowingly sells, purchases,
7663 manufactures, delivers, or brings into this state, or who is
7664 knowingly in actual or constructive possession of, 280 grams or
7665 more of a:

7666 a. Substance described in s. 893.03(1)(c)29., 45.-49.,
7667 113.-141., 150.-155., 165.-172., or 175.-185. s.
7668 ~~893.03(1)(c)30., 46.-50., 114.-142., 151.-156., 166.-173., or~~
7669 ~~176.-186.~~ or a synthetic cannabinoid, as described in s.
7670 893.03(1)(c)189. s.~~893.03(1)(c)190.;~~ or

7671 b. Mixture containing any substance described in sub-
7672 subparagraph a.,

7673
7674 commits a felony of the first degree, which felony shall be

7675 | known as "trafficking in synthetic cannabinoids," punishable as
 7676 | provided in s. 775.082, s. 775.083, or s. 775.084.

7677 | 2. If the quantity involved under subparagraph 1.:

7678 | a. Is 280 grams or more, but less than 500 grams, such
 7679 | person shall be sentenced to a mandatory minimum term of
 7680 | imprisonment of 3 years, and the defendant shall be ordered to
 7681 | pay a fine of \$50,000.

7682 | b. Is 500 grams or more, but less than 1,000 grams, such
 7683 | person shall be sentenced to a mandatory minimum term of
 7684 | imprisonment of 7 years, and the defendant shall be ordered to
 7685 | pay a fine of \$100,000.

7686 | c. Is 1,000 grams or more, but less than 30 kilograms,
 7687 | such person shall be sentenced to a mandatory minimum term of
 7688 | imprisonment of 15 years, and the defendant shall be ordered to
 7689 | pay a fine of \$200,000.

7690 | d. Is 30 kilograms or more, such person shall be sentenced
 7691 | to a mandatory minimum term of imprisonment of 25 years, and the
 7692 | defendant shall be ordered to pay a fine of \$750,000.

7693 | ~~(m)~~(n)1. A person who knowingly sells, purchases,
 7694 | manufactures, delivers, or brings into this state, or who is
 7695 | knowingly in actual or constructive possession of, 14 grams or
 7696 | more of:

7697 | a. A substance described in s. 893.03(1)(c)163., 173., or
 7698 | 174. ~~s. 893.03(1)(c)164., 174., or 175.,~~ a n-benzyl
 7699 | phenethylamine compound, as described in s. 893.03(1)(c)192. ~~s.~~

7700 ~~893.03(1)(c)193.~~; or

7701 b. A mixture containing any substance described in sub-
7702 subparagraph a.,

7703
7704 commits a felony of the first degree, which felony shall be
7705 known as "trafficking in n-benzyl phenethylamines," punishable
7706 as provided in s. 775.082, s. 775.083, or s. 775.084.

7707 2. If the quantity involved under subparagraph 1.:

7708 a. Is 14 grams or more, but less than 100 grams, such
7709 person shall be sentenced to a mandatory minimum term of
7710 imprisonment of 3 years, and the defendant shall be ordered to
7711 pay a fine of \$50,000.

7712 b. Is 100 grams or more, but less than 200 grams, such
7713 person shall be sentenced to a mandatory minimum term of
7714 imprisonment of 7 years, and the defendant shall be ordered to
7715 pay a fine of \$100,000.

7716 c. Is 200 grams or more, such person shall be sentenced to
7717 a mandatory minimum term of imprisonment of 15 years, and the
7718 defendant shall be ordered to pay a fine of \$500,000.

7719 3. A person who knowingly manufactures or brings into this
7720 state 400 grams or more of a substance described in sub-
7721 subparagraph 1.a. or a mixture described in sub-subparagraph
7722 1.b., and who knows that the probable result of such manufacture
7723 or importation would be the death of any person commits capital
7724 manufacture or importation of a n-benzyl phenethylamine

HB 1597

2021

7725 compound, a capital felony punishable as provided in ss. 775.082
7726 and 921.142. A person sentenced for a capital felony under this
7727 paragraph shall also be sentenced to pay the maximum fine under
7728 subparagraph 2.

7729 Section 13. Section 893.13501, Florida Statutes, is
7730 created to read:

7731 893.13501 Retroactive effect of amendments to ss. 893.03,
7732 893.13, and 893.135.-

7733 (1) It is the intent of the Legislature to retroactively
7734 apply changes to ss. 893.03, 893.13, and 893.135 made by HB 1597
7735 which are applicable to offenders who committed offenses on or
7736 after the effective date of those provisions as originally
7737 enacted. A person who committed an offense and is currently in
7738 the custody of the Department of Corrections or subject to any
7739 form of supervision shall be resentenced as provided in
7740 subsection (2).

7741 (2) Sentence review under this section must occur in the
7742 following manner:

7743 (a) The Department of Corrections shall notify the person
7744 described in subsection (1) of his or her eligibility to request
7745 a sentence review hearing.

7746 (b) The person seeking sentence review under this section
7747 may submit an application to the court of original jurisdiction
7748 requesting that a sentence review hearing be held. The
7749 sentencing court retains original jurisdiction for the duration

7750 of the sentence for this purpose.

7751 (c) A person who is eligible for a sentence review hearing
7752 under this section is entitled to be represented by counsel. The
7753 court shall appoint a public defender to represent the person if
7754 he or she cannot afford an attorney.

7755 (d) Upon receiving an application from the eligible
7756 person, the court of original sentencing jurisdiction shall hold
7757 a sentence review hearing to determine if the eligible person
7758 meets the criteria for resentencing or release under this
7759 section.

7760 1. If the person has no further charges remaining, the
7761 person shall be released immediately.

7762 2. If the court determines at the sentence review hearing
7763 that the eligible person meets the criteria in this section for
7764 resentencing, the court must resentence the person as provided
7765 in this section; however, the new sentence may not exceed the
7766 person's original sentence with credit for time served.

7767 3. If the court determines that such person does not meet
7768 the criteria for resentencing under this section, the court must
7769 provide written reasons why such person does not meet such
7770 criteria.

7771 (e) A person sentenced or resented pursuant to this
7772 section is eligible to receive any gain-time pursuant to s.
7773 944.275 which he or she was previously ineligible to receive due
7774 to the original offense that is now subject to resentencing.

7775 (3) This section does not apply to any offense which had
 7776 violence or a threat of violence as an element of the offense.

7777 Section 14. Paragraphs (b), (e), (g), and (h) of
 7778 subsection (3) of section 921.0022, Florida Statutes, are
 7779 amended to read:

7780 921.0022 Criminal Punishment Code; offense severity
 7781 ranking chart.—

7782 (3) OFFENSE SEVERITY RANKING CHART

7783 (b) LEVEL 2

7784

Florida Statute	Felony Degree	Description
379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic

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HB 1597

2021

			feet in volume or any quantity for commercial purposes, or hazardous waste.
7788	517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
7789	590.28(1)	3rd	Intentional burning of lands.
7790	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
7791	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
7792	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
7793	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling;

HB 1597

2021

7794			facilitating or furthering burglary.
	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
7795			
	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$750 or more but less than \$5,000.
7796			
	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$750, taken from unenclosed curtilage of dwelling.
7797			
	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
7798			
	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
7799			
	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit,

HB 1597

2021

			etc., credit card, value over \$300.
7800	817.52 (3)	3rd	Failure to redeliver hired vehicle.
7801	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
7802	817.60 (5)	3rd	Dealing in credit cards of another.
7803	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
7804	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
7805	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
7806	831.01	3rd	Forgery.

HB 1597

2021

7807	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
7808	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
7809	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
7810	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
7811	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
7812	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
7813	843.08	3rd	False personation.
7814			

HB 1597

2021

7815	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs other than cannabis.
7816	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
7817	(e) LEVEL 5		
7818	Florida Statute	Felony Degree	Description
7819	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
7820	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
7821	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
7822			

HB 1597

2021

7823	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
7824	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
	379.365 (2) (c) 1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is

7825			suspended or revoked.
	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
7826			
	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
7827			
	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
7828			
	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
7829			
	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
7830			
	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
7831			

HB 1597

2021

7832	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
7833	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
7834	790.01 (2)	3rd	Carrying a concealed firearm.
7835	790.162	2nd	Threat to throw or discharge destructive device.
7836	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
7837	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
7838	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.

HB 1597

2021

7839	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
7840	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
7841	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
7842	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
7843	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
7844	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
	812.019 (1)	2nd	Stolen property; dealing in or

HB 1597

2021

7845			trafficking in.
7846	812.131 (2) (b)	3rd	Robbery by sudden snatching.
7847	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
7848	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
7849	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
7850	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or

HB 1597

2021

7851	817.611 (2) (a)	2nd	amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
7852	817.625 (2) (b)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
7853	825.1025 (4)	3rd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
7854	827.071 (4)	2nd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
7855	827.071 (5)	3rd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
			Possess, control, or

7856	828.12 (2)	3rd	intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
7857	839.13 (2) (b)	2nd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
7858	843.01	3rd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
7859	847.0135 (5) (b)	2nd	Resist officer with violence to person; resist arrest with violence.
7860	847.0137	3rd	Lewd or lascivious exhibition using computer; offender 18 years or older.
			Transmission of pornography by

HB 1597

2021

7861	(2) & (3)		electronic device or equipment.
7862	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
7863	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
7864	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
7865	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).
7865	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6.,

7866	893.13(1)(d)1.	1st	<p>(2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.</p> <p>Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.</p>
7867	893.13(1)(e)2.	2nd	<p>Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a</p>

7868			specified business site.
	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.
7869	<u>893.13(3)(b)</u>	2nd	Use or hire of minor; deliver to minor other controlled substance.
	893.13(4)(b)		
7870	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
7871			
7872	(g) LEVEL 7		
7873			
	Florida Statute	Felony Degree	Description
7874	316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
7875			

HB 1597

2021

7876	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
7877	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
7878	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
7879	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
7880	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
	409.920	2nd	Medicaid provider fraud; more

	(2) (b) 1.b.		than \$10,000, but less than \$50,000.
7881	456.065 (2)	3rd	Practicing a health care profession without a license.
7882	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
7883	458.327 (1)	3rd	Practicing medicine without a license.
7884	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
7885	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
7886	461.012 (1)	3rd	Practicing podiatric medicine without a license.
7887	462.17	3rd	Practicing naturopathy without a license.

HB 1597

2021

7888	463.015 (1)	3rd	Practicing optometry without a license.
7889	464.016 (1)	3rd	Practicing nursing without a license.
7890	465.015 (2)	3rd	Practicing pharmacy without a license.
7891	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
7892	467.201	3rd	Practicing midwifery without a license.
7893	468.366	3rd	Delivering respiratory care services without a license.
7894	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
7895	483.901 (7)	3rd	Practicing medical physics without a license.

HB 1597

2021

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484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

HB 1597

2021

7902	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
7903	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
7904	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
7905	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
7906	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

HB 1597

2021

7907	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
7908	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
7909	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
7910	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
7911	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.

HB 1597

2021

7912	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
7913	784.048 (7)	3rd	Aggravated stalking; violation of court order.
7914	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
7915	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
7916	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
7917	784.081 (1)	1st	Aggravated battery on specified official or employee.
7918	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
7919	784.083 (1)	1st	Aggravated battery on code

7920			inspector.
	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
7921			
	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
7922			
	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
7923			
	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
7924			
	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
7925			
	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax

HB 1597

2021

7926			bomb while committing or attempting to commit a felony.
	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
7927			
	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
7928			
	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
7929			
	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
7930			
	796.05 (1)	1st	Live on earnings of a

HB 1597

2021

7931			prostitute; 2nd offense.
	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
7932			
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
7933			
	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
7934			
	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
7935			
	806.01 (2)	2nd	Maliciously damage structure by

HB 1597

2021

			fire or explosive.
7936	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
7937	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
7938	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
7939	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
7940	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
7941	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued

			at less than \$50,000, grand theft in 2nd degree.
7942	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
7943	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
7944	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
7945	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
7946	812.131 (2) (a)	2nd	Robbery by sudden snatching.
7947	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
7948	817.034 (4) (a) 1.	1st	Communications fraud, value

HB 1597

2021

7949			greater than \$50,000.
	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
7950			
	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
7951			
	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
7952			
	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
7953			
	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
7954			
	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49

7955			counterfeit credit cards or related documents.
	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
7956			
	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
7957			
	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
7958			
	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
7959			
	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
7960			

HB 1597

2021

7961	838.015	2nd	Bribery.
7962	838.016	2nd	Unlawful compensation or reward for official behavior.
7963	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
7964	838.22	2nd	Bid tampering.
7965	843.0855 (2)	3rd	Impersonation of a public officer or employee.
7966	843.0855 (3)	3rd	Unlawful simulation of legal process.
7967	843.0855 (4)	3rd	Intimidation of a public officer or employee.
7968	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.

HB 1597

2021

7969	872.06	2nd	Abuse of a dead human body.
7970	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
7971	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
7972	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
7973			

7974	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.
	<u>893.13(3)(a)</u> 893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
7975	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
7976	<u>893.135</u> <u>(1)(a)1.a.</u> 893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
7977	<u>893.135</u> <u>(1)(b)1.a.</u> 893.135	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

7978	(1) (c) 1.a. <u>893.135</u> <u>(1) (b) 2.a.</u> 893.135	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
7979	(1) (c) 2.a. <u>893.135</u> <u>(1) (b) 2.b.</u> 893.135	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
7980	(1) (c) 2.b. <u>893.135</u> <u>(1) (b) 3.a.</u> 893.135	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
7981	(1) (c) 3.a. <u>893.135</u> <u>(1) (b) 3.b.</u> 893.135	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
7982	(1) (c) 3.b. <u>893.135</u> <u>(1) (b) 4.b. (I)</u> 893.135	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.

7983	(1) (c) 4.b. (I)		
	<u>893.135</u>	1st	Trafficking in phencyclidine,
	<u>(1) (c) 1.a.</u>		28 grams or more, less than 200
	893.135		grams.
	(1) (d) 1.a.		
7984	<u>893.135 (1) (d) 1.</u>	1st	Trafficking in methaqualone,
	893.135 (1) (e) 1.		200 grams or more, less than 5
			kilograms.
7985	<u>893.135 (1) (e) 1.</u>	1st	Trafficking in amphetamine, 14
	893.135 (1) (f) 1.		grams or more, less than 28
			grams.
7986	<u>893.135</u>	1st	Trafficking in flunitrazepam, 4
	<u>(1) (h) 1.a.</u>		grams or more, less than 14
	893.135		grams.
	(1) (g) 1.a.		
7987	<u>893.135</u>	1st	Trafficking in gamma-
	<u>(1) (g) 1.a.</u>		hydroxybutyric acid (GHB), 1
	893.135		kilogram or more, less than 5
	(1) (h) 1.a.		kilograms.
7988			

HB 1597

2021

7989	<p><u>893.135</u> <u>(1) (i) 1.a.</u> 893.135 (1) (j) 1.a.</p>	1st	<p>Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.</p>
7990	<p><u>893.135</u> <u>(1) (j) 2.a.</u> 893.135 (1) (k) 2.a.</p>	1st	<p>Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.</p>
7991	<p><u>893.135</u> <u>(1) (l) 2.a.</u> 893.135 (1) (m) 2.a.</p>	1st	<p>Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.</p>
7992	<p><u>893.135</u> <u>(1) (l) 2.b.</u> 893.135 (1) (m) 2.b.</p>	1st	<p>Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.</p>
7993	<p><u>893.135</u> <u>(1) (m) 2.a.</u> 893.135 (1) (n) 2.a.</p>	1st	<p>Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.</p>

HB 1597

2021

7994	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
7995	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
7996	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
7997	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
7998	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
	943.0435 (9) (a)	3rd	Sexual offender; failure to

7999	943.0435 (13)	3rd	comply with reporting requirements. Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
8000	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
8001	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
8002	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
8003	944.607 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or

HB 1597

2021

8004			conceal a sexual offender.
	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
8005			
	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
8006			
	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
8007			
	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
8008			
8009	(h)	LEVEL 8	
8010			

HB 1597

2021

	Florida Statute	Felony Degree	Description
8011	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
8012	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
8013	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
8014	499.0051 (6)	1st	Knowing trafficking in contraband prescription drugs.
8015	499.0051 (7)	1st	Knowing forgery of prescription labels or prescription drug labels.
8016	560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
8017			

HB 1597

2021

8018	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
8019	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
8020	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
8021	782.04 (4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.

HB 1597

2021

8022	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
8023	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
8024	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
8025	787.06 (3) (a) 1.	1st	Human trafficking for labor and services of a child.
8026	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
8027	787.06 (3) (c) 2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
	787.06 (3) (e) 1.	1st	Human trafficking for labor and

8028	787.06 (3) (f) 2.	1st	<p>services by the transfer or transport of a child from outside Florida to within the state.</p>
8029	790.161 (3)	1st	<p>Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.</p>
8030	794.011 (5) (a)	1st	<p>Discharging a destructive device which results in bodily harm or property damage.</p>
8031	794.011 (5) (b)	2nd	<p>Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.</p>
			<p>Sexual battery; victim and offender 18 years of age or</p>

8032	794.011 (5) (c)	2nd	older; offender does not use physical force likely to cause serious injury.
8033	794.011 (5) (d)	1st	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
8034	794.08 (3)	2nd	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.
8035	800.04 (4) (b)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
8036	800.04 (4) (c)	1st	Lewd or lascivious battery.
			Lewd or lascivious battery;

			offender 18 years of age or older; prior conviction for specified sex offense.
8037	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
8038	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
8039	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
8040	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
8041	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
8042	812.13 (2) (b)	1st	Robbery with a weapon.
8043			

HB 1597

2021

8044	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
8045	817.505 (4) (c)	1st	Patient brokering; 20 or more patients.
8046	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
8047	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
8048	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false

HB 1597

2021

			instrument.
8049	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
8050	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
8051	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
8052	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
8053	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
8054	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.

8055	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
8056	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
8057	860.16	1st	Aircraft piracy.
8058	893.13 (1) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b) .
8059	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b) .
8060	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b) .

HB 1597

2021

8061	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
8062	<u>893.135</u> <u>(1) (a) 1.b.</u> 893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
8063	<u>893.135</u> <u>(1) (b) 1.b.</u> 893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
8064	<u>893.135</u> <u>(1) (b) 2.c.</u> 893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, 100 grams or more, less than 300 grams.
8065	<u>893.135</u> <u>(1) (b) 3.c.</u> 893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
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HB 1597

2021

8067	<p><u>893.135</u> 1st Trafficking in fentanyl, 14 <u>(1) (b) 4.b. (II)</u> grams or more, less than 28 893.135 grams. (1) (c) 4.b. (II)</p>	
8068	<p><u>893.135</u> 1st Trafficking in phencyclidine, <u>(1) (c) 1.b.</u> 200 grams or more, less than 893.135 400 grams. (1) (d) 1.b.</p>	
8069	<p><u>893.135</u> 1st Trafficking in methaqualone, 5 <u>(1) (d) 1.b.</u> kilograms or more, less than 25 893.135 kilograms. (1) (e) 1.b.</p>	
8070	<p><u>893.135</u> 1st Trafficking in amphetamine, 28 <u>(1) (e) 1.b.</u> grams or more, less than 200 893.135 grams. (1) (f) 1.b.</p>	
8071	<p><u>893.135</u> 1st Trafficking in flunitrazepam, <u>(1) (f) 1.b.</u> 14 grams or more, less than 28 893.135 grams. (1) (g) 1.b.</p>	

HB 1597

2021

8072	<p><u>893.135</u> <u>(1) (g) 1.b.</u> 893.135 (1) (h) 1.b.</p>	1st	<p>Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.</p>
8073	<p><u>893.135</u> <u>(1) (i) 1.b.</u> 893.135 (1) (j) 1.b.</p>	1st	<p>Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.</p>
8074	<p><u>893.135</u> <u>(1) (j) 2.b.</u> 893.135 (1) (k) 2.b.</p>	1st	<p>Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.</p>
8075	<p><u>893.135</u> <u>(1) (l) 2.c.</u> 893.135 (1) (m) 2.e.</p>	1st	<p>Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.</p>
8076	<p><u>893.135</u> <u>(1) (m) 2.b.</u> 893.135 (1) (n) 2.b.</p>	1st	<p>Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.</p>

HB 1597

2021

8077	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
8078	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
8079	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
8080	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
8081	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
	896.104 (4) (a) 2.	2nd	Structuring transactions to evade reporting or registration

requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

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Section 15. Section 943.0586, Florida Statutes, is created to read:

943.0586 Cannabis expunction and sealing.-

(1) DEFINITIONS.-As used in this section, the term:

(a) "Cannabis" has the same meaning as provided in chapter 893.

(b) "Expunction" has the same meaning and effect as provided in s. 943.0585.

(c) "Former s. 893.13, Florida Statutes 2021," is a reference to s. 893.13 as it existed at any time before January 1, 2022.

(2) ELIGIBILITY.-Notwithstanding any other law, a person is eligible to petition a court to expunge or seal a criminal history record for the conviction of former s. 893.13, Florida Statutes 2021, if:

(a)1. The person possessed 30 grams or less of cannabis; and

2. The person is no longer under court supervision related to the disposition of arrest or alleged criminal activity to which the petition to expunge pertains;

8103
8104 the record is eligible for sealing
8105 (b)1. The person has a convictions for possession 500
8106 grams or less or cannabis; and
8107 2. The person is no longer under court supervision related
8108 to the disposition of arrest or alleged criminal activity to
8109 which the petition to expunge pertains;
8110
8111 the record is eligible for expungement.
8112 (3) CERTIFICATE OF ELIGIBILITY.—Before having a record
8113 sealed under this section or petitioning a court to expunge a
8114 criminal history record under this section, a person must apply
8115 to the department for a certificate of eligibility for
8116 expunction. The department shall adopt rules to establish
8117 procedures for applying for and issuing a certificate of
8118 eligibility for expunction.
8119 (a) The department shall issue a certificate of
8120 eligibility for expunction to a person who is the subject of a
8121 criminal history record under this section, if that person:
8122 1. Satisfies the eligibility criteria in paragraph (2) (a)
8123 or paragraph (2) (b);
8124 2. Has submitted to the department a written certified
8125 statement from the appropriate state attorney or statewide
8126 prosecutor which confirms the criminal history record complies
8127 with the criteria in paragraph (2) (a) or paragraph (2) (b); and

8128 3. Has submitted to the department a certified copy of the
8129 disposition of the charge to which the petition to expunge or
8130 seal pertains.

8131 (b) A certificate of eligibility for expunction is valid
8132 for 12 months after the date of issuance stamped by the
8133 department on the certificate. After that time, the petitioner
8134 must reapply to the department for a new certificate of
8135 eligibility. The petitioner's status and the law in effect at
8136 the time of the renewal application determine the petitioner's
8137 eligibility.

8138 (4) SEALING.—Upon determining that a person meets the
8139 criteria in paragraph (2) (a) the department may have his or her
8140 record sealed without a court hearing. The department shall
8141 proceed to seal the record as provided in s. 943.0505(3) and
8142 shall provide the person with a certificate of eligibility and a
8143 notification indicating that the record has been sealed. Sealing
8144 of a criminal history record shall under this subsection shall
8145 have the same effect, and the department may disclose such a
8146 record in the same manner, as a record sealed under s. 943.059.

8147 (5) PETITION FOR EXPUNGEMENT.—Each petition to expunge a
8148 criminal history record meeting the criteria for expungement
8149 under paragraph (2) (b) must be accompanied by:

8150 (a) A valid certificate of eligibility issued by the
8151 department.

8152 (b) The petitioner's sworn statement that he or she:

8153 1. Satisfies the eligibility requirements for expunction
8154 in subsection (2); and

8155 2. Is eligible for expunction to the best of his or her
8156 knowledge.

8157 (6) PENALTIES.—A person who knowingly provides false
8158 information on his or her sworn statement submitted with a
8159 petition to expunge commits a felony of the third degree,
8160 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

8161 (7) COURT AUTHORITY.—

8162 (a) The courts of this state have jurisdiction over their
8163 own procedures, including the maintenance, expunction, and
8164 correction of judicial records containing criminal history
8165 information to the extent that such procedures are not
8166 inconsistent with the conditions, responsibilities, and duties
8167 established by this section.

8168 (b) A court of competent jurisdiction shall order a
8169 criminal justice agency to expunge the criminal history record
8170 of a person who complies with this section. The court may not
8171 order a criminal justice agency to expunge a criminal history
8172 record under this section until the person seeking to expunge a
8173 criminal history record has applied for and received a
8174 certificate of eligibility under subsection (3).

8175 (c) Expunction granted under this section does not prevent
8176 the person who receives such relief from petitioning for the
8177 expunction or sealing of a later criminal history record as

8178 provided for in ss. 943.0583, 943.0585, and 943.059, if the
8179 person is otherwise eligible under those sections.

8180 (8) PROCESSING OF A PETITION OR AN ORDER.—

8181 (a) In judicial proceedings under this section, a copy of
8182 the completed petition to expunge must be served upon the
8183 appropriate state attorney or the statewide prosecutor and upon
8184 the arresting agency; however, it is not necessary to make any
8185 agency other than the state a party. The appropriate state
8186 attorney or the statewide prosecutor and the arresting agency
8187 may respond to the court regarding the completed petition to
8188 expunge.

8189 (b) If relief is granted by the court, the clerk of the
8190 court shall certify copies of the order to the appropriate state
8191 attorney or the statewide prosecutor and the arresting agency.
8192 The arresting agency shall forward the order to any other agency
8193 to which the arresting agency disseminated the criminal history
8194 record information to which the order pertains. The department
8195 shall forward the order to expunge to the Federal Bureau of
8196 Investigation. The clerk of the court shall certify a copy of
8197 the order to any other agency that the records of the court
8198 reflect has received the criminal history record from the court.

8199 (c) The department or any other criminal justice agency is
8200 not required to act on an order to expunge entered by a court if
8201 such order does not meet the requirements of this section. Upon
8202 receipt of such an order, the department shall notify the

HB 1597

2021

8203 issuing court, the appropriate state attorney or statewide
8204 prosecutor, the petitioner or the petitioner's attorney, and the
8205 arresting agency of the reason for noncompliance. The
8206 appropriate state attorney or statewide prosecutor shall take
8207 action within 60 days to correct the record and petition the
8208 court to void the order. No cause of action, including contempt
8209 of court, may arise against any criminal justice agency for
8210 failure to comply with an order to expunge if the petitioner for
8211 such order failed to obtain the certificate of eligibility as
8212 required by this section or such order does not otherwise meet
8213 the requirements of this section.

8214 (9) EFFECT OF CANNABIS EXPUNCTION ORDER.—

8215 (a) The person who is the subject of a criminal history
8216 record that is expunged under this section may lawfully deny or
8217 fail to acknowledge the arrests and convictions covered by the
8218 expunged record, except if the person who is the subject of the
8219 record:

8220 1. Is a candidate for employment with a criminal justice
8221 agency;

8222 2. Is a defendant in a criminal prosecution;

8223 3. Concurrently or subsequently petitions for relief under
8224 this section, s. 943.0583, s. 943.0585, or s. 943.059;

8225 4. Is a candidate for admission to The Florida Bar;

8226 5. Is seeking to be employed or licensed by or to contract
8227 with the Department of Children and Families, the Division of

8228 Vocational Rehabilitation within the Department of Education,
8229 the Agency for Health Care Administration, the Agency for
8230 Persons with Disabilities, the Department of Health, the
8231 Department of Elderly Affairs, or the Department of Juvenile
8232 Justice or to be employed or used by such contractor or licensee
8233 in a sensitive position having direct contact with children,
8234 persons with disabilities, or the elderly;

8235 6. Is seeking to be employed or licensed by the department
8236 of Education, any district school board, any university
8237 laboratory school, any charter school, any private or parochial
8238 school, or any local governmental entity that licenses child
8239 care facilities;

8240 7. Is seeking to be licensed by the Division of Insurance
8241 Agent and Agency Services within the department of Financial
8242 Services; or

8243 8. Is seeking to be appointed as a guardian pursuant to s.
8244 744.3125.

8245 (b) A person who has been granted an expunction under this
8246 section and who is authorized under paragraph (a) to lawfully
8247 deny or fail to acknowledge the arrests and convictions covered
8248 by an expunged record may not be held under any law of this
8249 state to have committed perjury or to be otherwise liable for
8250 giving a false statement by reason of his or her failure to
8251 recite or acknowledge an expunged criminal history record.

8252 Section 16. Paragraph (a) of subsection (3) of section

8253 943.0595, Florida Statutes, is amended to read:

8254 943.0595 Automatic sealing of criminal history records.—

8255 (3) PROCESS FOR AND EFFECT OF AUTOMATIC SEALING.—

8256 (a) Upon:

8257 1. The disposition of a criminal case resulting in a

8258 criminal history record eligible for automatic sealing under

8259 paragraph (2) (a), the clerk of the court shall transmit a

8260 certified copy of the disposition of the criminal history record

8261 to the department;~~;~~ or

8262 2. The department determines, upon a request made under s.

8263 943.0856, that a record is eligible for sealing under s.

8264 943.0586(2) (a);

8265

8266 the department ~~which~~ shall immediately seal the criminal history

8267 record ~~upon receipt of the certified copy.~~

8268 Section 17. Florida College System Cannabis Vocational

8269 Pilot Program.—

8270 (1) Definitions.—In this section, the term:

8271 (a) "Board" means the State Board of Education.

8272 (b) "Career in Cannabis Certificate" or "Certificate"

8273 means the certification awarded to a community college student

8274 who completes a prescribed course of study in cannabis and

8275 cannabis business industry related classes and curriculum at a

8276 community college awarded a College system Cannabis Vocational

8277 Pilot Program license.

8278 (c) "Florida College System institution" has the same
 8279 meaning as provided in s. 1000.21, Florida Statutes.

8280 (d) "Department" means the Department of Business and
 8281 Professional Regulation.

8282 (e) "Licensee" means a community college awarded a Florida
 8283 college system institution Cannabis Vocational Pilot Program
 8284 license under this section.

8285 (f) "Program" means the Florida College System institution
 8286 Cannabis Vocational Pilot Program.

8287 (g) "Program license" means a Florida College System
 8288 Institution Cannabis Vocational Pilot Program license issued to
 8289 a Florida College System institution under this section.

8290 (2) ADMINISTRATION.—

8291 (a) The department shall establish and administer the
 8292 Program in coordination with the board. The department may issue
 8293 up to eight program licenses by September 1, 2022.

8294 (b) Beginning with the 2023-2024 academic year, Florida
 8295 college system institutions awarded program licenses may offer
 8296 qualifying students a Career in Cannabis Certificate, which
 8297 includes, courses that allow participating students to work
 8298 with, study, and grow live cannabis plants so as to prepare
 8299 students for a career in the legal cannabis industry, and to
 8300 instruct participating students on the best business practices,
 8301 professional responsibility, and legal compliance of the
 8302 cannabis business industry.

8303 (c) The board may issue rules pertaining to the provisions
 8304 in this section.

8305 (d) Notwithstanding any other provision of this section,
 8306 students shall be at least 18 years old in order to enroll in a
 8307 licensee's Career in Cannabis Certificate's prescribed course of
 8308 study.

8309 (3) ISSUANCE OF LICENSES.—

8310 (a) The department shall issue rules regulating the
 8311 selection criteria for applicants by January 1, 2022. The
 8312 department shall make the application for a program license
 8313 available no later than February 1, 2022, and shall require that
 8314 applicants submit the completed application no later than July
 8315 1, 2022.

8316 (b) The department shall by rule develop a system to score
 8317 program licenses to administratively rank applications based on
 8318 the clarity, organization, and quality of the applicant's
 8319 responses to required information. Applicants shall be awarded
 8320 points that are based on or that meet the following categories:

- 8321 1. Geographic diversity of the applicants.
- 8322 2. Experience and credentials of the applicant's faculty.
- 8323 3. At least 5 Program license awardees must have a student
 8324 population that is more than 50 percent low-income in each of
 8325 the past 4 years.
- 8326 4. Security plan, including a requirement that all
 8327 cannabis plants be in an enclosed, locked facility.

8328 | 5. Curriculum plan, including processing and testing
 8329 | curriculum for the Career in Cannabis Certificate.

8330 | 6. Career advising and placement plan for participating
 8331 | students.

8332 | 7. Any other criteria the department may set by rule.

8333 | (4) PROGRAM REQUIREMENTS AND PROHIBITIONS.—

8334 | (a) Licensees shall not have more than 50 flowering
 8335 | cannabis plants at any one time.

8336 | (b) The agent-in-charge shall keep a vault log of the
 8337 | licensee's enclosed, locked facility or facilities, including
 8338 | but not limited to, the person entering the site location, the
 8339 | time of entrance, the time of exit, and any other information
 8340 | the department may set by rule.

8341 | (c) Cannabis shall not be removed from the licensee's
 8342 | facility, except for the limited purpose of shipping a sample to
 8343 | a laboratory registered under this chapter 566, Florida
 8344 | Statutes.

8345 | (d) The licensee shall limit keys, access cards, or an
 8346 | access code to the licensee's enclosed, locked facility, or
 8347 | facilities, to cannabis curriculum faculty and college security
 8348 | personnel with a bona fide need to access the facility for
 8349 | emergency purposes.

8350 | (e) A transporting organization may transport cannabis
 8351 | produced pursuant to this section to a laboratory registered
 8352 | under chapter 566, Florida Statutes. All other cannabis produced

8353 by the licensee that was not shipped to a registered laboratory
8354 shall be destroyed within 5 weeks of being harvested.

8355 (f) Licensees shall subscribe to the department's cannabis
8356 plant monitoring system.

8357 (g) Licensees shall maintain a weekly inventory system.

8358 (h) No student participating in the cannabis curriculum
8359 necessary to obtain a certificate may be in the licensee's
8360 facility unless a faculty agent-in-charge is also physically
8361 present in the facility.

8362 (i) Licensees shall conduct post-certificate follow up
8363 surveys and record participating students' job placements within
8364 the cannabis business industry within a year of the student's
8365 completion.

8366 (j) The board shall report annually to the department on
8367 the race, ethnicity, and gender of all students participating in
8368 the cannabis curriculum necessary to obtain a certificate, and
8369 of those students who obtain a certificate.

8370 (5) FACULTY.—

8371 (a) All faculty members shall be required to maintain
8372 registration as an agent-in-charge and have a valid agent
8373 identification card before teaching or participating in the
8374 licensee's cannabis curriculum that involves instruction offered
8375 in the enclosed, locked facility or facilities.

8376 (b) All faculty receiving an agent-in-charge or agent
8377 identification card must successfully pass a background check

8378 required by s. 566.3018, Florida Statutes, before participating
 8379 in a licensee's cannabis curriculum that involves instruction
 8380 offered in the enclosed, locked facility.

8381 (6) ENFORCEMENT.—

8382 (a) The department has the authority to suspend or revoke
 8383 any faculty agent-in-charge or agent identification card for any
 8384 violation found under this section.

8385 (b) The department has the authority to suspend or revoke
 8386 any Program license for any violation found under this section.

8387 (c) The board shall revoke the authority to offer the
 8388 certificate of any Florida College System Institution that has
 8389 had its license revoked by the department.

8390 (7) INSPECTION RIGHTS—

8391 (a) A licensee's enclosed, locked facilities are subject to
 8392 random inspections by the department and the Department of Law
 8393 Enforcement.

8394 (b) This section does not give the department or the
 8395 Department of Law Enforcement a right of inspection or access to
 8396 any location on the licensee's premises beyond the facilities
 8397 licensed under this section.

8398 (8) FACULTY IDENTIFICATION CARD.—

8399 (a) The department shall:

8400 1. Establish by rule the information required in an
 8401 initial application or renewal application for an agent
 8402 identification card submitted under this section and the

8403 nonrefundable fee to accompany the initial application or
8404 renewal application.

8405 2. Verify the information contained in an initial
8406 application or renewal application for an agent identification
8407 card submitted under this section, and approve or deny an
8408 application within 30 days after receiving a completed initial
8409 application or renewal application and all supporting
8410 documentation required by rule.

8411 3. Issue an agent identification card to a qualifying
8412 agent within 15 business days of approving the initial
8413 application or renewal application;

8414 4. Enter the license number of the Florida college system
8415 institution where the agent works.

8416 5. Allow for an electronic initial application and renewal
8417 application process, and provide a confirmation by electronic or
8418 other methods that an application has been submitted. Each
8419 department may by rule require prospective agents to file their
8420 applications by electronic means and to provide notices to the
8421 agents by electronic means.

8422 (b) An agent must keep his or her identification card
8423 visible at all times when in the enclosed, locked facility, or
8424 facilities for which he or she is an agent.

8425 (c) The agent identification cards shall contain the
8426 following:

8427 1. The name of the cardholder.

- 8428 2. The date of issuance and expiration date of the
8429 identification card.
- 8430 3. A random 10-digit alphanumeric identification number
8431 containing at least four numbers and at least four letters that
8432 is unique to the holder.
- 8433 4. A photograph of the cardholder.
- 8434 5. The legal name of the Florida College System
8435 Institution employing the agent.
- 8436 (d) An agent identification card shall be immediately
8437 returned to the Florida College System Institution of the agent
8438 upon termination of his or her employment.
- 8439 (e) Any agent identification card lost shall be reported
8440 to the Department of Law Enforcement and the department
8441 immediately upon discovery of the loss.
- 8442 (9) STUDY.—By December 31, 2027, the Board, must issue a
8443 report to the Governor, the President of the Senate, and the
8444 Speaker of the House of Representatives which includes, the
8445 following:
- 8446 (a) The number of security incidents or infractions at
8447 each licensee and any action taken or not taken;
- 8448 (b) Statistics, based on race, ethnicity, gender, and
8449 participating Florida College System Institution of:
- 8450 1. Students enrolled in career in cannabis classes.
- 8451 2. Successful completion rates by Florida college system
8452 institution students for the certificate.

8453 | 3. Postgraduate job placement of students who obtained a
 8454 | certificate, including both cannabis business establishment jobs
 8455 | and noncannabis business establishment jobs.

8456 | 4. Any other relevant information.

8457 | (10) REPEAL.—This section is repealed on July 1, 2028.

8458 | Section 18. This act shall take effect July 1, 2022.