

By Senator Farmer

34-00118C-22

20221696__

1 A bill to be entitled
2 An act relating to adult use marijuana legalization;
3 amending s. 20.14, F.S.; establishing the Division of
4 Cannabis Management within the Department of
5 Agriculture and Consumer Services; creating ch. 566,
6 F.S., relating to recreational marijuana; defining
7 terms; providing for the distribution of revenues;
8 requiring the division to provide, beginning on a
9 specified date, an annual report to the Legislature;
10 prohibiting the use of false identification by persons
11 under 21 years of age for specified activities
12 relating to recreational marijuana; providing
13 noncriminal penalties; providing for alternative
14 sentencing; exempting certain activities involving
15 marijuana from use and possession offenses;
16 authorizing persons 21 years of age or older to engage
17 in certain activities involving the personal use,
18 possession, transport, and cultivation of marijuana in
19 limited amounts; providing limits on where persons may
20 engage in specified activities; providing noncriminal
21 penalties; preempting the regulation of possession of
22 marijuana to the state; authorizing certain entities
23 to engage in specified activities relating to
24 marijuana; providing construction; specifying the
25 duties of the division relating to marijuana
26 regulation; providing for enforcement of regulatory
27 provisions; authorizing agreements with other entities
28 for certain enforcement activities; requiring annual
29 reports; providing for licensing of marijuana

34-00118C-22

20221696__

30 establishments; providing standards for prospective
31 licensees; providing restrictions on the location of
32 marijuana establishments; prohibiting certain
33 activities by marijuana establishments; providing
34 procedures when a marijuana establishment's license
35 expires; authorizing retail marijuana stores to submit
36 a request to the Department of Health to be considered
37 a medical marijuana treatment center; requiring the
38 department to approve such request under certain
39 circumstances; exempting such stores from specified
40 requirements under certain circumstances; authorizing
41 caregivers and qualified patients to obtain marijuana
42 for medical use from such stores; authorizing
43 localities to prohibit one or more types of marijuana
44 establishments through local ordinance; providing for
45 submission of applications to localities if the
46 division has not issued marijuana establishment
47 licenses by a specified date; specifying duties of the
48 Attorney General concerning certain federal subpoenas;
49 providing an exemption from specified provisions for
50 marijuana research; specifying that ch. 566, F.S.,
51 does not apply to employer drug policies or laws
52 governing operating under the influence; prohibiting
53 an employer from restricting the use of marijuana by
54 its employees outside of the workplace; providing an
55 exception; specifying that ch. 566, F.S., does not
56 allow persons under 21 years of age to engage in
57 activities permitted therein; declaring that the
58 rights of property owners are not affected; providing

34-00118C-22

20221696__

59 applicability relating to compassionate use of low-THC
60 cannabis; requiring the division to adopt certain
61 rules; specifying that conduct allowed by ch. 566,
62 F.S., may not be considered the basis for the finding
63 of a lack of good moral character as that term is used
64 in law; providing for emergency rulemaking; amending
65 s. 500.03, F.S.; providing that marijuana
66 establishments that sell food containing marijuana are
67 considered food establishments for the purposes of
68 specified regulations; creating s. 500.105, F.S.;
69 specifying that food products containing marijuana
70 which are prepared in permitted food establishments
71 and sold by licensed marijuana establishments are not
72 considered adulterated; amending s. 562.13, F.S.;
73 providing that it is unlawful for marijuana
74 establishments to employ persons under 18 years of
75 age; amending s. 569.0073, F.S.; exempting licensed
76 marijuana establishments from specified provisions
77 regulating the sale of pipes and smoking devices;
78 amending ss. 893.13 and 893.135, F.S.; providing that
79 conduct authorized under ch. 566, F.S., is not
80 prohibited by specified controlled substance
81 prohibitions; creating s. 943.0586, F.S.; defining
82 terms; authorizing an individual convicted of certain
83 crimes to petition the court for expunction of his or
84 her criminal history record under certain
85 circumstances; requiring the individual to first
86 obtain a certificate of eligibility from the
87 Department of Law Enforcement; requiring the

34-00118C-22

20221696__

88 department to adopt rules establishing the procedures
89 for applying for and issuing such certificates;
90 requiring the department to issue a certificate under
91 certain circumstances; providing for the expiration of
92 and reapplication for the certificate; providing
93 requirements for the petition for expunction;
94 providing criminal penalties; providing for the
95 court's authority over its own procedures, with an
96 exception; requiring the court to order the expunction
97 of a criminal history record under certain
98 circumstances; clarifying that expunction of certain
99 criminal history records does not affect eligibility
100 for expunction of other criminal history records;
101 providing procedures for processing expunction
102 petitions and orders; providing that a person granted
103 an expunction may lawfully deny or fail to acknowledge
104 the underlying arrest or conviction, with exceptions;
105 providing that a person may not be deemed to have
106 committed perjury or otherwise held liable for giving
107 a false statement if he or she fails to recite or
108 acknowledge an expunged criminal history record;
109 prohibiting courts from requiring the payment of
110 certain fees or costs relating to such petitions;
111 prohibiting a person from being denied employment
112 under certain circumstances; providing a contingent
113 effective date.

114
115 Be It Enacted by the Legislature of the State of Florida:
116

34-00118C-22

20221696__

117 Section 1. Present paragraphs (e) through (l) of subsection
118 (2) of section 20.14, Florida Statutes, are redesignated as
119 paragraphs (f) through (m), respectively, and a new paragraph
120 (e) is added to that subsection, to read:

121 20.14 Department of Agriculture and Consumer Services.—
122 There is created a Department of Agriculture and Consumer
123 Services.

124 (2) The following divisions of the Department of
125 Agriculture and Consumer Services are established:

126 (e) Cannabis Management.

127 Section 2. Chapter 566, Florida Statutes, consisting of ss.
128 566.011-566.042, is created to read:

129 CHAPTER 566

130 RECREATIONAL MARIJUANA

131 PART I

132 TAX

133 566.011 Definitions.—As used in this part, the term:

134 (1) "Department" means the Department of Agriculture and
135 Consumer Services.

136 (2) "Division" means the Division of Cannabis Management of
137 the department.

138 (3) "Marijuana" means all parts of the plant of the genus
139 Cannabis, whether growing or not, the seeds thereof, the resin
140 extracted from any part of the plant, and every compound,
141 manufacture, salt, derivative, mixture, or preparation of the
142 plant, its seeds, or its resin, including marijuana concentrate.
143 The term does not include industrial hemp or hemp extract, fiber
144 produced from the stalks of the plant, cake made from the seeds
145 of the plant, sterilized seed of the plant which is incapable of

34-00118C-22

20221696__

146 germination, or the weight of any ingredient combined with
147 marijuana to prepare topical or oral administrations, food,
148 drink, or any other product.

149 (4) "Marijuana consumption site" means an entity licensed
150 to allow smoking or ingesting marijuana on the premises.

151 (5) "Marijuana cultivation facility" means an entity
152 licensed to cultivate, prepare, and package and sell marijuana
153 to retail marijuana stores, to marijuana consumption sites, to
154 marijuana product manufacturing facilities, and to other
155 marijuana cultivation facilities, but not to consumers.

156 (6) "Marijuana establishment" means a marijuana cultivation
157 facility, marijuana testing facility, marijuana product
158 manufacturing facility, marijuana consumption site, or retail
159 marijuana store.

160 (7) "Marijuana product manufacturing facility" means an
161 entity licensed to:

162 (a) Purchase marijuana.

163 (b) Manufacture, prepare, and package marijuana products.

164 (c) Sell marijuana and marijuana products to other
165 marijuana product manufacturing facilities and to retail
166 marijuana stores, but not to consumers.

167 (8) "Marijuana products" means concentrated marijuana and
168 products that consist of marijuana and other ingredients and are
169 intended for use or consumption, including, but not limited to,
170 edible products, ointments, and tinctures.

171 (9) "Marijuana testing facility" means an entity licensed
172 to analyze and certify the safety and potency of marijuana.

173 (10) "Retail marijuana store" means an entity licensed to
174 purchase marijuana from a marijuana cultivation facility and

34-00118C-22

20221696__

175 marijuana products from a marijuana product manufacturing
176 facility and to sell marijuana and marijuana products to
177 consumers.

178 566.013 Distribution of revenues.—Revenues derived from the
179 tax imposed by this part must be credited to the General Revenue
180 Fund. On or before the last day of each month, the Chief
181 Financial Officer shall transfer 15 percent of the revenues
182 received by the division during the preceding month pursuant to
183 the tax imposed by s. 566.012 to the Division of Cannabis Trust
184 Fund established under s. 566.015. On or before the last day of
185 each month, the Chief Financial Officer shall transfer the
186 remainder of the revenues to the General Revenue Fund.

187 566.014 Annual report.—Beginning January 30, 2024, the
188 division shall annually report the amount of tax revenues
189 collected pursuant to s. 566.012 and the amount distributed
190 pursuant to s. 566.015(3) to the appropriations committees of
191 each house of the Legislature.

192 PART II

193 MARIJUANA REGULATION

194 566.031 Definitions.—As used in this part, the term:

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

198 (2) "Department" has the same meaning as provided in s.
199 566.011.

200 (3) "Division" has the same meaning as provided in s.
201 566.011.

202 (4) "Licensee" means any individual, partnership,
203 corporation, firm, association, or other legal entity holding a

34-00118C-22

20221696__

204 marijuana establishment license within this state.

205 (5) "Locality" means a municipality or, in reference to a
206 location in an unorganized territory, the county in which that
207 locality is located.

208 (6) "Marijuana" has the same meaning as provided in s.
209 566.011.

210 (7) "Marijuana accessories" means equipment, products, or
211 materials of any kind that are used, intended for use, or
212 designed for use in planting, propagating, cultivating, growing,
213 harvesting, composting, manufacturing, compounding, converting,
214 producing, processing, preparing, testing, analyzing, packaging,
215 repackaging, storing, vaporizing, or containing marijuana or for
216 ingesting, inhaling, or otherwise introducing marijuana into the
217 human body.

218 (8) "Marijuana consumption site" has the same meaning as
219 provided in s. 566.011.

220 (9) "Marijuana cultivation facility" has the same meaning
221 as provided in s. 566.011.

222 (10) "Marijuana establishment" has the same meaning as
223 provided in s. 566.011.

224 (11) "Marijuana product manufacturing facility" has the
225 same meaning as provided in s. 566.011.

226 (12) "Marijuana testing facility" has the same meaning as
227 provided in s. 566.011.

228 (13) "Minor" means a person under 21 years of age.

229 (14) "Retail marijuana store" has the same meaning as
230 provided in s. 566.011.

231 (15) "Seedling" means a marijuana plant that has no
232 flowers, is less than 12 inches in height, and is less than 12

34-00118C-22

20221696__

233 inches in diameter.

234 566.0311 False identification.—

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

239 (a) Ordering, purchasing, attempting to purchase, or
240 otherwise procuring or attempting to procure marijuana; or

241 (b) Gaining access to marijuana.

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

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

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

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

251

252 When a minor is adjudged to have committed a first offense under
253 subsection (1), the judge shall inform the minor that the
254 noncriminal penalties for the second and subsequent offenses are
255 mandatory and may only be suspended as provided in paragraph
256 (b). Failure to inform the minor that subsequent noncriminal
257 penalties are mandatory is not a ground for suspension of any
258 subsequent civil penalty.

259 (b) As an alternative to or in addition to the noncriminal
260 penalties specified in paragraph (a), a judge may assign the
261 minor to perform specified work for the benefit of the state,

34-00118C-22

20221696__

262 the municipality, or another public entity or a charitable
263 institution for no more than 40 hours for each violation. A
264 judge must assign the minor to perform such work as an
265 alternative to the noncriminal penalties specified in paragraph
266 (a) if the court determines that the minor is unable to pay such
267 penalties.

268 566.032 Exemption from criminal and noncriminal penalties,
269 seizure, or forfeiture.—Notwithstanding chapter 893 or any other
270 law, and except as provided in this part, the actions authorized
271 under this part are legal under the laws of this state and do
272 not constitute a civil or criminal offense under the laws of
273 this state or the law of any political subdivision within this
274 state or serve as a basis for seizure or forfeiture of assets
275 under state law.

276 566.033 Personal use of marijuana.—

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

278 (a) Use, possess, and transport marijuana accessories and
279 up to 2.5 ounces of marijuana.

280 (b) Transfer or furnish, without remuneration, up to 2.5
281 ounces of marijuana and up to 6 seedlings to a person who is 21
282 years of age or older.

283 (c) Possess, grow, cultivate, process, and transport up to
284 6 marijuana plants, including seedlings, and possess the
285 marijuana produced by the marijuana plants on the premises where
286 the plants were grown.

287 (d) Purchase up to 2.5 ounces of marijuana, up to 6
288 seedlings, and marijuana accessories from a retail marijuana
289 store.

290 (2) The following apply to the cultivation of marijuana for

34-00118C-22

20221696__

291 personal use by a person who is 21 years of age or older:

292 (a) A person may cultivate up to 6 marijuana plants,
293 including seedlings, at that person's place of residence, on
294 property owned by that person, or on another person's property
295 with permission of the owner of the other property.

296 (b) A person who elects to cultivate marijuana shall take
297 reasonable precautions to ensure the plants are secure from
298 unauthorized access or access by a person under 21 years of age.
299 Reasonable precautions include, but are not limited to,
300 cultivating marijuana in a fully enclosed secure outdoor area,
301 locked closet, or locked room inaccessible to persons under 21
302 years of age.

303 (3) A person may smoke or ingest marijuana at a marijuana
304 consumption site or in a nonpublic place, including, but not
305 limited to, a private residence.

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

308 (b) The prohibitions and limitations on smoking tobacco
309 products in specified areas in part II of chapter 386 apply to
310 marijuana.

311 (c) A person who smokes marijuana in a public place other
312 than a marijuana consumption site or as governed by part II of
313 chapter 386 commits a noncriminal violation subject to a civil
314 penalty of \$100.

315 (4) The regulation of possession of marijuana is preempted
316 to the state.

317 566.034 Marijuana establishments.—

318 (1) A marijuana establishment may engage in the
319 manufacture, possession, and purchase of marijuana, marijuana

34-00118C-22

20221696__

320 products, and marijuana accessories and sell marijuana,
321 marijuana products, and marijuana accessories to a consumer as
322 described in this subsection.

323 (a) A retail marijuana store may:

324 1. Possess, display, and transport marijuana, marijuana
325 products, or marijuana accessories.

326 2. Purchase marijuana from a marijuana cultivation
327 facility.

328 3. Purchase marijuana and marijuana products from a
329 marijuana product manufacturing facility.

330 4. Sell marijuana, marijuana products, and marijuana
331 accessories to consumers.

332 (b) A marijuana consumption site may:

333 1. Purchase marijuana from a marijuana cultivation facility
334 or a marijuana product manufacturing facility.

335 2. Sell food or beverages containing marijuana which are
336 prepared at the marijuana consumption site, including alcoholic
337 beverages if the marijuana consumption site is licensed to serve
338 alcoholic beverages. If such food or beverages are purchased for
339 on-site consumption, the food or beverages are not required to
340 be in sealed containers. Any food or beverages removed from the
341 premises or purchased for off-site consumption must be in sealed
342 containers with labels specifying that the contents contain
343 marijuana.

344 (c) A marijuana cultivation facility may:

345 1. Cultivate, harvest, process, package, transport,
346 display, and possess marijuana.

347 2. Deliver or transfer marijuana to a marijuana testing
348 facility.

34-00118C-22

20221696__

349 3. Sell marijuana to another marijuana cultivation
350 facility, a marijuana product manufacturing facility, or a
351 retail marijuana store.

352 4. Purchase marijuana from another marijuana cultivation
353 facility.

354 (d) A marijuana product manufacturing facility may:

355 1. Package, process, transport, manufacture, display, and
356 possess marijuana or marijuana products.

357 2. Deliver or transfer marijuana or marijuana products to a
358 marijuana testing facility.

359 3. Sell marijuana and marijuana products to a retail
360 marijuana store or marijuana product manufacturing facility.

361 4. Purchase marijuana from a marijuana cultivation
362 facility.

363 5. Purchase marijuana and marijuana products from a
364 marijuana product manufacturing facility.

365 (e) A marijuana testing facility may possess, cultivate,
366 process, repackage, store, transport, display, transfer, and
367 deliver marijuana or marijuana products.

368
369 A marijuana establishment may lease or otherwise allow the use
370 of property owned, occupied, or controlled by a person,
371 corporation, or other entity for any of the activities conducted
372 lawfully in accordance with this subsection.

373 (2) (a) An entity with a marijuana consumption site license
374 and a retail marijuana store license may operate under both
375 licenses on the same premises.

376 (b) A marijuana consumption site:

377 1. Must display warnings about the delayed effects of

34-00118C-22

20221696__

378 ingesting marijuana products; and

379 2. May not restrict a patron's access to prearranged rides
380 as defined in s. 627.748 or to taxis.

381 (3) This section does not prevent the imposition of
382 penalties for violating this chapter or state or local rules
383 adopted pursuant to this chapter.

384 566.035 Duties of the division.—The division shall:

385 (1) Enforce the laws and rules relating to the
386 manufacturing, processing, labeling, storing, transporting,
387 testing, and selling of marijuana by marijuana establishments
388 and administer those laws relating to licensing and the
389 collection of taxes.

390 (2) Adopt rules consistent with this chapter for the
391 administration and enforcement of laws regulating and licensing
392 marijuana establishments.

393 (3) If determined necessary by the division, enter into a
394 memorandum of understanding with the Department of Law
395 Enforcement, a county sheriff, or another state or municipal law
396 enforcement agency to perform inspections of marijuana
397 establishments.

398 (4) Issue marijuana cultivation facility, marijuana
399 consumption site, marijuana testing facility, marijuana product
400 manufacturing facility, and retail marijuana store licenses.

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

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

406 (7) Prioritize applications of businesses that are at least

34-00118C-22

20221696__

407 51 percent owned by women or minority persons over other
408 applications of equal merit.

409 (8) Develop a uniform system for labeling and identifying
410 individual strains of marijuana, including, but not limited to,
411 listing the terpenes present in the strain and whether the
412 strain is *Cannabis sativa*, *Cannabis indica*, or, if the strain is
413 a hybrid, which strain is the dominant strain. Each label and
414 identification must be verified by the marijuana testing
415 facility reviewing the product.

416 (9) Post on the department's publicly accessible website
417 this chapter and all rules adopted under this chapter. The
418 division shall notify all licensees of changes in the law and
419 rules through a publicly accessible website posting within 90
420 days after adjournment of each session of the Legislature. The
421 division shall update the posting on the department's publicly
422 accessible website to reflect new laws and rules before the
423 effective date of the laws and rules.

424 (10) Certify monthly to the Chief Financial Officer a
425 complete statement of revenues and expenses for licenses issued
426 and for revenues collected by the division and submit an annual
427 report that includes a complete statement of the revenues and
428 expenses for the division to the Governor, the President of the
429 Senate, and the Speaker of the House of Representatives.

430 (11) Suspend or revoke the license of a licensee in
431 accordance with rules adopted by the division. A marijuana
432 establishment with a suspended or revoked license under this
433 subsection may:

434 (a) Continue to possess marijuana during the time its
435 license is suspended but may not dispense, transfer, or sell

34-00118C-22

20221696__

436 marijuana. If the marijuana establishment is a marijuana
437 cultivation facility, it may continue to cultivate marijuana
438 plants during the time its license is suspended. Marijuana may
439 not be removed from the licensed premises except as authorized
440 by the division and only for the purpose of destruction.

441 (b) Possess marijuana for up to 7 days after revocation of
442 its license, during which time the marijuana establishment shall
443 dispose of its inventory of marijuana in accordance with
444 division rules.

445 (12) Beginning January 15, 2023, and annually thereafter,
446 report to the committees of each house of the Legislature having
447 jurisdiction over marijuana regulation. The report must include,
448 but is not limited to, all rules adopted by the division and
449 statistics regarding the number of marijuana establishment
450 applications received, the number of marijuana establishments
451 licensed, and the licensing fees collected during the previous
452 year.

453 566.036 Licensing of marijuana establishments.—

454 (1) An applicant for a marijuana establishment license
455 shall file an application in the form required by the division
456 for the type of marijuana establishment license sought. An
457 applicant may apply for and be granted more than one type of
458 marijuana establishment license, except that a person licensed
459 as a marijuana testing facility may not hold another marijuana
460 establishment license. The division shall begin accepting and
461 processing applications by August 1, 2023.

462 (2) Upon receiving an application for a marijuana
463 establishment license, the division shall immediately forward a
464 copy of the application and 50 percent of the license fee to the

34-00118C-22

20221696__

465 locality in which the applicant desires to operate.

466 (3) The division shall issue or renew a license to operate
467 a marijuana establishment to an applicant who meets the
468 requirements of the division as set forth in rule and in
469 subsection (9) within 90 days after the date of receipt of the
470 application unless:

471 (a) The division finds that the applicant is not in
472 compliance with this section or rules adopted by the division;
473 or

474 (b) The division is notified by the relevant locality that
475 the applicant is not in compliance with an ordinance, a rule, or
476 a regulation in effect at the time of application.

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

480 (a) If a greater number of applications is received from
481 qualified applicants to operate a marijuana establishment in a
482 locality than is allowed under the limits enacted by the
483 locality under s. 566.037, the division must solicit and
484 consider input from the locality regarding the locality's
485 preference or preferences for licensure. Within 90 days after
486 the date that the first application is received, the division
487 shall issue the maximum number of applicable licenses for each
488 type of marijuana establishment license application received.

489 (b) In a competitive application process to determine which
490 applicants will receive licenses, the division shall give
491 preference to an applicant who has at least 1 year of previous
492 experience in operating another business in this state in
493 compliance with state law.

34-00118C-22

20221696__

494 (c) The division may not grant a license to a licensee who
495 has already received a license to operate the same type of
496 marijuana establishment if doing so would prevent another
497 qualified applicant from receiving a license.

498 (5) Upon denial of an application, the division shall
499 notify the applicant in writing of the specific reason for the
500 denial.

501 (6) All licenses under this part are valid for 1 year after
502 the date of issuance.

503 (7) A prospective licensee of a marijuana establishment:

504 (a) May not have been convicted of a disqualifying drug
505 offense. For purposes of this section, "disqualifying drug
506 offense" means a conviction for a violation of a state or
507 federal controlled substance law that is a crime punishable by
508 imprisonment for 1 year or more. It does not include an offense
509 for which the sentence, including any term of probation,
510 incarceration, or supervised release, was completed 10 or more
511 years before application for licensure; a marijuana offense
512 unrelated to trafficking in marijuana; or an offense that
513 consisted of conduct that would be permitted under this part.

514 (b) May not have had a previous license revoked for a
515 marijuana establishment.

516 (c) If the applicant is a corporation, may not be issued a
517 license if any of the principal officers of the corporation
518 would be personally ineligible under paragraph (a) or paragraph
519 (b).

520 (8) A marijuana establishment:

521 (a) May not be located within 500 feet of the property line
522 of a public or private K-12 school existing at the time the

34-00118C-22

20221696__

523 marijuana establishment is licensed. The distance must be
524 measured from the main entrance of the marijuana establishment
525 to the main entrance of the school by the ordinary course of
526 travel.

527 (b) Shall implement appropriate security measures,
528 consistent with rules issued by the division, which are designed
529 to prevent:

530 1. Unauthorized entrance into areas containing marijuana.

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

533 3. Tampering with or adulteration of the marijuana
534 products.

535 4. Unauthorized access to marijuana or marijuana
536 accessories.

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

538 (c) Shall prepare and maintain documents that include
539 procedures for the oversight of all aspects of operations and
540 procedures to ensure accurate recordkeeping.

541 (d) Shall make available for inspection its license at the
542 premises to which that license applies. A licensee may not
543 refuse a representative of the division the right at any time to
544 inspect the entire licensed premises or to audit the books and
545 records of the licensee.

546 (e) May not sell marijuana to:

547 1. A person under 21 years of age unless the person is a
548 qualified patient purchasing marijuana for medical use as those
549 terms are defined in s. 381.986(1); or

550 2. A visibly intoxicated person.

551 (f) If the licensee is a retail marijuana store or

34-00118C-22

20221696__

552 marijuana consumption site, may not allow a person under 21
553 years of age to enter or remain on the premises unless the minor
554 is an employee of the division, a law enforcement officer,
555 emergency personnel, or a contractor performing work on the
556 facility that is not directly related to marijuana, such as
557 installing or maintaining security devices or performing
558 electrical wiring.

559 (g) May not sell marijuana between the hours of 1 a.m. and
560 6 a.m.

561 (h) May not employ as a manager or leave in charge of the
562 licensed premises any person who, by reason of conviction for a
563 disqualifying drug offense or because of a revocation of that
564 person's marijuana establishment license, is ineligible for a
565 marijuana establishment license.

566 (i) If a retail marijuana store, may only sell or furnish
567 marijuana to a consumer from the premises licensed by the
568 department. A retail marijuana store may not, either directly or
569 indirectly, by any agent or employee, travel from locality to
570 locality, or from place to place within the same locality,
571 selling, bartering, carrying for sale, or exposing for sale
572 marijuana from a vehicle. This paragraph does not prohibit a
573 retail marijuana store from delivering marijuana to a purchaser
574 if the purchaser's age is verified to be 21 or older upon
575 delivery.

576 (9) A person who intentionally provides false information
577 on an application for a marijuana establishment license violates
578 s. 837.06.

579 (10) When a licensee's license expires:

580 (a) A licensee who unintentionally fails to renew a license

34-00118C-22

20221696__

581 upon its expiration date and continues to engage in activities
582 allowed by s. 566.034 may not be charged with illegal sales for
583 a period of 7 days after the expiration date. A licensee who
584 continues to make sales of marijuana after having been properly
585 notified of the expired license may be charged with illegally
586 selling marijuana.

587 (b) At least 30 days before expiration of a licensee's
588 license issued under this part, the division shall notify the
589 licensee by the most expedient means available:

- 590 1. That the licensee's license is scheduled to expire;
- 591 2. Of the date of expiration; and
- 592 3. That all sales of marijuana must be suspended after the
593 date of expiration and remain suspended until the license is
594 properly renewed.

595
596 Failure by the division to notify a licensee pursuant to this
597 paragraph does not excuse a licensee from being charged with a
598 violation of this part.

599 566.0365 Retail marijuana store application to be
600 considered medical marijuana treatment center.-

601 (1) As used in this section, the terms "caregiver,"
602 "medical use," and "qualified patient" have the same meanings as
603 provided in s. 381.986(1).

604 (2) A retail marijuana store may submit a request to the
605 Department of Health to be considered a medical marijuana
606 treatment center for the purposes of dispensing marijuana for
607 medical use under s. 381.986. The Department of Health must
608 approve any request from a retail marijuana store that holds a
609 valid retail marijuana store license.

34-00118C-22

20221696__

610 (3) A retail marijuana store included in the medical
611 marijuana use registry pursuant to this section is exempt from
612 the requirements of medical marijuana treatment centers under s.
613 381.986 as long as the store holds a valid retail marijuana
614 store license and complies with this chapter and any rules
615 adopted by the department.

616 (4) A caregiver or qualified patient may obtain marijuana
617 for medical use at a retail marijuana store considered a medical
618 marijuana treatment center under this section.

619 566.037 Local control.-

620 (1) A locality may prohibit the operation of one or more
621 types of marijuana establishments through the enactment of an
622 ordinance.

623 (2) If a locality does not prohibit the operation of a
624 marijuana establishment pursuant to subsection (1), the
625 following provisions apply:

626 (a) No later than September 1, 2023, a locality may enact
627 an ordinance or a regulation specifying the entity within the
628 locality that is responsible for processing applications
629 submitted for a licensee to operate a marijuana establishment
630 within the boundaries of the locality. The locality may
631 authorize the entity to issue such licenses if issuance by the
632 locality becomes necessary because of a failure by the division
633 to adopt rules pursuant to s. 566.035 or because of a failure by
634 the division to process and issue licenses as required by s.
635 566.036.

636 (b) A locality may enact ordinances, rules, or regulations
637 pursuant to this paragraph as long as those ordinances, rules,
638 or regulations do not conflict with this section or with rules

34-00118C-22

20221696__

639 issued pursuant to s. 566.035. The ordinances may:

640 1. Govern the time, place, and manner of operations and
641 number of marijuana establishments.

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

645 3. Establish a schedule of annual operating, licensing, and
646 application fees for a marijuana establishment. This
647 subparagraph applies only if the application fee or licensing
648 fee is submitted to a locality in accordance with paragraph (c)
649 or paragraph (d).

650 4. Establish noncriminal penalties for violation of an
651 ordinance, a rule, or a regulation governing the time, place,
652 and manner that a marijuana establishment may operate in that
653 locality.

654 (c) If the division does not begin issuing licenses by
655 January 1, 2024, an applicant may submit an application directly
656 to the locality in which it wants to operate. A locality that
657 receives an application pursuant to this paragraph shall issue a
658 license to an applicant within 90 days after receipt of the
659 application unless the locality finds, and notifies the
660 applicant, that the applicant is not in compliance with an
661 ordinance, a rule, or a regulation made pursuant to s. 566.035
662 or paragraph (b) in effect at the time of application. The
663 locality shall notify the division if the locality issues an
664 annual license to the applicant.

665 (d) If the division does not issue a license to an
666 applicant within 90 days after receipt of the application filed
667 in accordance with s. 566.036 and does not notify the applicant

34-00118C-22

20221696__

668 of the specific reason for denial, in writing and within 90 days
669 after receipt of the application, the applicant may resubmit its
670 application directly to the locality, and the locality may issue
671 an annual license to the applicant. A locality issuing a license
672 to an applicant must do so within 90 days after receipt of the
673 resubmitted application unless the locality finds, and notifies
674 the applicant, that the applicant is not in compliance with an
675 ordinance, a rule, or a regulation made pursuant to s. 566.035
676 or paragraph (b) in effect at the time the application is
677 resubmitted. The locality shall notify the division if the
678 locality issues an annual license to the applicant. If an
679 application is submitted to a locality under this paragraph, the
680 division shall forward to the locality the fee paid by the
681 applicant to the division upon request by the locality.

682 (e) A license issued by a locality in accordance with
683 paragraph (c) or paragraph (d) has the same effect as a license
684 issued by the division in accordance with s. 566.036, and the
685 holder of that license is not subject to regulation or
686 enforcement by the division during the term of that license. A
687 subsequent or renewed license may be issued under this paragraph
688 on an annual basis if the division has not adopted rules
689 required by s. 566.035 at least 90 days before the date upon
690 which the subsequent or renewed license would be effective, or
691 if the division has adopted rules pursuant to s. 566.041 but has
692 not, at least 90 days after the adoption of those rules, issued
693 any marijuana establishment licenses pursuant to s. 566.036.

694 566.038 Defense of state law.—The Attorney General shall,
695 to the best of the abilities of the office and in good faith,
696 advocate to quash any federal subpoena for records involving

34-00118C-22

20221696__

697 marijuana establishments.

698 566.039 Research.—Notwithstanding the provisions of this
699 part regulating the distribution of marijuana, a scientific or
700 medical researcher who has previously published peer-reviewed
701 research may purchase, possess, and securely store marijuana for
702 purposes of conducting research. A scientific or medical
703 researcher may administer and distribute marijuana to a
704 participant in research who is at least 21 years of age after
705 receiving informed consent from that participant.

706 566.04 Construction.—

707 (1) EMPLOYMENT POLICIES.—This chapter does not require an
708 employer to allow or accommodate the use, consumption,
709 possession, transfer, display, transportation, sale, or growing
710 of marijuana in the workplace and does not affect the ability of
711 employers to have policies restricting the use of marijuana by
712 their employees. An employer may not restrict the use of
713 marijuana by employees outside of the workplace unless such use
714 would violate the terms of a contract with the Federal
715 Government.

716 (2) OPERATING UNDER THE INFLUENCE.—This chapter does not
717 exempt a person from the laws that prohibit operating any motor
718 vehicle or off-highway vehicle within this state under the
719 influence of alcoholic beverages or controlled substances under
720 chapter 316 or chapter 327.

721 (3) TRANSFER TO MINOR.—This chapter does not authorize the
722 transfer of marijuana, with or without remuneration, to a minor
723 or to allow a minor to purchase, possess, use, transport, grow,
724 or consume marijuana.

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

34-00118C-22

20221696__

726 prohibit a person, an employer, a school, a hospital, a
727 detention facility, a corporation, or another entity that
728 occupies, owns, or controls real property from prohibiting or
729 otherwise regulating the possession, consumption, use, display,
730 transfer, distribution, sale, transportation, or growing of
731 marijuana on or in that real property.

732 (5) COMPASSIONATE USE OF LOW-THC CANNABIS.—This chapter
733 does not apply to the compassionate use of low-THC cannabis
734 under s. 381.986.

735 566.041 Rulemaking.—The division shall adopt rules to
736 administer and enforce this chapter.

737 566.042 Good moral character.—Engaging in conduct allowed
738 by this chapter may not be the basis for a finding of a lack of
739 good moral character as that term is used in the laws of this
740 state.

741 Section 3. Rulemaking.—

742 (1) By June 1, 2023, the Department of Agriculture and
743 Consumer Services shall adopt emergency rules for the
744 administration and enforcement of laws regulating and licensing
745 marijuana establishments pursuant to part II of chapter 566,
746 Florida Statutes, as created by this act. These rules must be
747 developed by the department and may not be contracted out to an
748 entity outside the department. These rules may not prohibit the
749 operation of marijuana establishments, either expressly or
750 through restrictions that make the operation of marijuana
751 establishments unreasonably impracticable. The emergency rules
752 shall remain in effect for 6 months after adoption and may be
753 renewed during the pendency of procedures to adopt rules
754 addressing the subject of the emergency rules. As used in this

34-00118C-22

20221696__

755 section, "unreasonably impracticable" means that the measures
756 necessary to comply with the rules require such a high
757 investment of risk, money, time, or other resource or asset that
758 the operation of a marijuana establishment is not worthy of
759 being carried out in practice by a reasonably prudent
760 businessperson.

761 (2) Rules adopted pursuant to this section must include all
762 of the following:

763 (a) Provisions for administering and enforcing part II of
764 chapter 566, Florida Statutes, including oversight requirements
765 and noncriminal penalties for violations.

766 (b) The form and content of applications for each type of
767 marijuana establishment license, registration renewal forms, and
768 associated licensing and renewal fee schedules.

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

772 (d) Procedures and timelines for background checks and
773 appeals.

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

777 (f) Minimum standards for employment, including
778 requirements for background checks, restrictions against hiring
779 persons under 18 years of age, and safeguards to protect against
780 unauthorized employee access to marijuana.

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

34-00118C-22

20221696__

784 to provide a retail marijuana store with personal information
785 other than government-issued identification to determine the
786 consumer's age or require the retail marijuana store to acquire
787 and record personal information about its consumers.

788 (h) Health and safety rules and standards for the
789 manufacture of marijuana products and the cultivation of
790 marijuana.

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

793 (j) Restrictions on the advertising, signage, and display
794 of marijuana and marijuana products.

795 (k) Minimum security requirements, including standards to
796 reasonably protect against unauthorized access to marijuana at
797 all stages of the licensee's possession, transportation,
798 storage, and cultivation of marijuana. Such security
799 requirements may not prohibit outdoor cultivation in an
800 enclosed, secured space.

801 (l) Procedures for enforcing s. 566.036(9) and (10),
802 Florida Statutes, including noncriminal penalties for
803 violations, procedures for suspending or terminating the license
804 of a licensee who violates licensing provisions or the rules
805 adopted pursuant to this section, and procedures for appeals of
806 penalties or licensing actions.

807 (m) Any other oversight requirements that the department
808 determines are necessary to administer the laws relating to
809 licensing marijuana establishments.

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

34-00118C-22

20221696__

813 the locality or from enacting reasonable regulations applicable
814 to licensees.

815 Section 4. Paragraph (p) of subsection (1) of section
816 500.03, Florida Statutes, is amended to read:

817 500.03 Definitions; construction; applicability.—

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

819 (p) "Food establishment" means a factory, food outlet, or
820 other facility manufacturing, processing, packing, holding, or
821 preparing food or selling food at wholesale or retail. The term
822 does not include a business or activity that is regulated under
823 s. 413.051, s. 500.80, chapter 509, or chapter 601. The term
824 includes a marijuana establishment that sells food containing
825 marijuana pursuant to chapter 566. The term includes tomato
826 packinghouses and repackers but does not include any other
827 establishments that pack fruits and vegetables in their raw or
828 natural states, including those fruits or vegetables that are
829 washed, colored, or otherwise treated in their unpeeled, natural
830 form before they are marketed.

831 Section 5. Section 500.105, Florida Statutes, is created to
832 read:

833 500.105 Marijuana establishment food products containing
834 marijuana.—Food products containing marijuana that are prepared
835 in a food establishment that holds a permit under s. 500.12, if
836 required, and that are sold by a marijuana establishment
837 licensed under chapter 566 are not considered adulterated under
838 this chapter due solely to the presence of marijuana.

839 Section 6. Subsection (1) of section 562.13, Florida
840 Statutes, is amended to read:

841 562.13 Employment of minors or certain other persons by

34-00118C-22

20221696__

842 certain vendors prohibited; exceptions.—

843 (1) Unless otherwise provided in this section, it is
844 unlawful for any vendor licensed under the Beverage Law or a
845 licensee under chapter 566 to employ any person under 18 years
846 of age.

847 Section 7. Subsection (1) of section 569.0073, Florida
848 Statutes, is amended to read:

849 569.0073 Special provisions; smoking pipes and smoking
850 devices.—

851 (1) It is unlawful for any person to offer for sale at
852 retail any of the items listed in subsection (2) unless such
853 person:

854 (a) Has a retail tobacco products dealer permit under s.
855 569.003 or is a marijuana establishment licensed under s.
856 566.036. The provisions of this chapter apply to any person that
857 offers for retail sale any of the items listed in subsection
858 (2); and

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

863 2. Derives no more than 25 percent of its annual gross
864 revenues from the retail sale of the items listed in subsection
865 (2).

866 Section 8. Present subsection (10) of section 893.13,
867 Florida Statutes, is redesignated as subsection (11), and a new
868 subsection (10) is added to that section, to read:

869 893.13 Prohibited acts; penalties.—

870 (10) Subsections (1)-(8) are not applicable to conduct

34-00118C-22

20221696__

871 authorized under chapter 566.

872 Section 9. Subsection (1) of section 893.135, Florida
873 Statutes, is amended to read:

874 893.135 Trafficking; mandatory sentences; suspension or
875 reduction of sentences; conspiracy to engage in trafficking.—

876 (1) Except as authorized in this chapter, or in chapter
877 499, or chapter 566 and notwithstanding ~~the provisions of~~ s.
878 893.13:

879 (a) Any person who knowingly sells, purchases,
880 manufactures, delivers, or brings into this state, or who is
881 knowingly in actual or constructive possession of, in excess of
882 25 pounds of cannabis, or 300 or more cannabis plants, commits a
883 felony of the first degree, which felony shall be known as
884 "trafficking in cannabis," punishable as provided in s. 775.082,
885 s. 775.083, or s. 775.084. If the quantity of cannabis involved:

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

891 2. Is 2,000 pounds or more, but less than 10,000 pounds, or
892 is 2,000 or more cannabis plants, but not more than 10,000
893 cannabis plants, such person shall be sentenced to a mandatory
894 minimum term of imprisonment of 7 years, and the defendant shall
895 be ordered to pay a fine of \$50,000.

896 3. Is 10,000 pounds or more, or is 10,000 or more cannabis
897 plants, such person shall be sentenced to a mandatory minimum
898 term of imprisonment of 15 calendar years and pay a fine of
899 \$200,000.

34-00118C-22

20221696__

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901 For the purpose of this paragraph, a plant, including, but not
902 limited to, a seedling or cutting, is a "cannabis plant" if it
903 has some readily observable evidence of root formation, such as
904 root hairs. To determine if a piece or part of a cannabis plant
905 severed from the cannabis plant is itself a cannabis plant, the
906 severed piece or part must have some readily observable evidence
907 of root formation, such as root hairs. Callous tissue is not
908 readily observable evidence of root formation. The viability and
909 sex of a plant and the fact that the plant may or may not be a
910 dead harvested plant are not relevant in determining if the
911 plant is a "cannabis plant" or in the charging of an offense
912 under this paragraph. Upon conviction, the court shall impose
913 the longest term of imprisonment provided for in this paragraph.

914 (b)1. Any person who knowingly sells, purchases,
915 manufactures, delivers, or brings into this state, or who is
916 knowingly in actual or constructive possession of, 28 grams or
917 more of cocaine, as described in s. 893.03(2)(a)4., or of any
918 mixture containing cocaine, but less than 150 kilograms of
919 cocaine or any such mixture, commits a felony of the first
920 degree, which felony shall be known as "trafficking in cocaine,"
921 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
922 If the quantity involved:

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

927 b. Is 200 grams or more, but less than 400 grams, such
928 person shall be sentenced to a mandatory minimum term of

34-00118C-22

20221696__

929 imprisonment of 7 years, and the defendant shall be ordered to
930 pay a fine of \$100,000.

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

934 2. Any person who knowingly sells, purchases, manufactures,
935 delivers, or brings into this state, or who is knowingly in
936 actual or constructive possession of, 150 kilograms or more of
937 cocaine, as described in s. 893.03(2)(a)4., commits the first
938 degree felony of trafficking in cocaine. A person who has been
939 convicted of the first degree felony of trafficking in cocaine
940 under this subparagraph shall be punished by life imprisonment
941 and is ineligible for any form of discretionary early release
942 except pardon or executive clemency or conditional medical
943 release under s. 947.149. However, if the court determines that,
944 in addition to committing any act specified in this paragraph:

945 a. The person intentionally killed an individual or
946 counseled, commanded, induced, procured, or caused the
947 intentional killing of an individual and such killing was the
948 result; or

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

951
952 such person commits the capital felony of trafficking in
953 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
954 person sentenced for a capital felony under this paragraph shall
955 also be sentenced to pay the maximum fine provided under
956 subparagraph 1.

957 3. Any person who knowingly brings into this state 300

34-00118C-22

20221696__

958 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
959 and who knows that the probable result of such importation would
960 be the death of any person, commits capital importation of
961 cocaine, a capital felony punishable as provided in ss. 775.082
962 and 921.142. Any person sentenced for a capital felony under
963 this paragraph shall also be sentenced to pay the maximum fine
964 provided under subparagraph 1.

965 (c)1. A person who knowingly sells, purchases,
966 manufactures, delivers, or brings into this state, or who is
967 knowingly in actual or constructive possession of, 4 grams or
968 more of any morphine, opium, hydromorphone, or any salt,
969 derivative, isomer, or salt of an isomer thereof, including
970 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
971 (3)(c)4., or 4 grams or more of any mixture containing any such
972 substance, but less than 30 kilograms of such substance or
973 mixture, commits a felony of the first degree, which felony
974 shall be known as "trafficking in illegal drugs," punishable as
975 provided in s. 775.082, s. 775.083, or s. 775.084. If the
976 quantity involved:

977 a. Is 4 grams or more, but less than 14 grams, such person
978 shall be sentenced to a mandatory minimum term of imprisonment
979 of 3 years and shall be ordered to pay a fine of \$50,000.

980 b. Is 14 grams or more, but less than 28 grams, such person
981 shall be sentenced to a mandatory minimum term of imprisonment
982 of 15 years and shall be ordered to pay a fine of \$100,000.

983 c. Is 28 grams or more, but less than 30 kilograms, such
984 person shall be sentenced to a mandatory minimum term of
985 imprisonment of 25 years and shall be ordered to pay a fine of
986 \$500,000.

34-00118C-22

20221696__

987 2. A person who knowingly sells, purchases, manufactures,
988 delivers, or brings into this state, or who is knowingly in
989 actual or constructive possession of, 28 grams or more of
990 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
991 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28
992 grams or more of any mixture containing any such substance,
993 commits a felony of the first degree, which felony shall be
994 known as "trafficking in hydrocodone," punishable as provided in
995 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

996 a. Is 28 grams or more, but less than 50 grams, such person
997 shall be sentenced to a mandatory minimum term of imprisonment
998 of 3 years and shall be ordered to pay a fine of \$50,000.

999 b. Is 50 grams or more, but less than 100 grams, such
1000 person shall be sentenced to a mandatory minimum term of
1001 imprisonment of 7 years and shall be ordered to pay a fine of
1002 \$100,000.

1003 c. Is 100 grams or more, but less than 300 grams, such
1004 person shall be sentenced to a mandatory minimum term of
1005 imprisonment of 15 years and shall be ordered to pay a fine of
1006 \$500,000.

1007 d. Is 300 grams or more, but less than 30 kilograms, such
1008 person shall be sentenced to a mandatory minimum term of
1009 imprisonment of 25 years and shall be ordered to pay a fine of
1010 \$750,000.

1011 3. A person who knowingly sells, purchases, manufactures,
1012 delivers, or brings into this state, or who is knowingly in
1013 actual or constructive possession of, 7 grams or more of
1014 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
1015 thereof, or 7 grams or more of any mixture containing any such

34-00118C-22

20221696__

1016 substance, commits a felony of the first degree, which felony
1017 shall be known as "trafficking in oxycodone," punishable as
1018 provided in s. 775.082, s. 775.083, or s. 775.084. If the
1019 quantity involved:

1020 a. Is 7 grams or more, but less than 14 grams, such person
1021 shall be sentenced to a mandatory minimum term of imprisonment
1022 of 3 years and shall be ordered to pay a fine of \$50,000.

1023 b. Is 14 grams or more, but less than 25 grams, such person
1024 shall be sentenced to a mandatory minimum term of imprisonment
1025 of 7 years and shall be ordered to pay a fine of \$100,000.

1026 c. Is 25 grams or more, but less than 100 grams, such
1027 person shall be sentenced to a mandatory minimum term of
1028 imprisonment of 15 years and shall be ordered to pay a fine of
1029 \$500,000.

1030 d. Is 100 grams or more, but less than 30 kilograms, such
1031 person shall be sentenced to a mandatory minimum term of
1032 imprisonment of 25 years and shall be ordered to pay a fine of
1033 \$750,000.

1034 4.a. A person who knowingly sells, purchases, manufactures,
1035 delivers, or brings into this state, or who is knowingly in
1036 actual or constructive possession of, 4 grams or more of:

1037 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

1038 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

1039 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

1040 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

1041 (V) A fentanyl derivative, as described in s.

1042 893.03(1)(a)62.;

1043 (VI) A controlled substance analog, as described in s.

1044 893.0356, of any substance described in sub-sub-subparagraphs

34-00118C-22

20221696__

1045 (I)-(V); or

1046 (VII) A mixture containing any substance described in sub-
1047 sub-subparagraphs (I)-(VI),

1048
1049 commits a felony of the first degree, which felony shall be
1050 known as "trafficking in fentanyl," punishable as provided in s.
1051 775.082, s. 775.083, or s. 775.084.

1052 b. If the quantity involved under sub-subparagraph a.:

1053 (I) Is 4 grams or more, but less than 14 grams, such person
1054 shall be sentenced to a mandatory minimum term of imprisonment
1055 of 3 years, and shall be ordered to pay a fine of \$50,000.

1056 (II) Is 14 grams or more, but less than 28 grams, such
1057 person shall be sentenced to a mandatory minimum term of
1058 imprisonment of 15 years, and shall be ordered to pay a fine of
1059 \$100,000.

1060 (III) Is 28 grams or more, such person shall be sentenced
1061 to a mandatory minimum term of imprisonment of 25 years, and
1062 shall be ordered to pay a fine of \$500,000.

1063 5. A person who knowingly sells, purchases, manufactures,
1064 delivers, or brings into this state, or who is knowingly in
1065 actual or constructive possession of, 30 kilograms or more of
1066 any morphine, opium, oxycodone, hydrocodone, codeine,
1067 hydromorphone, or any salt, derivative, isomer, or salt of an
1068 isomer thereof, including heroin, as described in s.
1069 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
1070 more of any mixture containing any such substance, commits the
1071 first degree felony of trafficking in illegal drugs. A person
1072 who has been convicted of the first degree felony of trafficking
1073 in illegal drugs under this subparagraph shall be punished by

34-00118C-22

20221696__

1074 life imprisonment and is ineligible for any form of
1075 discretionary early release except pardon or executive clemency
1076 or conditional medical release under s. 947.149. However, if the
1077 court determines that, in addition to committing any act
1078 specified in this paragraph:

1079 a. The person intentionally killed an individual or
1080 counseled, commanded, induced, procured, or caused the
1081 intentional killing of an individual and such killing was the
1082 result; or

1083 b. The person's conduct in committing that act led to a
1084 natural, though not inevitable, lethal result,
1085
1086 such person commits the capital felony of trafficking in illegal
1087 drugs, punishable as provided in ss. 775.082 and 921.142. A
1088 person sentenced for a capital felony under this paragraph shall
1089 also be sentenced to pay the maximum fine provided under
1090 subparagraph 1.

1091 6. A person who knowingly brings into this state 60
1092 kilograms or more of any morphine, opium, oxycodone,
1093 hydrocodone, codeine, hydromorphone, or any salt, derivative,
1094 isomer, or salt of an isomer thereof, including heroin, as
1095 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
1096 60 kilograms or more of any mixture containing any such
1097 substance, and who knows that the probable result of such
1098 importation would be the death of a person, commits capital
1099 importation of illegal drugs, a capital felony punishable as
1100 provided in ss. 775.082 and 921.142. A person sentenced for a
1101 capital felony under this paragraph shall also be sentenced to
1102 pay the maximum fine provided under subparagraph 1.

34-00118C-22

20221696__

1103 (d)1. Any person who knowingly sells, purchases,
1104 manufactures, delivers, or brings into this state, or who is
1105 knowingly in actual or constructive possession of, 28 grams or
1106 more of phencyclidine, as described in s. 893.03(2)(b)23., a
1107 substituted phenylcyclohexylamine, as described in s.
1108 893.03(1)(c)195., or a substance described in s.
1109 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture
1110 containing phencyclidine, as described in s. 893.03(2)(b)23., a
1111 substituted phenylcyclohexylamine, as described in s.
1112 893.03(1)(c)195., or a substance described in s.
1113 893.03(1)(c)13., 32., 38., 103., or 146., commits a felony of
1114 the first degree, which felony shall be known as "trafficking in
1115 phencyclidine," punishable as provided in s. 775.082, s.
1116 775.083, or s. 775.084. If the quantity involved:

1117 a. Is 28 grams or more, but less than 200 grams, such
1118 person shall be sentenced to a mandatory minimum term of
1119 imprisonment of 3 years, and the defendant shall be ordered to
1120 pay a fine of \$50,000.

1121 b. Is 200 grams or more, but less than 400 grams, such
1122 person shall be sentenced to a mandatory minimum term of
1123 imprisonment of 7 years, and the defendant shall be ordered to
1124 pay a fine of \$100,000.

1125 c. Is 400 grams or more, such person shall be sentenced to
1126 a mandatory minimum term of imprisonment of 15 calendar years
1127 and pay a fine of \$250,000.

1128 2. Any person who knowingly brings into this state 800
1129 grams or more of phencyclidine, as described in s.
1130 893.03(2)(b)23., a substituted phenylcyclohexylamine, as
1131 described in s. 893.03(1)(c)195., or a substance described in s.

34-00118C-22

20221696__

1132 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture
1133 containing phencyclidine, as described in s. 893.03(2)(b)23., a
1134 substituted phenylcyclohexylamine, as described in s.
1135 893.03(1)(c)195., or a substance described in s.
1136 893.03(1)(c)13., 32., 38., 103., or 146., and who knows that the
1137 probable result of such importation would be the death of any
1138 person commits capital importation of phencyclidine, a capital
1139 felony punishable as provided in ss. 775.082 and 921.142. Any
1140 person sentenced for a capital felony under this paragraph shall
1141 also be sentenced to pay the maximum fine provided under
1142 subparagraph 1.

1143 (e)1. Any person who knowingly sells, purchases,
1144 manufactures, delivers, or brings into this state, or who is
1145 knowingly in actual or constructive possession of, 200 grams or
1146 more of methaqualone or of any mixture containing methaqualone,
1147 as described in s. 893.03(1)(d), commits a felony of the first
1148 degree, which felony shall be known as "trafficking in
1149 methaqualone," punishable as provided in s. 775.082, s. 775.083,
1150 or s. 775.084. If the quantity involved:

1151 a. Is 200 grams or more, but less than 5 kilograms, such
1152 person shall be sentenced to a mandatory minimum term of
1153 imprisonment of 3 years, and the defendant shall be ordered to
1154 pay a fine of \$50,000.

1155 b. Is 5 kilograms or more, but less than 25 kilograms, such
1156 person shall be sentenced to a mandatory minimum term of
1157 imprisonment of 7 years, and the defendant shall be ordered to
1158 pay a fine of \$100,000.

1159 c. Is 25 kilograms or more, such person shall be sentenced
1160 to a mandatory minimum term of imprisonment of 15 calendar years

34-00118C-22

20221696__

1161 and pay a fine of \$250,000.

1162 2. Any person who knowingly brings into this state 50
1163 kilograms or more of methaqualone or of any mixture containing
1164 methaqualone, as described in s. 893.03(1)(d), and who knows
1165 that the probable result of such importation would be the death
1166 of any person commits capital importation of methaqualone, a
1167 capital felony punishable as provided in ss. 775.082 and
1168 921.142. Any person sentenced for a capital felony under this
1169 paragraph shall also be sentenced to pay the maximum fine
1170 provided under subparagraph 1.

1171 (f)1. Any person who knowingly sells, purchases,
1172 manufactures, delivers, or brings into this state, or who is
1173 knowingly in actual or constructive possession of, 14 grams or
1174 more of amphetamine, as described in s. 893.03(2)(c)2., or
1175 methamphetamine, as described in s. 893.03(2)(c)5., or of any
1176 mixture containing amphetamine or methamphetamine, or
1177 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine
1178 in conjunction with other chemicals and equipment utilized in
1179 the manufacture of amphetamine or methamphetamine, commits a
1180 felony of the first degree, which felony shall be known as
1181 "trafficking in amphetamine," punishable as provided in s.
1182 775.082, s. 775.083, or s. 775.084. If the quantity involved:

1183 a. Is 14 grams or more, but less than 28 grams, such person
1184 shall be sentenced to a mandatory minimum term of imprisonment
1185 of 3 years, and the defendant shall be ordered to pay a fine of
1186 \$50,000.

1187 b. Is 28 grams or more, but less than 200 grams, such
1188 person shall be sentenced to a mandatory minimum term of
1189 imprisonment of 7 years, and the defendant shall be ordered to

34-00118C-22

20221696__

1190 pay a fine of \$100,000.

1191 c. Is 200 grams or more, such person shall be sentenced to
1192 a mandatory minimum term of imprisonment of 15 calendar years
1193 and pay a fine of \$250,000.

1194 2. Any person who knowingly manufactures or brings into
1195 this state 400 grams or more of amphetamine, as described in s.
1196 893.03(2)(c)2., or methamphetamine, as described in s.
1197 893.03(2)(c)5., or of any mixture containing amphetamine or
1198 methamphetamine, or phenylacetone, phenylacetic acid,
1199 pseudoephedrine, or ephedrine in conjunction with other
1200 chemicals and equipment used in the manufacture of amphetamine
1201 or methamphetamine, and who knows that the probable result of
1202 such manufacture or importation would be the death of any person
1203 commits capital manufacture or importation of amphetamine, a
1204 capital felony punishable as provided in ss. 775.082 and
1205 921.142. Any person sentenced for a capital felony under this
1206 paragraph shall also be sentenced to pay the maximum fine
1207 provided under subparagraph 1.

1208 (g)1. Any person who knowingly sells, purchases,
1209 manufactures, delivers, or brings into this state, or who is
1210 knowingly in actual or constructive possession of, 4 grams or
1211 more of flunitrazepam or any mixture containing flunitrazepam as
1212 described in s. 893.03(1)(a) commits a felony of the first
1213 degree, which felony shall be known as "trafficking in
1214 flunitrazepam," punishable as provided in s. 775.082, s.
1215 775.083, or s. 775.084. If the quantity involved:

1216 a. Is 4 grams or more but less than 14 grams, such person
1217 shall be sentenced to a mandatory minimum term of imprisonment
1218 of 3 years, and the defendant shall be ordered to pay a fine of

34-00118C-22

20221696__

1219 \$50,000.

1220 b. Is 14 grams or more but less than 28 grams, such person
1221 shall be sentenced to a mandatory minimum term of imprisonment
1222 of 7 years, and the defendant shall be ordered to pay a fine of
1223 \$100,000.

1224 c. Is 28 grams or more but less than 30 kilograms, such
1225 person shall be sentenced to a mandatory minimum term of
1226 imprisonment of 25 calendar years and pay a fine of \$500,000.

1227 2. Any person who knowingly sells, purchases, manufactures,
1228 delivers, or brings into this state or who is knowingly in
1229 actual or constructive possession of 30 kilograms or more of
1230 flunitrazepam or any mixture containing flunitrazepam as
1231 described in s. 893.03(1)(a) commits the first degree felony of
1232 trafficking in flunitrazepam. A person who has been convicted of
1233 the first degree felony of trafficking in flunitrazepam under
1234 this subparagraph shall be punished by life imprisonment and is
1235 ineligible for any form of discretionary early release except
1236 pardon or executive clemency or conditional medical release
1237 under s. 947.149. However, if the court determines that, in
1238 addition to committing any act specified in this paragraph:

1239 a. The person intentionally killed an individual or
1240 counseled, commanded, induced, procured, or caused the
1241 intentional killing of an individual and such killing was the
1242 result; or

1243 b. The person's conduct in committing that act led to a
1244 natural, though not inevitable, lethal result,

1245
1246 such person commits the capital felony of trafficking in
1247 flunitrazepam, punishable as provided in ss. 775.082 and

34-00118C-22

20221696__

1248 921.142. Any person sentenced for a capital felony under this
1249 paragraph shall also be sentenced to pay the maximum fine
1250 provided under subparagraph 1.

1251 (h)1. Any person who knowingly sells, purchases,
1252 manufactures, delivers, or brings into this state, or who is
1253 knowingly in actual or constructive possession of, 1 kilogram or
1254 more of gamma-hydroxybutyric acid (GHB), as described in s.
1255 893.03(1)(d), or any mixture containing gamma-hydroxybutyric
1256 acid (GHB), commits a felony of the first degree, which felony
1257 shall be known as "trafficking in gamma-hydroxybutyric acid
1258 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.
1259 775.084. If the quantity involved:

1260 a. Is 1 kilogram or more but less than 5 kilograms, such
1261 person shall be sentenced to a mandatory minimum term of
1262 imprisonment of 3 years, and the defendant shall be ordered to
1263 pay a fine of \$50,000.

1264 b. Is 5 kilograms or more but less than 10 kilograms, such
1265 person shall be sentenced to a mandatory minimum term of
1266 imprisonment of 7 years, and the defendant shall be ordered to
1267 pay a fine of \$100,000.

1268 c. Is 10 kilograms or more, such person shall be sentenced
1269 to a mandatory minimum term of imprisonment of 15 calendar years
1270 and pay a fine of \$250,000.

1271 2. Any person who knowingly manufactures or brings into
1272 this state 150 kilograms or more of gamma-hydroxybutyric acid
1273 (GHB), as described in s. 893.03(1)(d), or any mixture
1274 containing gamma-hydroxybutyric acid (GHB), and who knows that
1275 the probable result of such manufacture or importation would be
1276 the death of any person commits capital manufacture or

34-00118C-22

20221696__

1277 importation of gamma-hydroxybutyric acid (GHB), a capital felony
1278 punishable as provided in ss. 775.082 and 921.142. Any person
1279 sentenced for a capital felony under this paragraph shall also
1280 be sentenced to pay the maximum fine provided under subparagraph
1281 1.

1282 (i)1. Any person who knowingly sells, purchases,
1283 manufactures, delivers, or brings into this state, or who is
1284 knowingly in actual or constructive possession of, 1 kilogram or
1285 more of gamma-butyrolactone (GBL), as described in s.
1286 893.03(1)(d), or any mixture containing gamma-butyrolactone
1287 (GBL), commits a felony of the first degree, which felony shall
1288 be known as "trafficking in gamma-butyrolactone (GBL),"
1289 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
1290 If the quantity involved:

1291 a. Is 1 kilogram or more but less than 5 kilograms, such
1292 person shall be sentenced to a mandatory minimum term of
1293 imprisonment of 3 years, and the defendant shall be ordered to
1294 pay a fine of \$50,000.

1295 b. Is 5 kilograms or more but less than 10 kilograms, such
1296 person shall be sentenced to a mandatory minimum term of
1297 imprisonment of 7 years, and the defendant shall be ordered to
1298 pay a fine of \$100,000.

1299 c. Is 10 kilograms or more, such person shall be sentenced
1300 to a mandatory minimum term of imprisonment of 15 calendar years
1301 and pay a fine of \$250,000.

1302 2. Any person who knowingly manufactures or brings into the
1303 state 150 kilograms or more of gamma-butyrolactone (GBL), as
1304 described in s. 893.03(1)(d), or any mixture containing gamma-
1305 butyrolactone (GBL), and who knows that the probable result of

34-00118C-22

20221696__

1306 such manufacture or importation would be the death of any person
1307 commits capital manufacture or importation of gamma-
1308 butyrolactone (GBL), a capital felony punishable as provided in
1309 ss. 775.082 and 921.142. Any person sentenced for a capital
1310 felony under this paragraph shall also be sentenced to pay the
1311 maximum fine provided under subparagraph 1.

1312 (j)1. Any person who knowingly sells, purchases,
1313 manufactures, delivers, or brings into this state, or who is
1314 knowingly in actual or constructive possession of, 1 kilogram or
1315 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of
1316 any mixture containing 1,4-Butanediol, commits a felony of the
1317 first degree, which felony shall be known as "trafficking in
1318 1,4-Butanediol," punishable as provided in s. 775.082, s.
1319 775.083, or s. 775.084. If the quantity involved:

1320 a. Is 1 kilogram or more, but less than 5 kilograms, such
1321 person shall be sentenced to a mandatory minimum term of
1322 imprisonment of 3 years, and the defendant shall be ordered to
1323 pay a fine of \$50,000.

1324 b. Is 5 kilograms or more, but less than 10 kilograms, such
1325 person shall be sentenced to a mandatory minimum term of
1326 imprisonment of 7 years, and the defendant shall be ordered to
1327 pay a fine of \$100,000.

1328 c. Is 10 kilograms or more, such person shall be sentenced
1329 to a mandatory minimum term of imprisonment of 15 calendar years
1330 and pay a fine of \$500,000.

1331 2. Any person who knowingly manufactures or brings into
1332 this state 150 kilograms or more of 1,4-Butanediol as described
1333 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,
1334 and who knows that the probable result of such manufacture or

34-00118C-22

20221696__

1335 importation would be the death of any person commits capital
1336 manufacture or importation of 1,4-Butanediol, a capital felony
1337 punishable as provided in ss. 775.082 and 921.142. Any person
1338 sentenced for a capital felony under this paragraph shall also
1339 be sentenced to pay the maximum fine provided under subparagraph
1340 1.

1341 (k)1. A person who knowingly sells, purchases,
1342 manufactures, delivers, or brings into this state, or who is
1343 knowingly in actual or constructive possession of, 10 grams or
1344 more of a:

1345 a. Substance described in s. 893.03(1)(c)4., 5., 10., 11.,
1346 15., 17., 21.-27., 29., 39., 40.-45., 58., 72.-80., 81.-86.,
1347 90.-102., 104.-108., 110.-113., 143.-145., 148.-150., 160.-163.,
1348 165., or 187.-189., a substituted cathinone, as described in s.
1349 893.03(1)(c)191., or substituted phenethylamine, as described in
1350 s. 893.03(1)(c)192.;

1351 b. Mixture containing any substance described in sub-
1352 subparagraph a.; or

1353 c. Salt, isomer, ester, or ether or salt of an isomer,
1354 ester, or ether of a substance described in sub-subparagraph a.,
1355

1356 commits a felony of the first degree, which felony shall be
1357 known as "trafficking in phenethylamines," punishable as
1358 provided in s. 775.082, s. 775.083, or s. 775.084.

1359 2. If the quantity involved under subparagraph 1.:

1360 a. Is 10 grams or more, but less than 200 grams, such
1361 person shall be sentenced to a mandatory minimum term of
1362 imprisonment of 3 years and shall be ordered to pay a fine of
1363 \$50,000.

34-00118C-22

20221696__

1364 b. Is 200 grams or more, but less than 400 grams, such
1365 person shall be sentenced to a mandatory minimum term of
1366 imprisonment of 7 years and shall be ordered to pay a fine of
1367 \$100,000.

1368 c. Is 400 grams or more, such person shall be sentenced to
1369 a mandatory minimum term of imprisonment of 15 years and shall
1370 be ordered to pay a fine of \$250,000.

1371 3. A person who knowingly manufactures or brings into this
1372 state 30 kilograms or more of a substance described in sub-
1373 subparagraph 1.a., a mixture described in sub-subparagraph 1.b.,
1374 or a salt, isomer, ester, or ether or a salt of an isomer,
1375 ester, or ether described in sub-subparagraph 1.c., and who
1376 knows that the probable result of such manufacture or
1377 importation would be the death of any person commits capital
1378 manufacture or importation of phenethylamines, a capital felony
1379 punishable as provided in ss. 775.082 and 921.142. A person
1380 sentenced for a capital felony under this paragraph shall also
1381 be sentenced to pay the maximum fine under subparagraph 2.

1382 (1)1. Any person who knowingly sells, purchases,
1383 manufactures, delivers, or brings into this state, or who is
1384 knowingly in actual or constructive possession of, 1 gram or
1385 more of lysergic acid diethylamide (LSD) as described in s.
1386 893.03(1)(c), or of any mixture containing lysergic acid
1387 diethylamide (LSD), commits a felony of the first degree, which
1388 felony shall be known as "trafficking in lysergic acid
1389 diethylamide (LSD)," punishable as provided in s. 775.082, s.
1390 775.083, or s. 775.084. If the quantity involved:

1391 a. Is 1 gram or more, but less than 5 grams, such person
1392 shall be sentenced to a mandatory minimum term of imprisonment

34-00118C-22

20221696__

1393 of 3 years, and the defendant shall be ordered to pay a fine of
1394 \$50,000.

1395 b. Is 5 grams or more, but less than 7 grams, such person
1396 shall be sentenced to a mandatory minimum term of imprisonment
1397 of 7 years, and the defendant shall be ordered to pay a fine of
1398 \$100,000.

1399 c. Is 7 grams or more, such person shall be sentenced to a
1400 mandatory minimum term of imprisonment of 15 calendar years and
1401 pay a fine of \$500,000.

1402 2. Any person who knowingly manufactures or brings into
1403 this state 7 grams or more of lysergic acid diethylamide (LSD)
1404 as described in s. 893.03(1)(c), or any mixture containing
1405 lysergic acid diethylamide (LSD), and who knows that the
1406 probable result of such manufacture or importation would be the
1407 death of any person commits capital manufacture or importation
1408 of lysergic acid diethylamide (LSD), a capital felony punishable
1409 as provided in ss. 775.082 and 921.142. Any person sentenced for
1410 a capital felony under this paragraph shall also be sentenced to
1411 pay the maximum fine provided under subparagraph 1.

1412 (m)1. A person who knowingly sells, purchases,
1413 manufactures, delivers, or brings into this state, or who is
1414 knowingly in actual or constructive possession of, 280 grams or
1415 more of a:

1416 a. Substance described in s. 893.03(1)(c)30., 46.-50.,
1417 114.-142., 151.-156., 166.-173., or 176.-186. or a synthetic
1418 cannabinoid, as described in s. 893.03(1)(c)190.; or

1419 b. Mixture containing any substance described in sub-
1420 subparagraph a.,
1421

34-00118C-22

20221696__

1422 commits a felony of the first degree, which felony shall be
1423 known as "trafficking in synthetic cannabinoids," punishable as
1424 provided in s. 775.082, s. 775.083, or s. 775.084.

1425 2. If the quantity involved under subparagraph 1.:

1426 a. Is 280 grams or more, but less than 500 grams, such
1427 person shall be sentenced to a mandatory minimum term of
1428 imprisonment of 3 years, and the defendant shall be ordered to
1429 pay a fine of \$50,000.

1430 b. Is 500 grams or more, but less than 1,000 grams, such
1431 person shall be sentenced to a mandatory minimum term of
1432 imprisonment of 7 years, and the defendant shall be ordered to
1433 pay a fine of \$100,000.

1434 c. Is 1,000 grams or more, but less than 30 kilograms, such
1435 person shall be sentenced to a mandatory minimum term of
1436 imprisonment of 15 years, and the defendant shall be ordered to
1437 pay a fine of \$200,000.

1438 d. Is 30 kilograms or more, such person shall be sentenced
1439 to a mandatory minimum term of imprisonment of 25 years, and the
1440 defendant shall be ordered to pay a fine of \$750,000.

1441 (n)1. A person who knowingly sells, purchases,
1442 manufactures, delivers, or brings into this state, or who is
1443 knowingly in actual or constructive possession of, 14 grams or
1444 more of:

1445 a. A substance described in s. 893.03(1)(c)164., 174., or
1446 175., a n-benzyl phenethylamine compound, as described in s.
1447 893.03(1)(c)193.; or

1448 b. A mixture containing any substance described in sub-
1449 subparagraph a.,

1450

34-00118C-22

20221696__

1451 commits a felony of the first degree, which felony shall be
1452 known as "trafficking in n-benzyl phenethylamines," punishable
1453 as provided in s. 775.082, s. 775.083, or s. 775.084.

1454 2. If the quantity involved under subparagraph 1.:

1455 a. Is 14 grams or more, but less than 100 grams, such
1456 person shall be sentenced to a mandatory minimum term of
1457 imprisonment of 3 years, and the defendant shall be ordered to
1458 pay a fine of \$50,000.

1459 b. Is 100 grams or more, but less than 200 grams, such
1460 person shall be sentenced to a mandatory minimum term of
1461 imprisonment of 7 years, and the defendant shall be ordered to
1462 pay a fine of \$100,000.

1463 c. Is 200 grams or more, such person shall be sentenced to
1464 a mandatory minimum term of imprisonment of 15 years, and the
1465 defendant shall be ordered to pay a fine of \$500,000.

1466 3. A person who knowingly manufactures or brings into this
1467 state 400 grams or more of a substance described in sub-
1468 subparagraph 1.a. or a mixture described in sub-subparagraph
1469 1.b., and who knows that the probable result of such manufacture
1470 or importation would be the death of any person commits capital
1471 manufacture or importation of a n-benzyl phenethylamine
1472 compound, a capital felony punishable as provided in ss. 775.082
1473 and 921.142. A person sentenced for a capital felony under this
1474 paragraph shall also be sentenced to pay the maximum fine under
1475 subparagraph 2.

1476 Section 10. Section 943.0586, Florida Statutes, is created
1477 to read:

1478 943.0586 Cannabis expunction.—

1479 (1) DEFINITIONS.—As used in this section, the term:

34-00118C-22

20221696__

1480 (a) "Cannabis" has the same meaning as provided in chapter
1481 893.

1482 (b) "Expunction" has the same meaning and effect as
1483 provided in s. 943.0585.

1484 (c) "Former s. 893.13, Florida Statutes 2021," is a
1485 reference to s. 893.13 as it existed at any time before July 1,
1486 2022.

1487 (2) ELIGIBILITY.—Notwithstanding any other law, a person is
1488 eligible to petition a court to expunge a criminal history
1489 record for the conviction of former s. 893.13, Florida Statutes
1490 2021, if:

1491 (a) The person received a withholding of adjudication or
1492 adjudication of guilt for a violation of former 893.13, Florida
1493 Statutes 2021, for the possession of cannabis;

1494 (b) The person possessed 4.0 ounces or less of cannabis;
1495 and

1496 (c) The person is no longer under court supervision related
1497 to the disposition of arrest or alleged criminal activity to
1498 which the petition to expunge pertains.

1499 (3) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court
1500 to expunge a criminal history record under this section, a
1501 person seeking to expunge a criminal history record must apply
1502 to the department for a certificate of eligibility for
1503 expunction. The department shall adopt rules to establish
1504 procedures for applying for and issuing a certificate of
1505 eligibility for expunction.

1506 (a) The department shall issue a certificate of eligibility
1507 for expunction to a person who is the subject of a criminal
1508 history record under this section, if that person:

34-00118C-22

20221696__

1509 1. Satisfies the eligibility criteria in subsection (2);

1510 2. Has submitted to the department a written, certified
1511 statement from the appropriate state attorney or statewide
1512 prosecutor which confirms the criminal history record complies
1513 with the criteria in subsection (2); and

1514 3. Has submitted to the department a certified copy of the
1515 disposition of the charge to which the petition to expunge
1516 pertains.

1517 (b) A certificate of eligibility for expunction is valid
1518 for 12 months after the date of issuance stamped by the
1519 department on the certificate. After that time, the petitioner
1520 must reapply to the department for a new certificate of
1521 eligibility. The petitioner's status and the law in effect at
1522 the time of the renewal application determine the petitioner's
1523 eligibility.

1524 (4) PETITION.—Each petition to expunge a criminal history
1525 record must be accompanied by all of the following:

1526 (a) A valid certificate of eligibility issued by the
1527 department.

1528 (b) The petitioner's sworn statement that he or she:

1529 1. Satisfies the eligibility requirements for expunction in
1530 subsection (2); and

1531 2. Is eligible for expunction to the best of his or her
1532 knowledge.

1533 (5) PENALTIES.—A person who knowingly provides false
1534 information on his or her sworn statement submitted with a
1535 petition to expunge commits a felony of the third degree,
1536 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1537 (6) COURT AUTHORITY.—

34-00118C-22

20221696__

1538 (a) The courts of this state have jurisdiction over their
1539 own procedures, including the maintenance, expunction, and
1540 correction of judicial records containing criminal history
1541 information to the extent that such procedures are not
1542 inconsistent with the conditions, responsibilities, and duties
1543 established by this section.

1544 (b) A court of competent jurisdiction shall order a
1545 criminal justice agency to expunge the criminal history record
1546 of a person who complies with this section. The court may not
1547 order a criminal justice agency to expunge a criminal history
1548 record under this section until the person seeking to expunge a
1549 criminal history record has applied for and received a
1550 certificate of eligibility under subsection (3).

1551 (c) Expunction granted under this section does not prevent
1552 the person who receives such relief from petitioning for the
1553 expunction or sealing of a later criminal history record as
1554 provided for in ss. 943.0583, 943.0585, and 943.059, if the
1555 person is otherwise eligible under those sections.

1556 (7) PROCESSING OF A PETITION OR AN ORDER.—

1557 (a) In judicial proceedings under this section, a copy of
1558 the completed petition to expunge must be served upon the
1559 appropriate state attorney or the statewide prosecutor and upon
1560 the arresting agency; however, it is not necessary to make any
1561 agency other than the state a party. The appropriate state
1562 attorney or the statewide prosecutor and the arresting agency
1563 may respond to the court regarding the completed petition to
1564 expunge.

1565 (b) If relief is granted by the court, the clerk of the
1566 court shall certify copies of the order to the appropriate state

34-00118C-22

20221696__

1567 attorney or the statewide prosecutor and the arresting agency.
1568 The arresting agency shall forward the order to any other agency
1569 to which the arresting agency disseminated the criminal history
1570 record information to which the order pertains. The department
1571 shall forward the order to expunge to the Federal Bureau of
1572 Investigation. The clerk of the court shall certify a copy of
1573 the order to any other agency that the records of the court
1574 reflect has received the criminal history record from the court.

1575 (c) The department or any other criminal justice agency is
1576 not required to act on an order to expunge entered by a court if
1577 such order does not meet the requirements of this section. Upon
1578 receipt of such an order, the department shall notify the
1579 issuing court, the appropriate state attorney or statewide
1580 prosecutor, the petitioner or the petitioner's attorney, and the
1581 arresting agency of the reason for noncompliance. The
1582 appropriate state attorney or statewide prosecutor shall take
1583 action within 60 days to correct the record and petition the
1584 court to void the order. No cause of action, including contempt
1585 of court, may arise against any criminal justice agency for
1586 failure to comply with an order to expunge if the petitioner for
1587 such order failed to obtain the certificate of eligibility as
1588 required by this section or such order does not otherwise meet
1589 the requirements of this section.

1590 (8) EFFECT OF CANNABIS EXPUNCTION ORDER.—

1591 (a) The person who is the subject of a criminal history
1592 record expunged under this section may lawfully deny or fail to
1593 acknowledge the arrests and convictions covered by the expunged
1594 record, except if the person who is the subject of the record:

- 1595 1. Is a candidate for employment with a criminal justice

34-00118C-22

20221696__

1596 agency;

1597 2. Is a defendant in a criminal prosecution;

1598 3. Concurrently or subsequently petitions for relief under
1599 this section, s. 943.0583, s. 943.0585, or s. 943.059;

1600 4. Is a candidate for admission to The Florida Bar;

1601 5. Is seeking to be employed or licensed by or to contract
1602 with the Department of Children and Families, the Division of
1603 Vocational Rehabilitation within the Department of Education,
1604 the Agency for Health Care Administration, the Agency for
1605 Persons with Disabilities, the Department of Health, the
1606 Department of Elderly Affairs, or the Department of Juvenile
1607 Justice or to be employed or used by such contractor or licensee
1608 in a sensitive position having direct contact with children,
1609 persons with disabilities, or the elderly;

1610 6. Is seeking to be employed or licensed by the Department
1611 of Education, any district school board, any university
1612 laboratory school, any charter school, any private or parochial
1613 school, or any local governmental entity that licenses child
1614 care facilities;

1615 7. Is seeking to be licensed by the Division of Insurance
1616 Agent and Agency Services within the Department of Financial
1617 Services; or

1618 8. Is seeking to be appointed as a guardian pursuant to s.
1619 744.3125.

1620 (b) A person granted an expunction under this section and
1621 authorized under paragraph (a) to lawfully deny or fail to
1622 acknowledge the arrests and convictions covered by an expunged
1623 record may not be held under any law of this state to have
1624 committed perjury or to be otherwise liable for giving a false

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1625 statement by reason of his or her failure to recite or
1626 acknowledge an expunged criminal history record.

1627 (9) FEES PROHIBITED.—A court may not require a person to
1628 pay any fee or cost related to a petition to expunge a criminal
1629 history record pursuant to this section.

1630 (10) DENIAL OF EMPLOYMENT PROHIBITED.—A person may not be
1631 denied employment on the basis of a conviction in his or her
1632 criminal history record which is eligible for expunction under
1633 this section.

1634 Section 11. This act shall take effect July 1, 2022, but
1635 only if SB ____, SB ____, and SB ____ or similar legislation are
1636 adopted in the same legislative session or an extension thereof
1637 and become laws.