

By Senator Powell

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1 A bill to be entitled
2 An act relating to legalization of recreational
3 marijuana; providing a short title; amending s.
4 20.165, F.S.; renaming the Division of Alcoholic
5 Beverages and Tobacco within the Department of
6 Business and Professional Regulation as the Division
7 of Alcoholic Beverages, Marijuana, and Tobacco;
8 amending s. 561.025, F.S.; renaming the Alcoholic
9 Beverage and Tobacco Trust Fund as the Alcoholic
10 Beverage, Marijuana, and Tobacco Trust Fund; requiring
11 funds collected pursuant to ch. 566, F.S., to be
12 deposited into the trust fund; creating ch. 566, F.S.,
13 entitled "Recreational Marijuana"; defining terms;
14 providing construction; authorizing persons 21 years
15 of age and older to engage in specified activities
16 relating to the personal use of marijuana; limiting
17 the number of seedlings and the amount of marijuana
18 allowable for personal use; limiting the number of
19 plants that may be cultivated and specifying locations
20 where cultivation may occur; requiring that a person
21 who elects to cultivate marijuana take certain
22 reasonable precautions regarding securing plants;
23 restricting where marijuana may be smoked or ingested;
24 providing civil penalties; prohibiting the use of
25 false or fraudulent evidence of age by persons younger
26 than 21 years of age for specified purposes relating
27 to the procurement of or gaining access to marijuana;
28 providing civil penalties; providing for the waiver by
29 the court of civil penalties; providing construction;

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30 authorizing personal use cultivation for qualified
31 patients under s. 381.986, F.S.; imposing limitations
32 and requirements on the cultivation of marijuana for
33 personal use; imposing possession limits on specified
34 forms of cannabis for residents and nonresidents of
35 this state; specifying duties of the division under
36 ch. 566, F.S.; requiring the division to create a
37 cannabis equity program by a specified date; providing
38 requirements for the program; specifying application
39 requirements for assistance grants; requiring the
40 division to grant funds in a specified manner;
41 providing requirements for grant recipients; providing
42 additional duties of the division; requiring the
43 division to develop and implement a program to defer
44 or waive certain fees for need-based applicants and
45 licensees, by a specified date; providing requirements
46 for the program; requiring that the division and the
47 Department of Economic Opportunity create a low-
48 interest loan program; specifying requirements for
49 cannabis equity program applicants and licensees that
50 operate microbusinesses; requiring the division to
51 create a program to assist such applicants or
52 licensees in transitioning to licensure as cultivation
53 centers; providing for issuance of early approval
54 adult use dispensing organization licenses; providing
55 the application process; specifying selection
56 criteria; requiring the department to issue the
57 licenses within a specified timeframe, with
58 exceptions; authorizing medical marijuana treatment

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59 centers that obtain such licenses to engage in
60 specified activities on or after a specified date;
61 requiring such licensees to maintain an adequate
62 supply of cannabis and cannabis-infused products for
63 qualified patients; defining the term "adequate
64 supply"; requiring such licensees to prioritize
65 qualified patients in the event of any shortages;
66 authorizing such licensees to allow purchasers into
67 limited access areas; providing for the expiration and
68 renewal of early approval adult use dispensing
69 organization licenses; requiring certain fees to be
70 deposited into the Alcoholic Beverage, Marijuana, and
71 Tobacco Trust Fund; providing for conditional adult
72 use dispensing organization licenses; providing the
73 application process; specifying selection criteria;
74 providing for the issuance of such licenses after a
75 specified date; providing for adult use dispensing
76 organization licenses; providing the application
77 process; specifying selection criteria; providing for
78 identification cards for dispensing organization
79 agents; requiring owners, managers, employees, and
80 agents of adult use dispensing organizations to
81 complete certain training by a specified date;
82 providing requirements for the training program;
83 providing for the renewal of adult use dispensing
84 organization licenses; requiring disclosure of
85 ownership and control of dispensing organizations;
86 requiring evidence of financial responsibility for the
87 issuance, maintenance, or reactivation of a license;

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88 providing requirements for such evidence; providing
89 for changes to dispensing organizations; providing for
90 administration of dispensing organizations; providing
91 operational requirements; providing requirements for
92 inventory control systems; providing cannabis storage
93 requirements for dispensing organizations; providing
94 requirements for dispensing cannabis; providing
95 requirements for destruction and disposal of cannabis;
96 requiring designation of an agent-in-charge; providing
97 requirements for such agents; requiring dispensaries
98 to have specified security measures; specifying
99 requirements for such security measures; requiring
100 dispensaries to keep and maintain certain records;
101 specifying recordkeeping requirements; providing for
102 the closure of dispensaries; providing the department
103 with inspection and investigative authority; providing
104 for nondisciplinary citations for minor violations;
105 specifying grounds for disciplinary actions;
106 authorizing temporary suspension of licenses;
107 authorizing consent orders to resolve certain
108 disciplinary complaints; providing for hearings on
109 disciplinary complaints; authorizing the department to
110 issue subpoenas and administer oaths; providing for
111 issuance of adult use cultivation center licenses;
112 providing license requirements; providing for early
113 approval of adult use cultivation center licenses;
114 providing for conditional adult use cultivation center
115 license applications; providing requirements for such
116 centers; providing for scoring of applications;

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117 providing for denial of applications under certain
118 circumstances; providing cultivation center
119 requirements and prohibitions; providing for
120 cultivation center agent identification cards;
121 requiring cultivation center agent background checks;
122 providing for renewal of cultivation center licenses
123 and agent identification cards; providing for
124 licensure of craft growers; providing license
125 requirements; providing for applications and scoring;
126 prohibiting issuance of craft grower licenses to
127 specified persons under certain circumstances;
128 providing for denial of applications under certain
129 circumstances; providing requirements and prohibitions
130 for craft growers; providing for craft grower
131 identification cards; requiring background checks;
132 providing for renewal of licenses and identification
133 cards; providing for licensing of infuser
134 organizations; providing license requirements;
135 providing for applications and scoring; providing for
136 denial of applications under certain circumstances;
137 providing infuser organization requirements and
138 prohibitions; providing for infuser organization
139 identification cards; providing requirements for the
140 adequate supply of cannabis-infused products;
141 requiring background checks; providing for renewal of
142 licenses and identification cards; providing for
143 licensing of transporting organizations; providing
144 license requirements; providing for applications and
145 scoring; providing for denial of applications under

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146 certain circumstances; providing transporting
147 organization requirements and prohibitions; providing
148 for identification cards; requiring background checks;
149 providing for renewal of licenses and identification
150 cards; providing for cannabis testing facilities;
151 requiring approval of testing facilities; providing
152 requirements for such facilities; requiring certain
153 tests to be performed before the manufacturing or
154 natural processing of any cannabis or cannabis-infused
155 product or packaging cannabis for sale to a
156 dispensary; requiring the department to establish
157 certain standards; authorizing the department to adopt
158 rules; authorizing certain enforcement actions by the
159 department; authorizing the Attorney General to
160 enforce certain provisions under the Florida Deceptive
161 and Unfair Trade Practices Act; providing immunity
162 from prosecution or discipline under certain
163 provisions for licensees for engaging in licensed
164 conduct; providing construction; providing standards
165 and requirements for advertising and promotions;
166 providing standards and requirements for packaging and
167 labeling; requiring certain warning labels; providing
168 for certain local zoning ordinances for regulated
169 businesses; providing for nonconflicting local
170 ordinances and rules; authorizing certain local
171 regulation of on-premises cannabis consumption;
172 defining terms; authorizing the establishment of
173 restricted cannabis zones; providing a process for
174 local governments to create such zones; providing

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175 requirements for such zones; requiring the Attorney
176 General to advocate to quash certain federal
177 subpoenas; authorizing certain scientific and medical
178 researchers to purchase, possess, securely store,
179 administer, and distribute marijuana under certain
180 circumstances and for specified purposes; providing
181 construction; authorizing the department to adopt
182 rules; providing that engaging in certain conduct may
183 not be the basis for certain findings related to good
184 moral character; providing criminal penalties;
185 providing for search, seizure, and forfeiture of
186 cannabis under certain circumstances; providing for
187 enforcement of certain tax provisions; requiring the
188 department to submit a report to the Governor and the
189 Legislature by a specified date; providing
190 requirements for the report; requiring the department
191 to post the report on its website; amending s. 500.03,
192 F.S.; providing that marijuana establishments that
193 sell food containing marijuana are considered food
194 establishments for the purposes of specified
195 regulations; creating s. 500.105, F.S.; specifying
196 that food products containing marijuana which are
197 prepared in permitted food establishments and sold by
198 licensed retail marijuana stores are not considered
199 adulterated; amending s. 562.13, F.S.; prohibiting
200 licensed marijuana establishments from employing
201 person younger than 18 years of age; amending s.
202 569.0073, F.S.; exempting licensed marijuana
203 establishments from specified provisions regulating

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204 the sale of pipes and smoking devices; amending s.
205 893.03, F.S.; removing cannabis from the schedule of
206 controlled substances; amending ss. 893.13 and
207 893.135, F.S.; providing that conduct authorized under
208 ch. 566, F.S., is not prohibited by specified
209 controlled substance prohibitions; removing
210 restrictions on possession and sale of cannabis;
211 creating s. 893.13501, F.S.; providing for retroactive
212 effect of amendments to ss. 893.03, 893.13, and
213 893.135, F.S., by this act; providing for sentence
214 review for certain offenders; requiring notice to
215 certain offenders; providing procedures for
216 resentencing or release of offenders; providing
217 exceptions; creating s. 943.0586, F.S.; defining
218 terms; authorizing an individual convicted of certain
219 offenses to have his or her criminal history record
220 sealed or to petition the court for expunction of his
221 or her criminal history record, under certain
222 circumstances; requiring the individual to first
223 obtain a certificate of eligibility from the
224 Department of Law Enforcement; requiring the
225 department to adopt rules establishing the procedures
226 for applying for and issuing such certificates;
227 requiring the department to issue a certificate under
228 certain circumstances; providing for the expiration of
229 and reapplication for the certificate; providing for
230 sealing of certain records upon the department's
231 determination of eligibility; providing requirements
232 for a petition for expunction; providing criminal

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233 penalties; providing for the court's authority over
234 its own procedures, with an exception; requiring the
235 court to order the expunction of a criminal history
236 record under certain circumstances; providing that
237 expunction of certain criminal history records does
238 not affect eligibility for expunction of other
239 criminal history records; providing procedures for
240 processing expunction petitions and orders; providing
241 that a person granted an expunction may lawfully deny
242 or fail to acknowledge the underlying arrest or
243 conviction, with exceptions; providing that a person
244 may not be deemed to have committed perjury or
245 otherwise held liable for giving a false statement if
246 he or she fails to recite or acknowledge an expunged
247 criminal history record; amending s. 943.0595, F.S.;
248 conforming provisions to changes made by the act;
249 defining terms; requiring the department to establish
250 and administer the Florida College System Cannabis
251 Vocational Pilot Program in coordination with the
252 Board of Education; authorizing the department to
253 issue a specified number of program licenses by a
254 specified date; authorizing Florida College System
255 institutions awarded program licenses to offer a
256 Career in Cannabis Certificate; providing requirements
257 for the certificate; authorizing the department to
258 adopt rules; providing an age requirement for students
259 who participate in the pilot program; providing for
260 the issuance of program licenses; providing
261 requirements and prohibitions for program licensees;

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262 providing for faculty identification cards; providing
263 enforcement authority to the department; providing for
264 inspections; providing requirements for faculty
265 identification cards; requiring the board to submit a
266 report to the Governor and the Legislature by a
267 specified date; providing requirements for the report;
268 providing for the repeal of the pilot program;
269 amending ss. 210.01, 210.10, 210.13, 210.151, 210.16,
270 210.1605, 210.20, 210.25, 210.405, 210.51, 213.053,
271 282.709, 322.212, 386.207, 402.62, 403.708, 455.116,
272 456.0635, 561.01, 561.02, 561.121, 561.14, 561.20,
273 561.221, 561.32, 561.545, 561.68, 561.695, 561.703,
274 562.025, 562.111, 562.45, 569.002, 569.003, 569.12,
275 569.31, 616.265, 633.142, 772.12, 812.171, 812.173,
276 812.174, 812.175, 812.176, 832.06, 877.18, 893.055,
277 893.0551, 893.15, 893.21, 921.0022, 932.7055, 948.20,
278 1002.395, and 1003.485, F.S.; conforming cross-
279 references and provisions to changes made by the act;
280 providing an effective date.

281

282 WHEREAS, the prohibition against the sale and use of
283 recreational cannabis has had a devastating impact on
284 communities across this state and nation, and

285 WHEREAS, persons convicted of a cannabis offense and their
286 families suffer the long-term consequences of a criminal
287 conviction, and

288 WHEREAS, some individuals have a more difficult time
289 entering the cannabis industry, in part, due to a lack of access
290 to capital, business space, technical support, and assistance

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291 with regulatory compliance, and

292 WHEREAS, offering technical support, regulatory compliance
293 assistance, and assistance with securing the capital necessary
294 to begin a business will further reduce barriers to licensure
295 and employment in the regulated industry, and

296 WHEREAS, offering such support will also aid the state in
297 attaining its goal of reducing the size of or eliminating the
298 illicit cannabis market by bringing more people into the legal
299 marketplace, and

300 WHEREAS, it is the intent of the Legislature in enacting
301 this act to ensure that persons most harmed by cannabis
302 criminalization and poverty are offered assistance to enter the
303 multi-billion dollar cannabis industry as entrepreneurs or as
304 employees with high quality, well-paying jobs, and

305 WHEREAS, it is the intent of the Legislature that the legal
306 cannabis industry be representative of the state's population,
307 and that barriers to entering the industry be reduced through
308 implementation of cannabis equity programs, NOW, THEREFORE,

309

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

311

312 Section 1. This act may be cited as the "Florida Adult Use
313 and Equity Act."

314 Section 2. Paragraph (b) of subsection (2) and paragraph
315 (a) of subsection (9) of section 20.165, Florida Statutes, are
316 amended to read:

317 20.165 Department of Business and Professional Regulation.—
318 There is created a Department of Business and Professional
319 Regulation.

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

322 (b) Division of Alcoholic Beverages, Marijuana, and
323 Tobacco.

324 (9) (a) All employees authorized by the Division of
325 Alcoholic Beverages, Marijuana, and Tobacco shall have access
326 to, and shall have the right to inspect, premises licensed by
327 the division, to collect taxes and remit them to the officers
328 entitled to them, and to examine the books and records of all
329 licensees. The authorized employees shall require of each
330 licensee strict compliance with the laws of this state relating
331 to the transaction of such business.

332 Section 3. Section 561.025, Florida Statutes, is amended to
333 read:

334 561.025 Alcoholic Beverage, Marijuana, and Tobacco Trust
335 Fund.—There is created within the State Treasury the Alcoholic
336 Beverage, Marijuana, and Tobacco Trust Fund. All funds collected
337 by the division under ss. 210.15, 210.40, or under s. 569.003
338 and the Beverage Law with the exception of state funds collected
339 pursuant to ss. 563.05, 564.06, and 565.12 must ~~shall~~ be
340 deposited in the State Treasury to the credit of the trust fund,
341 notwithstanding any other provision of law to the contrary. In
342 addition, funds collected by the division under chapter 566 must
343 be deposited into the trust fund. Moneys deposited to the credit
344 of the trust fund must ~~shall~~ be used to operate the division and
345 to provide a proportionate share of the operation of the office
346 of the secretary and the Division of Administration of the
347 Department of Business and Professional Regulation; except that:
348 (1) The revenue transfer provisions of ss. 561.32 and

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349 561.342(1) and (2) shall continue in full force and effect, and
350 the division shall cause such revenue to be returned to the
351 municipality or county in the manner provided for in s. 561.32
352 or s. 561.342(1) and (2).~~;~~ ~~and~~

353 (2) Ten percent of the revenues derived from retail tobacco
354 products dealer permit fees collected under s. 569.003 must
355 ~~shall~~ be transferred to the Department of Education to provide
356 for teacher training and for research and evaluation to reduce
357 and prevent the use of tobacco products by children.

358 Section 4. Chapter 566, Florida Statutes, consisting of
359 sections 566.011-566.806, is created to read:

360 CHAPTER 566

361 RECREATIONAL MARIJUANA

362 566.011 Definitions.—As used in this chapter, the term:

363 (1) "Adult use cultivation center license" means a license
364 issued by the department which authorizes a person to act as a
365 cultivation center under this chapter and any rule adopted
366 pursuant thereto.

367 (2) "Adult use dispensing organization license" means a
368 license issued by the department which authorizes a person to
369 act as a medical marijuana treatment center under this chapter
370 and any rule adopted pursuant thereto.

371 (3) "Advertise" means to engage in promotional activities,
372 including, but not limited to, newspaper, radio, Internet and
373 electronic media, and television advertising; the distribution
374 of fliers and circulars; and the display of window and interior
375 signs.

376 (4) "BLS region" means a region in this state used by the
377 United States Bureau of Labor Statistics to gather and

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378 categorize employment and wage data.

379 (5) "Cannabis" means any of the following:

380 (a) Marijuana, hashish, and other substances that are
381 identified as including any parts of the plant *Cannabis sativa*,
382 including derivatives or subspecies, such as indica, of all
383 strains of cannabis, whether growing or not, and the seeds
384 thereof.

385 (b) Resin extracted from any part of the plant.

386 (c) Any compound, manufacture, salt, derivative, mixture,
387 or preparation of the plant, its seeds, or its resin, including
388 tetrahydrocannabinol (THC) and all other naturally produced
389 cannabinol derivatives, whether produced directly or indirectly
390 by extraction.

391 (d) Cannabis concentrate and cannabis-infused products.

392

393 The term does not include industrial hemp as defined and
394 authorized under the Industrial Hemp Act or the mature stalks of
395 the plant, fiber produced from the stalks, oil or cake made from
396 the seeds of the plant, or any other compound, manufacture,
397 salt, derivative, mixture, or preparation of the mature stalks,
398 except the resin extracted from it, fiber, oil or cake, or the
399 sterilized seed of the plant that is incapable of germination.

400 (6) "Cannabis business establishment" means a cultivation
401 center, craft grower, processing organization, dispensing
402 organization, or transporting organization.

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

406 (8) "Cannabis container" means a sealed, traceable

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407 container or package used for the purpose of containment of
408 cannabis or cannabis-infused product during transportation.

409 (9) "Cannabis equity program" means a program adopted or
410 operated by the state which focuses on the inclusion in this
411 state's cannabis industry of individuals who are linked to
412 populations or neighborhoods that were negatively or
413 disproportionately impacted by cannabis criminalization and
414 providing support to such individuals. Cannabis equity programs
415 may provide, but are not limited to providing, the following
416 types of services:

417 (a) Small business support services offering technical
418 assistance to persons from economically disadvantaged
419 communities that experience high rates of poverty or communities
420 most harmed by cannabis prohibition, determined by historically
421 high rates of arrests or convictions for cannabis law
422 violations.

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

425 (c) Assistance in paying state regulatory and licensing
426 fees.

427 (d) Assistance securing business locations before or during
428 the application process.

429 (e) Assistance securing capital investments.

430 (f) Assistance with regulatory compliance.

431 (g) Assistance in recruitment, training, and retention of a
432 qualified and diverse workforce, including transitional workers.

433 (10) "Cannabis flower" means marijuana, hashish, and other
434 substances that are identified as including any parts of and any
435 derivatives or subspecies from the plant *Cannabis sativa*, such

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436 as indica, of all strains of cannabis, including raw kief,
437 leaves, and buds, but not resin that has been extracted from any
438 part of such plant. The term includes any compound, manufacture,
439 salt, derivative, mixture, or preparation of such plant, its
440 seeds, or its resin.

441 (11) "Cannabis-infused product" means a beverage, food,
442 oil, ointment, tincture, topical formulation, or any other
443 product containing cannabis that is not intended to be smoked.

444 (12) "Cannabis plant monitoring system" or "plant
445 monitoring system" means a system that includes, but is not
446 limited to, testing and data collection established and
447 maintained by the cultivation center, craft grower, or
448 processing organization and that is available to the department,
449 the Department of Revenue, and the Department of Law Enforcement
450 for the purposes of documenting each cannabis plant and
451 monitoring plant development throughout the life cycle of a
452 cannabis plant cultivated for the intended use by a customer
453 from seed planting to final packaging.

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

456 (14) "Clone" means a plant section from a female cannabis
457 plant not yet rootbound, growing in a water solution or other
458 propagation matrix, which is capable of developing into a new
459 plant.

460 (15) "Conditional adult use cultivation center license"
461 means a license awarded to top-scoring applicants for an adult
462 use cultivation center license which reserves the right to an
463 adult use cultivation center license if the applicant meets
464 certain conditions as determined by the department by rule;

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465 however, such conditional license does not entitle the recipient
466 to begin growing, processing, or selling cannabis or cannabis-
467 infused products.

468 (16) "Conditional adult use dispensing organization
469 license" means a license awarded to top-scoring applicants for
470 an adult use dispensing organization license which reserves the
471 right to an adult use dispensing organization license if the
472 applicant meets certain conditions described in this chapter;
473 however, such conditional license does not entitle the licensee
474 to begin purchasing or selling cannabis or cannabis-infused
475 products.

476 (17) "Consumer" means a person 21 years of age or older who
477 purchases marijuana or marijuana products for personal use or
478 for use by persons 21 years of age or older, but not for resale
479 to other persons.

480 (18) "Craft grower" means a facility operated by an
481 organization or business that is licensed by the department to
482 cultivate, dry, cure, and package cannabis and perform other
483 necessary activities to make cannabis available for sale at a
484 dispensing organization or for processing at a processing
485 organization. A craft grower may contain up to 5,000 square feet
486 of canopy space on its premises for plants in the flowering
487 state. The department may authorize by rule an increase or
488 decrease in flowering stage cultivation space in increments of
489 3,000 square feet based on market need, craft grower capacity,
490 and the licensee's history of compliance or noncompliance, with
491 a maximum space of 14,000 square feet for cultivating plants in
492 the flowering stage, which must be cultivated in all stages of
493 growth in an enclosed and secure area. A craft grower may share

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494 premises with a processing organization or a dispensing
495 organization, or both, provided that each licensee stores
496 currency and cannabis or cannabis-infused products in a separate
497 secured vault to which the other licensee does not have access;
498 however, all licensees who have common ownership of more than 50
499 percent may share a vault.

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

503 (20) "Cultivation center" means a facility operated by an
504 organization or business that is licensed by the department to
505 cultivate, process, transport, and perform other necessary
506 activities to provide cannabis and cannabis-infused products to
507 cannabis business establishments, subject to any limitations
508 imposed by this chapter.

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

512 (22) "Department" means the Department of Business and
513 Professional Regulation.

514 (23) "Dispensary" means a facility operated by a dispensing
515 organization at which activities conducted under a license
516 issued under this chapter may occur.

517 (24) "Dispensing organization" means a facility operated by
518 an organization or business that is licensed by the department
519 to acquire cannabis from a cultivation center, a craft grower, a
520 processing organization, or another dispensary for the purpose
521 of selling or dispensing, under this chapter, cannabis,
522 cannabis-infused products, cannabis seeds, paraphernalia, or

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523 related supplies to purchasers or to qualified patients and
524 caregivers. The term includes a medical marijuana treatment
525 center licensed under s. 381.986.

526 (25) "Disproportionately impacted area" means a census
527 tract or comparable geographic area that, as determined by the
528 Department of Economic Opportunity, satisfies the following
529 criteria:

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

532 (b) Seventy-five percent or more of the children in the
533 area participate in the federal National School Lunch Program
534 according to reported statistics from the Department of
535 Education.

536 (c) At least 20 percent of the households in the area
537 receive assistance under the Supplemental Nutrition Assistance
538 Program.

539 (d) The area has an average unemployment rate, as
540 determined by the Department of Economic Opportunity, that is
541 more than 120 percent of the national unemployment average, as
542 determined by the United States Department of Labor, for a
543 period of at least 2 consecutive calendar years preceding the
544 date of the application.

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

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

550 (27) "Early approval adult use cultivation center license"
551 means a license that authorizes a medical marijuana treatment

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552 center licensed under s. 381.986 as of July 1, 2022, unless
553 otherwise provided in this chapter, to begin cultivating,
554 infusing, packaging, transporting, and selling cannabis to
555 cannabis business establishments for resale to purchasers as
556 authorized by this chapter as of January 1, 2023.

557 (28) "Early approval adult use dispensing organization at a
558 secondary site" means a license that authorizes a medical
559 marijuana treatment center licensed under s. 381.986 as of July
560 1, 2022, to begin selling cannabis to purchasers at a different
561 dispensary location from its existing registered medical
562 dispensary location as authorized by this chapter beginning on
563 January 1, 2023.

564 (29) "Early approval adult use dispensing organization
565 license" means a license that authorizes a medical marijuana
566 treatment center licensed under s. 381.986 as of July 1, 2022,
567 to begin selling cannabis to purchasers as authorized by this
568 chapter beginning on January 1, 2023.

569 (30) "Enclosed, locked facility" means a room, greenhouse,
570 building, or other enclosed area equipped with locks or other
571 security devices that allow access only by cannabis business
572 establishment agents who are employed by the licensed cannabis
573 business establishment or acting pursuant to this chapter to
574 cultivate, process, store, or distribute cannabis.

575 (31) "Enclosed, locked space" means a closet, room,
576 greenhouse, building, or other enclosed area equipped with locks
577 or other security devices that allow for access only by
578 individuals as authorized under this chapter. Enclosed, locked
579 space may include:

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

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581 1. Is the primary residence of the individual cultivating
582 five or fewer cannabis plants that are more than 5 inches tall;
583 and

584 2. Includes sleeping quarters and indoor plumbing. The
585 space must be accessible only by a key or code that is different
586 from any key or code that can be used to access the residential
587 building from the exterior; or

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

590 1. Includes sleeping quarters and indoor plumbing; and

591 2. Is used as a primary residence by the person cultivating
592 five or fewer cannabis plants that are more than 5 inches tall.
593 The structure must remain locked when it is unoccupied by
594 people.

595 (32) "Financial institution" has the same meaning as in s.
596 655.005 and also includes the holding companies, subsidiaries,
597 and affiliates of such financial institutions.

598 (33) "Flowering stage" means the stage of cultivation when
599 a cannabis plant is cultivated to produce plant material for
600 cannabis products. This includes mature plants, as follows:

601 (a) If more than two stigmas are visible at each internode
602 of the plant; or

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

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

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

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610 operated by an organization or business that is licensed by the
611 department to directly incorporate cannabis or cannabis
612 concentrate into a product formulation to produce a cannabis-
613 infused product.

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

618 (37) "Labor peace agreement" means an agreement between a
619 cannabis business establishment and any labor organization
620 recognized under the National Labor Relations Act, referred to
621 in this chapter as a bona fide labor organization, which
622 prohibits labor organizations and their members from engaging in
623 picketing, work stoppages, boycotts, and any other economic
624 interference with the cannabis business establishment. The
625 agreement provides that the cannabis business establishment has
626 agreed to not disrupt efforts by the bona fide labor
627 organization to communicate with, and attempt to organize and
628 represent, the cannabis business establishment's employees. The
629 agreement must provide a bona fide labor organization access at
630 reasonable times to areas in which the cannabis business
631 establishment's employees work, for the purpose of meeting with
632 employees to discuss their right to representation, employment
633 rights under state law, and terms and conditions of employment.
634 The agreement may not mandate a particular method of election or
635 certification of the bona fide labor organization.

636 (38) "Licensee" means any individual, partnership,
637 corporation, firm, association, or other legal entity holding a
638 marijuana establishment license within the state.

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639 (39) "Limited access area" means a building, room, or other
640 area under the control of a cannabis dispensing organization
641 licensed under this chapter and upon the licensed premises with
642 access limited to purchasers, dispensing organization owners and
643 other dispensing organization agents, or service professionals
644 conducting business with the dispensing organization.

645 (40) "Marijuana accessories" means equipment, products, or
646 materials of any kind that are used, intended for use, or
647 designed for use in planting, propagating, cultivating, growing,
648 harvesting, composting, manufacturing, compounding, converting,
649 producing, processing, preparing, testing, analyzing, packaging,
650 repackaging, storing, vaporizing, or containing marijuana or for
651 ingesting, inhaling, or otherwise introducing marijuana into the
652 human body.

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

655 (42) "Member of an impacted family" means an individual who
656 has a parent, legal guardian, child, spouse, or dependent, or
657 was a dependent of an individual who, before July 1, 2022, was
658 arrested for, convicted of, or adjudicated delinquent for any
659 offense that is eligible for expungement under this chapter.

660 (43) "Minor" means a person younger than 21 years of age.

661 (44) "Mother plant" means a cannabis plant that is
662 cultivated or maintained for the purpose of generating clones
663 and that will not be used to produce plant material for sale to
664 an infuser or dispensing organization.

665 (45) "Ordinary public view" means within the sight line of
666 normal visual range of a person, unassisted by visual aids, from
667 a public street or sidewalk adjacent to real property or from

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668 within an adjacent property.

669 (46) "Ownership and control" means ownership of at least 51
670 percent of the business, including corporate stock if a
671 corporation, and control over the management and day-to-day
672 operations of the business and an interest in the capital,
673 assets, and profits and losses of the business proportionate to
674 percentage of ownership.

675 (47) "Possession limit" means the amount of cannabis that
676 may be possessed at any one time by a person 21 years of age or
677 older or who is a registered qualified patient or caregiver
678 under s. 381.986, as specified under s. 566.013.

679 (48) "Primary residence" means a dwelling where a person
680 usually stays or stays more often than other locations. It may
681 be determined by, without limitation, presence, tax filings, or
682 the address on a driver license, a state issued identification
683 card, or voter registration. A person may not have more than one
684 primary residence.

685 (49) "Principal officer" includes a cannabis business
686 establishment applicant or a licensed cannabis business
687 establishment's board member, owner with more than 1 percent
688 interest of the total cannabis business establishment or more
689 than 5 percent interest of the total cannabis business
690 establishment of a publicly traded company, president, vice
691 president, secretary, treasurer, partner, officer, member, or
692 manager member, or a person with a profit-sharing arrangement,
693 financial interest, or revenue-sharing arrangement with the
694 business. The term includes a person with authority to control
695 the cannabis business establishment, a person who assumes
696 responsibility for the debts of the cannabis business

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697 establishment, and other persons as specified in this chapter.

698 (50) "Processing organization" or "processor" means a
699 facility operated by an organization or business that is
700 licensed by the department to either extract constituent
701 chemicals or compounds to produce cannabis concentrate or to
702 incorporate cannabis or cannabis concentrate into a product
703 formulation to produce a cannabis product.

704 (51) "Processing organization agent" means a principal
705 officer, board member, employee, or agent of a processing
706 organization.

707 (52) "Processing organization agent identification card"
708 means a document issued by the department which identifies a
709 person as a processing organization agent.

710 (53) "Purchaser" means a person who acquires cannabis for
711 any valuable consideration. The term does not include a
712 qualified patient or caregiver under s. 381.986.

713 (54) "Residence" or "resided" means an individual's primary
714 residence area as established by any of the following:

715 (a) A signed lease agreement that includes the individual's
716 name.

717 (b) A property deed that includes the individual's name.

718 (c) School records.

719 (d) A voter registration card.

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

722 (f) A paycheck stub.

723 (g) A utility bill.

724 (h) Any other proof of residency or other information
725 necessary to establish residence as provided by department rule.

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726 (55) "Seedling" means a marijuana plant that does not have
727 flowers, is less than 12 inches in height, and is less than 12
728 inches in diameter.

729 (56) "Smoking" means the inhalation of smoke caused by the
730 combustion of cannabis.

731 (57) "Social equity applicant" means an applicant who is a
732 resident of this state and meets at least one of the following
733 criteria:

734 (a) Is an applicant with at least 51 percent ownership and
735 control in the business by one or more individuals who have
736 resided for at least 5 of the preceding 10 years in a
737 disproportionately impacted area.

738 (b) Is an applicant with at least 51 percent ownership and
739 control in the business by one or more individuals who:

740 1. Have been arrested for, convicted of, or adjudicated
741 delinquent for any offense that is eligible for expungement
742 under this chapter; or

743 2. Are members of an impacted family.

744 (c) For applicants with a minimum of 10 full-time
745 employees, has at least 51 percent of current employees who:

746 1. Currently reside in a disproportionately impacted area;

747 2. Have been arrested for, convicted of, or adjudicated
748 delinquent for any offense that is eligible for expungement
749 under this chapter; or

750 3. Are members of impacted families.

751
752 This chapter does not authorize an employer to require an
753 employee to disclose sealed or expunged offenses, unless
754 otherwise required by law.

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755 (58) "Tincture" means a cannabis-infused solution,
756 typically consisting of alcohol, glycerin, or vegetable oils,
757 derived either directly from the cannabis plant or from a
758 processed cannabis extract. The term includes a calibrated
759 dropper or other similar device capable of accurately measuring
760 servings. The term does not include an alcoholic beverage as
761 defined in s. 561.01.

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

767 (a) Homelessness.

768 (b) Is a custodial single parent.

769 (c) Is receiving public assistance.

770 (d) Lacks a GED or high school diploma.

771 (e) Has a criminal record or other involvement with the
772 criminal justice system.

773 (f) Suffers from chronic unemployment.

774 (g) Is emancipated from the foster care system.

775 (h) Is a veteran.

776 (i) Is 65 years of age or older and financially
777 compromised.

778 (60) "Transporting organization" or "transporter" means an
779 organization or business that is licensed by the department to
780 transport cannabis on behalf of a cannabis business
781 establishment or a Florida College System institution as defined
782 in s. 1000.21 licensed under the Florida College System Cannabis
783 Vocational Training Pilot Program created by this act.

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784 (61) "Transporting organization agent" means a principal
785 officer, board member, employee, or agent of a transporting
786 organization.

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

789 566.012 Exemption from criminal and noncriminal penalties,
790 seizure, or forfeiture.—Notwithstanding chapter 893 or any other
791 law, and except as provided in this chapter, the actions
792 authorized by this chapter are legal under the laws of this
793 state, do not constitute a civil or criminal offense under the
794 laws of this state or under the laws of any political
795 subdivision within this state, and do not serve as a basis for
796 seizure or forfeiture of assets under state law.

797 566.013 Personal use of marijuana.—

798 (1) A person who is 21 years of age or older may do any of
799 the following:

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

802 (b) Transfer or furnish, without remuneration, up to 2.5
803 ounces of marijuana and up to six seedlings to a person who is
804 21 years of age or older.

805 (c) Possess, grow, cultivate, process, or transport up to
806 six marijuana plants, including seedlings, and possess the
807 marijuana produced by the marijuana plants on the premises where
808 the plants were grown.

809 (d) Purchase up to 2.5 ounces of marijuana, up to six
810 seedlings, and marijuana accessories from a retail marijuana
811 store.

812 (2) Both of the following apply to the cultivation of

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813 marijuana for personal use by a person who is 21 years of age or
814 older:

815 (a) A person may cultivate up to six marijuana plants,
816 including seedlings, at that person's place of residence, on
817 property owned by that person, or on another person's property
818 with permission of the owner of that property.

819 (b) A person who elects to cultivate marijuana shall take
820 reasonable precautions to ensure the plants are secure from
821 unauthorized access or access by a person younger than 21 years
822 of age. Reasonable precautions include, but are not limited to,
823 cultivating marijuana in a fully enclosed, secure outdoor area,
824 a locked closet, or a locked room, all of which must be
825 inaccessible to persons younger than 21 years of age.

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

828 (a) This subsection does not allow a person to consume
829 marijuana in a manner that endangers others.

830 (b) The prohibitions and limitations on smoking tobacco
831 products in specified areas in part II of chapter 386 apply to
832 marijuana.

833 (c) A person who smokes marijuana in a public place other
834 than as the smoking of tobacco products is governed by part II
835 of chapter 386 commits a noncriminal violation subject to a
836 civil penalty of \$100.

837 566.0131 False identification.—

838 (1) A minor may not present or offer to a marijuana
839 establishment or the marijuana establishment's agent or employee
840 any written or oral evidence of age which is false, fraudulent,
841 or not actually the minor's own for either of the following

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842 purposes:

843 (a) Ordering, purchasing, attempting to purchase, or
844 otherwise procuring or attempting to procure marijuana.

845 (b) Gaining access to marijuana.

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

847 1. For a first offense, a noncriminal violation subject to
848 a civil penalty of at least \$200 but not more than \$400.

849 2. For a second offense, a noncriminal violation subject to
850 a civil penalty of at least \$300 but not more than \$600, which
851 may be waived by the court only as provided in paragraph (b).

852 3. For a third or subsequent offense, a noncriminal
853 violation subject to a civil penalty of \$600, which may be
854 waived by the court only as provided in paragraph (b).

855

856 When a minor is adjudged to have committed a first offense under
857 subsection (1), the judge shall inform the minor that the
858 noncriminal penalties for second and subsequent offenses are
859 mandatory and may be waived only as provided in paragraph (b).
860 Failure to inform the minor that subsequent noncriminal
861 penalties are mandatory is not a ground for the waiver of any
862 subsequent civil penalty.

863 (b) As an alternative to or in addition to the noncriminal
864 penalties specified in paragraph (a), a judge may assign the
865 minor to perform specified work for the benefit of the state,
866 the city, or another public entity or a charitable institution
867 for no more than 40 hours per offense.

868 566.014 Personal use cultivation.—

869 (1) Notwithstanding any other law, and except as otherwise
870 provided in this chapter, the following acts are not a violation

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871 of this chapter, are not criminal or civil offenses under state
872 law or the ordinances of any unit of local government of this
873 state, and do not serve as the basis for seizure or forfeiture
874 of assets under state law, except from persons younger than 21
875 years of age possessing cannabis in violation of this chapter:

876 (a) Possessing, consuming, using, purchasing, obtaining, or
877 transporting cannabis for personal use in an amount consistent
878 with the possession limits under s. 566.013 and as otherwise
879 provided in this chapter.

880 (b) Cultivating cannabis for personal use in accordance
881 with this chapter.

882 (c) Controlling property if actions that are authorized by
883 this chapter occur on the property in accordance with this
884 chapter.

885 (2) Notwithstanding any other law, and except as otherwise
886 provided in this chapter, possessing, consuming, using,
887 purchasing, obtaining, or transporting an amount of cannabis
888 purchased or produced in accordance with this chapter which does
889 not exceed the possession limit under s. 566.013(1) is not a
890 basis for seizure or forfeiture of assets under state law.

891 (3) Cultivating cannabis for personal use is subject to the
892 following limitations and requirements:

893 (a) A resident of this state who is 21 years of age or
894 older and is a qualified patient under s. 381.986 may cultivate
895 up to five cannabis plants that are more than 5 inches tall per
896 household without a cultivation center or craft grower license.

897 (b) Such cultivation must take place in an enclosed, locked
898 space.

899 (c) Adult qualified patients may purchase cannabis seeds

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900 from a dispensary exclusively for the purpose of home
901 cultivation. Such seeds may not be given or sold to any other
902 person.

903 (d) Cannabis plants that are cultivated for personal use
904 may not be stored or placed in a location where they are subject
905 to ordinary public view. A registered qualified patient who
906 cultivates cannabis under this section shall take reasonable
907 precautions to ensure the plants are secure from unauthorized
908 access, including unauthorized access by a person younger than
909 21 years of age.

910 (4) Cannabis cultivation for personal use may occur only on
911 residential property lawfully in possession of the cultivator or
912 with the consent of the person in lawful possession of the
913 property. An owner or lessor of residential property may
914 prohibit the cultivation of cannabis by a lessee.

915 (5) A dwelling; a residence; an apartment; a condominium
916 unit; an enclosed, locked space; or a piece of property not
917 divided into multiple dwelling units may not contain more than
918 five plants at any one time.

919 (6) Cannabis plants may be tended only by a registered
920 qualified patient who resides at the residence or his or her
921 authorized agent attending to the residence for brief periods,
922 such as when the qualified patient is temporarily away from the
923 residence.

924 (7) A qualified patient who cultivates more than the
925 allowable number of cannabis plants, or who sells or gives away
926 cannabis plants, cannabis, or cannabis-infused products produced
927 under this section, is liable for penalties as provided by law,
928 in addition to loss of home cultivation privileges as

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929 established by rule.

930 566.015 Possession limits.—

931 (1) (a) Except as otherwise authorized by this chapter, for
932 a person who is 21 years of age or older and a resident of this
933 state, the possession limit for personal use is as follows:

934 1. Thirty grams of cannabis flower.

935 2. Five hundred milligrams of tetrahydrocannabinol (THC)
936 contained in cannabis-infused product.

937 3. Five grams of cannabis concentrate.

938 (b) Registered qualified patients may possess any cannabis
939 produced by cannabis plants grown under s. 566.013(2), provided
940 that any amount of cannabis produced in excess of 30 grams of
941 raw cannabis or its equivalent must remain secured within the
942 residence or residential property in which it was grown.

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

945 1. Fifteen grams of cannabis flower.

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

947 3. Two hundred fifty milligrams of THC contained in a
948 cannabis-infused product.

949 (b) The possession limits specified in subparagraphs (a)1.
950 and 2. are to be considered cumulative.

951 (3) A person may not knowingly obtain, seek to obtain, or
952 possess an amount of cannabis from a dispensing organization or
953 craft grower which would cause him or her to exceed the
954 possession limit under this section, including cannabis that is
955 cultivated by a person under this chapter or obtained under s.
956 381.986.

957 566.201 Duties of the division.—The division shall do all

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958 of the following:

959 (1) Enforce the laws and rules relating to the
960 manufacturing, processing, labeling, storing, transporting,
961 testing, and selling of marijuana by marijuana establishments
962 and administer the laws relating to licensure and the collection
963 of taxes.

964 (2) Adopt rules consistent with this chapter for the
965 administration and enforcement of laws regulating and licensing
966 marijuana establishments.

967 (3) If determined necessary by the division, enter into a
968 memorandum of understanding with the Department of Law
969 Enforcement, a county sheriff, or another state or municipal law
970 enforcement agency to perform inspections of marijuana
971 establishments.

972 (4) Issue licenses for cannabis cultivation centers,
973 cannabis testing facilities, craft growers, infuser
974 organizations, processing organizations, transporting
975 organizations, and dispensing organizations.

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

978 (6) Ensure that licensees have access to this chapter and
979 other laws and rules governing marijuana in this state.

980 (7) Post on the department's publicly accessible website
981 this chapter and all rules adopted under this chapter, which
982 must be updated before the effective date on any changes to the
983 law or department rule. Within 90 days after adjournment of each
984 session of the Legislature, the division shall notify all
985 licensees of changes in the law and potential changes in rules
986 through a publicly accessible website posting.

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987 (8) Certify monthly to the Chief Financial Officer a
988 complete statement of revenues and expenses for licenses issued
989 and for revenues collected by the division and submit an annual
990 report that includes a complete statement of the division's
991 revenues and expenses to the Governor, the President of the
992 Senate, and the Speaker of the House of Representatives.

993 (9) Suspend or revoke the license of a licensee in
994 accordance with rules adopted by the division. The division must
995 allow a licensee whose license is suspended or revoked pursuant
996 to this subsection to:

997 (a) Continue to possess marijuana during the time its
998 license is suspended, but not dispense, transfer, or sell
999 marijuana. If the licensee is a cannabis cultivation facility,
1000 it may continue to cultivate marijuana plants during the time
1001 its license is suspended. However, marijuana may not be removed
1002 from the licensed premises except as authorized by the division
1003 and only for the purpose of destruction.

1004 (b) Possess marijuana for up to 7 days after revocation of
1005 its license, during which time the marijuana establishment shall
1006 dispose of its inventory of marijuana in accordance with
1007 division rules.

1008 (10) Beginning January 15, 2024, and each January 15
1009 thereafter, report to the committees having jurisdiction over
1010 marijuana regulation in each house of the Legislature. The
1011 report must include, but need not be limited to, rules adopted
1012 by the division and statistics regarding the number of
1013 applications received and licenses granted under this chapter
1014 and the licensing fees collected within the previous calendar
1015 year.

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1016 566.2015 Cannabis Equity Program.—

1017 (1) By October 1, 2022, the division shall create a
1018 cannabis equity program.

1019 (2) The department shall provide technical assistance to
1020 equity applicants or equity licensees under the program, which
1021 must include training and educational sessions regarding the
1022 state's cannabis licensing processes and related requirements.
1023 When determining whether to provide technical assistance, the
1024 department shall make individual determinations based on the
1025 reasonableness of the request and available resources.

1026 (3) An eligible applicant or licensee may also submit an
1027 application to the division for an assistance grant from the
1028 Florida Marijuana Equity Fund, in the form and manner prescribed
1029 by the division.

1030 (4) The division shall base its decision regarding approval
1031 of an application on the following factors:

1032 (a) The number of existing and potential cannabis equity
1033 applicants and cannabis equity licensees in this state.

1034 (b) Any additional criteria the division deems relevant and
1035 reasonable.

1036 (5) If applications for funding are greater than the amount
1037 collected for the grant program, the division shall prorate the
1038 funding as necessary.

1039 (6) An eligible applicant or licensee that receives a grant
1040 pursuant to this section shall use the funds to gain entry to,
1041 and to successfully operate in, this state's regulated cannabis
1042 industry. An eligible applicant or licensee that receives a
1043 grant pursuant to this section shall keep a record of grant
1044 funds that are expended and, on or before January 1 of the year

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1045 following receipt of the grant and annually thereafter, shall
1046 submit an annual report to the division which includes how the
1047 applicant or licensee used grant funds.

1048 (7) An eligible applicant or licensee that receives a grant
1049 pursuant to this section may not use more than 25 percent of the
1050 state grant for administration, including for the employment of
1051 staff or the hiring of consultants.

1052 (8) To facilitate greater equity in business ownership and
1053 employment in the cannabis industry, the division shall do both
1054 of the following:

1055 (a) Serve as a point of contact for cannabis equity program
1056 grant applicants.

1057 (b) On or before December 1, 2022, publish on its website
1058 approval guidelines for grant applicants.

1059 566.2016 Fee deferrals and waivers; loan program.-

1060 (1) On or before December 1, 2022, the division shall
1061 develop and implement a program to defer or waive application
1062 fees, licensing fees, renewal fees, or other required fees for
1063 needs-based applicants and licensees.

1064 (a) At least 60 percent of the total dollar amount of
1065 deferrals of fees under the program must be designated for the
1066 deferral of fees for cannabis equity applicants and licensees.

1067 (b) At least 60 percent of the total dollar amount of
1068 waivers of fees under the program must be designated for the
1069 waiver of fees for cannabis equity applicants and licensees.

1070 (2) On or before December 1, 2022, the division and the
1071 Department of Economic Opportunity shall create a low-interest
1072 loan program for cannabis equity applicants to be administered
1073 by the cannabis equity program. The division shall determine the

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1074 amount required to fund the loan program based on community
1075 need.

1076 566.2017 Equity applicant or licensee microbusinesses.—

1077 (1) Any cannabis equity applicant or licensee that operates
1078 a microbusiness:

1079 (a) May use educational programs provided by the division
1080 as experience points for its application.

1081 (b) Is exempt from cannabis-specific experience and may use
1082 experience from other regulated industries to satisfy experience
1083 requirements for its application.

1084 (c) Is not required to have Florida resident ownership of
1085 more than 7 percent.

1086 (d) May submit cap increase requests at any time for
1087 approval by the division and work with the Department of
1088 Economic Opportunity to determine the appropriate capital range
1089 for the microbusiness licenses based on conditions of the market
1090 in which the microbusiness operates.

1091 (e) May sell or transfer the license 3 years or later after
1092 the business starts operating.

1093 (2) The division shall create a program that assists
1094 microbusinesses and craft growers transition to licensure as
1095 cultivation centers.

1096 566.202 Early approval adult use dispensing organization
1097 license.—

1098 (1) Any medical marijuana dispensary holding a valid
1099 registration under s. 381.986 as of July 1, 2022, may, before
1100 September 1, 2022, apply to the department pursuant to this
1101 section for an early approval adult use dispensing organization
1102 license to serve purchasers at any medical marijuana dispensary

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1103 location in operation on July 1, 2022.

1104 (2) A medical marijuana dispensary seeking early approval
1105 licensure as a dispensing organization to serve purchasers at
1106 any medical marijuana dispensary location in operation as of
1107 July 1, 2022, shall submit an application on forms provided by
1108 the department. The application must be submitted by the same
1109 person or entity that holds the medical marijuana dispensary
1110 registration and include all of the following:

1111 (a) Payment of a nonrefundable fee as provided in s.
1112 566.801 to be deposited into the Alcoholic Beverage, Marijuana,
1113 and Tobacco Trust Fund.

1114 (b) Proof of registration as a medical marijuana dispensary
1115 that is in good standing.

1116 (c) Certification that the applicant will comply with the
1117 requirements contained in s. 381.986 except as provided in this
1118 chapter.

1119 (d) The legal name of the dispensing organization.

1120 (e) The physical address of the dispensing organization.

1121 (f) The name, address, social security number, and date of
1122 birth of each principal officer and board member of the
1123 dispensing organization, each of whom must be at least 21 years
1124 of age.

1125 (g) A nonrefundable cannabis business development fee as
1126 provided in s. 566.801 to be deposited with the department to be
1127 used to encourage development of businesses of social equity
1128 applicants.

1129 (h) Identification of one of the following social equity
1130 inclusion plans to be completed by March 31, 2024:

1131 1. Make a contribution as provided in s. 566.804 to the

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1132 department to be used to encourage development of businesses of
1133 social equity applicants. This is in addition to the fee
1134 required by paragraph (g);

1135 2. Make a contribution as provided in s. 566.804 to a
1136 cannabis industry training or education program at a Florida
1137 College System institution as defined in s. 1000.21;

1138 3. Make a donation as provided in s. 566.804 or more to a
1139 program that provides job training services to persons recently
1140 incarcerated or that operates in a disproportionately impacted
1141 area;

1142 4. Participate as a host in a cannabis business
1143 establishment incubator program approved by the Department of
1144 Economic Opportunity, and in which an early approval adult use
1145 dispensing organization licensee agrees to provide a loan of at
1146 least \$100,000 and mentorship to incubate a licensee that
1147 qualifies as a social equity applicant for at least a year. As
1148 used in this subparagraph, the term "incubate" means providing
1149 direct financial assistance and training necessary to engage in
1150 licensed cannabis industry activity similar to that of the host
1151 licensee. The early approval adult use dispensing organization
1152 licensee or the same entity holding any other licenses issued
1153 pursuant to this chapter may not take an ownership stake of
1154 greater than 10 percent in any business receiving incubation
1155 services to comply with this paragraph. If an early approval
1156 adult use dispensing organization licensee fails to find a
1157 business to incubate to comply with this paragraph before its
1158 early approval adult use dispensing organization license
1159 expires, it may opt to meet the requirement of this paragraph by
1160 completing another item from this paragraph; or

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1161 5. Participate in a sponsorship program for at least 2
1162 years approved by the Department of Economic Opportunity in
1163 which an early approval adult use dispensing organization
1164 licensee agrees to provide an interest-free loan of at least
1165 \$200,000 to a social equity applicant. The sponsor may not take
1166 an ownership stake in any cannabis business establishment
1167 receiving sponsorship services to comply with this paragraph.

1168 (3) The license fee required by paragraph (2) (a) shall be
1169 in addition to any license fee required for the renewal of a
1170 registered medical marijuana dispensary license.

1171 (4) Applicants must submit all required information,
1172 including the requirements in subsection (2), to the department.
1173 Failure by an applicant to submit all required information may
1174 result in the application being disqualified.

1175 (5) If the department receives an application that fails to
1176 provide the required elements contained in subsection (2), the
1177 department shall issue a deficiency notice to the applicant. The
1178 applicant shall have 10 calendar days after the date of the
1179 deficiency notice to submit complete information. Applications
1180 that are still incomplete after this opportunity to cure may be
1181 disqualified.

1182 (6) If an applicant meets all the requirements of
1183 subsection (2), the department shall issue the early approval
1184 adult use dispensing organization license within 14 days after
1185 receiving a completed application unless:

1186 (a) The licensee or a principal officer is delinquent in
1187 filing any required tax returns or paying any amounts owed to
1188 the state;

1189 (b) The department determines there is reason to conclude,

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1190 based on documented compliance violations, the licensee is not
1191 entitled to an early approval adult use dispensing organization
1192 license; or

1193 (c) Any principal officer fails to register and remain in
1194 compliance with this chapter or s. 381.986.

1195 (7) A medical marijuana treatment center that obtains an
1196 early approval adult use dispensing organization license may
1197 begin selling cannabis, cannabis-infused products,
1198 paraphernalia, and related items to purchasers under the rules
1199 of this chapter on or after January 1, 2023.

1200 (8) A medical marijuana treatment center under s. 381.986
1201 must maintain an adequate supply of cannabis and cannabis-
1202 infused products for purchase by qualified patients. For the
1203 purposes of this subsection, "adequate supply" means a monthly
1204 inventory level that is comparable in type and quantity to those
1205 medical cannabis products provided to patients and caregivers on
1206 an average monthly basis for the 6 months before July 1, 2022.

1207 (9) If there is a shortage of cannabis or cannabis-infused
1208 products, a medical marijuana treatment center holding both a
1209 medical marijuana treatment center license and a license under
1210 this chapter shall prioritize serving qualified patients and
1211 caregivers before serving purchasers.

1212 (10) Notwithstanding any law or rule to the contrary, a
1213 medical marijuana treatment center licensed under s. 381.986
1214 which is also an early approval adult use dispensing
1215 organization licensee may allow purchasers into a limited access
1216 area as that term is defined in rules adopted pursuant to s.
1217 381.986.

1218 (11) An early approval adult use dispensing organization

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1219 license is valid until March 31, 2024. For a medical marijuana
1220 treatment center that obtains an early approval adult use
1221 dispensing organization license, the department shall provide
1222 written or electronic notice 90 days before the expiration of
1223 the license that the license will expire and inform the licensee
1224 that it may renew its early approval adult use dispensing
1225 organization license. The department shall renew the early
1226 approval adult use dispensing organization license within 60
1227 days after it deems the renewal application complete if:

1228 (a) The medical marijuana treatment center submits an
1229 application and the required nonrefundable renewal fee, as
1230 provided in s. 566.801, to be deposited into the Alcoholic
1231 Beverage, Marijuana, and Tobacco Trust Fund.

1232 (b) The department has not suspended or revoked the early
1233 approval adult use dispensing organization license or a medical
1234 marijuana treatment center license on the same premises for
1235 violations of this chapter or s. 381.986 or rules adopted
1236 pursuant thereto.

1237 (c) The medical marijuana treatment center has completed a
1238 social equity inclusion plan as required by paragraph (2) (h).

1239 (12) The early approval adult use dispensing organization
1240 license renewed pursuant to subsection (11) shall expire March
1241 31, 2025. For early approval adult use dispensing organization
1242 licensees, the department shall provide written or electronic
1243 notice 90 days before the expiration of the license that the
1244 license will expire and inform the licensee that it may apply
1245 for an adult use dispensing organization license. The department
1246 shall grant an adult use dispensing organization license within
1247 60 days after it deems an application complete if the applicant

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1248 has met all of the criteria in s. 566.2032.

1249 (13) If a dispensary fails to submit an application for an
1250 adult use dispensing organization license before the expiration
1251 of the early approval adult use dispensing organization license
1252 pursuant to subsection (11), the medical marijuana treatment
1253 center shall cease serving purchasers and cease all operations
1254 until it receives an adult use dispensing organization license.

1255 (14) A medical marijuana treatment center agent who holds a
1256 valid medical marijuana treatment center agent identification
1257 card issued under s. 381.986 and is an officer, director,
1258 manager, or employee of the medical marijuana treatment center
1259 licensed under this section may engage in all activities
1260 authorized by this chapter to be performed by a medical
1261 marijuana treatment center agent.

1262 (15) (a) If the department suspends or revokes the early
1263 approval adult use dispensing organization license of a
1264 dispensing organization that is also a medical marijuana
1265 treatment center licensed under s. 381.986, the department may
1266 consider the suspension or revocation as grounds to take
1267 disciplinary action against the medical marijuana treatment
1268 center license.

1269 (b) If, within 360 days after July 1, 2022, a dispensing
1270 organization is unable to find a location within the BLS regions
1271 prescribed in which to operate an early approval adult use
1272 dispensing organization at a secondary site because no
1273 jurisdiction within the prescribed area allows the operation of
1274 an adult use dispensing organization, the department may waive
1275 the geographic restrictions and specify another BLS region in
1276 which the dispensary may be placed.

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1277 (c) A medical marijuana treatment center licensed under s.
1278 381.986 as of July 1, 2022, may, before September 1, 2022, apply
1279 to the department for an early approval adult use dispensing
1280 organization license to operate a dispensing organization to
1281 serve purchasers at a secondary site not within 1,500 feet of
1282 another medical marijuana treatment center.

1283 (d) A medical marijuana treatment center licensed under s.
1284 381.986 seeking issuance of an early approval adult use
1285 dispensing organization license at a secondary site to serve
1286 purchasers at a secondary site as prescribed in this section
1287 must submit an application on forms provided by the department.
1288 The application must meet or include the following
1289 qualifications:

1290 1. Payment of a nonrefundable application fee as provided
1291 in s. 566.801.

1292 2. Proof of registration as a medical marijuana treatment
1293 center licensed under s. 381.986 that is in good standing.

1294 3. Submission of the application by the same person or
1295 entity that holds the medical marijuana treatment center
1296 license.

1297 4. The legal name of the medical marijuana treatment
1298 center.

1299 5. The physical address of the medical marijuana treatment
1300 center and the proposed physical address of the secondary site.

1301 6. A copy of the current local zoning ordinance sections
1302 relevant to dispensary operations and documentation of the
1303 approval, the conditional approval, or the status of a request
1304 for zoning approval from the local zoning office that the
1305 proposed dispensary location is in compliance with the local

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1306 zoning rules.

1307 7. A plot plan of the dispensary drawn to scale. The
1308 applicant shall submit general specifications of the building
1309 exterior and interior layout.

1310 8. A statement that the dispensing organization agrees to
1311 respond to the department's supplemental requests for
1312 information.

1313 9. For the building or land to be used as the proposed
1314 dispensary:

1315 a. If the property is not owned by the applicant, a written
1316 statement from the property owner and landlord, if any,
1317 certifying consent that the applicant may operate a dispensary
1318 on the premises; or

1319 b. If the property is owned by the applicant, confirmation
1320 of ownership.

1321 10. A copy of the proposed operating bylaws.

1322 11. A copy of the proposed business plan that complies with
1323 the requirements in this chapter, including, at a minimum, the
1324 following:

1325 a. A description of services to be offered.

1326 b. A description of the process of dispensing cannabis.

1327 12. A copy of the proposed security plan that complies with
1328 the requirements in this chapter, including:

1329 a. A description of the delivery process by which cannabis
1330 will be received from a transporting organization, including
1331 receipt of manifests and protocols that will be used to avoid
1332 diversion, theft, or loss at the dispensary acceptance point.

1333 b. The process or controls that will be implemented to
1334 monitor the dispensary; secure the premises, agents, patients,

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1335 and currency; and prevent the diversion, theft, or loss of
1336 cannabis.

1337 c. The process to ensure that access to the restricted
1338 access areas is restricted to registered agents, service
1339 professionals, transporting organization agents, department
1340 inspectors, and security personnel.

1341 13. A proposed inventory control plan that complies with
1342 this section.

1343 14. The name, address, social security number, and date of
1344 birth of each principal officer and board member of the
1345 dispensing organization, each of whom must be at least 21 years
1346 of age.

1347 15. A nonrefundable cannabis business development fee as
1348 provided in s. 566.804, to be paid to the department to be used
1349 to encourage development of businesses of social equity
1350 applicants.

1351 16. A commitment to completing one of the social equity
1352 inclusion plans in paragraph (e).

1353 (e) Before receiving an early approval adult use dispensing
1354 organization license at a secondary site, a dispensing
1355 organization shall indicate from the following list which social
1356 equity inclusion plan the applicant plans to complete before the
1357 expiration of the early approval adult use dispensing
1358 organization license:

1359 1. Make a contribution of 3 percent of total sales from
1360 June 1, 2018, to June 1, 2019, or \$100,000, whichever is less,
1361 to the department to be used to encourage development of
1362 businesses of social equity applicants. This is in addition to
1363 the fee required by subparagraph (d)15.;

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1364 2. Make a grant of 3 percent of total sales from June 1,
1365 2018, to June 1, 2019, or \$100,000, whichever is less, to a
1366 cannabis industry training or education program at a Florida
1367 College System institution as defined in s. 1000.21;

1368 3. Make a donation of \$100,000 or more to a program that
1369 provides job training services to persons recently incarcerated
1370 or that operates in a disproportionately impacted area;

1371 4. Participate as a host in a cannabis business
1372 establishment incubator program approved by the Department of
1373 Economic Opportunity, and in which an early approval adult use
1374 dispensing organization license at a secondary site holder
1375 agrees to provide a loan of at least \$100,000 and mentorship to
1376 incubate a licensee that qualifies as a social equity applicant
1377 for at least 1 year. As used in this subparagraph, the term
1378 "incubate" means providing direct financial assistance and
1379 training necessary to engage in licensed cannabis industry
1380 activity similar to that of the host licensee. The early
1381 approval adult use dispensing organization licensee or the same
1382 entity holding any other licenses issued under this chapter may
1383 not take an ownership stake of greater than 10 percent in any
1384 business receiving incubation services to comply with this
1385 paragraph. If an early approval adult use dispensing
1386 organization license at a secondary site holder fails to find a
1387 business to incubate in order to comply with this paragraph
1388 before its early approval adult use dispensing organization
1389 license at a secondary site expires, it may opt to meet the
1390 requirement of this paragraph by completing another item from
1391 this paragraph before the expiration of its early approval adult
1392 use dispensing organization license at a secondary site to avoid

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1393 a penalty; or

1394 5. Participate for at least 2 years in a sponsorship
1395 program approved by the Department of Economic Opportunity in
1396 which an early approval adult use dispensing organization
1397 license at a secondary site holder agrees to provide an
1398 interest-free loan of at least \$200,000 to a social equity
1399 applicant. The sponsor may not take an ownership stake of
1400 greater than 10 percent in any business receiving sponsorship
1401 services to comply with this paragraph.

1402 (f) The license fee required by subparagraph (d)1. is in
1403 addition to any license fee required for the renewal of a
1404 medical marijuana treatment center license.

1405 (g) Applicants must submit all required information,
1406 including the requirements in paragraph (d), to the department.
1407 Failure by an applicant to submit all required information may
1408 result in the application being disqualified.

1409 (h) If the department receives an application that fails to
1410 provide the required elements contained in paragraph (d), the
1411 department shall issue a deficiency notice to the applicant. The
1412 applicant shall have 10 calendar days after the date of the
1413 deficiency notice to submit complete information. Applications
1414 that are still incomplete after this opportunity to cure may be
1415 disqualified.

1416 (i) Once all required information and documents have been
1417 submitted, the department shall review the application. The
1418 department may request revisions and retains authority for final
1419 approval over dispensary features. Once the application is
1420 complete and meets the department's approval, the department
1421 shall conditionally approve the license. Final approval is

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1422 contingent on the buildout and department inspection.

1423 (j) Upon submission of the early approval adult use
1424 dispensing organization at a secondary site application, the
1425 applicant shall request an inspection and the department may
1426 inspect the early approval adult use dispensing organization's
1427 secondary site to confirm compliance with the application and
1428 this chapter.

1429 (k) The department may issue an early approval adult use
1430 dispensing organization license at a secondary site only after
1431 the completion of a successful inspection.

1432 (l) If an applicant passes the inspection under this
1433 subsection, the department shall issue the early approval adult
1434 use dispensing organization license at a secondary site within
1435 10 business days unless:

1436 1. The licensee; a principal officer, board member, or
1437 person having a financial or voting interest of 5 percent or
1438 greater in the licensee; or an agent is delinquent in filing any
1439 required tax returns or paying any amounts owed to the state; or

1440 2. The department determines there is reason to conclude,
1441 based on documented compliance violations, that the licensee is
1442 not entitled to an early approval adult use dispensing
1443 organization license at its secondary site.

1444 (m) Once the department has issued a license, the
1445 dispensing organization shall notify the department of the
1446 proposed opening date.

1447 (n) A medical marijuana treatment center that obtains an
1448 early approval adult use dispensing organization license at a
1449 secondary site may begin selling cannabis, cannabis-infused
1450 products, paraphernalia, and related items to purchasers under

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1451 the rules of this chapter on or after January 1, 2023.

1452 (o) If there is a shortage of cannabis or cannabis-infused
1453 products, a dispensing organization that is a medical marijuana
1454 treatment center under s. 381.986 and is licensed under this
1455 section shall prioritize serving qualified patients and
1456 caregivers before serving purchasers.

1457 (p) An early approval adult use dispensing organization
1458 license at a secondary site is valid until March 31, 2024. For a
1459 medical marijuana treatment center that obtains an early
1460 approval adult use dispensing organization license at a
1461 secondary site, the department shall provide written or
1462 electronic notice 90 days before the expiration of the license
1463 that the license will expire and inform the licensee that it may
1464 renew its early approval adult use dispensing organization
1465 license at a secondary site. The department shall renew an early
1466 approval adult use dispensing organization license at a
1467 secondary site within 60 days after it deems the renewal
1468 application complete if:

1469 1. The dispensing organization submits an application and
1470 the required nonrefundable renewal fee as provided in s.
1471 566.801, to be deposited into the Alcoholic Beverage, Marijuana,
1472 and Tobacco Trust Fund;

1473 2. The person's or entity's early approval adult use
1474 dispensing organization license or a medical marijuana treatment
1475 center license has not been suspended or revoked for violation
1476 of applicable statutes or rules; and

1477 3. The dispensing organization has completed a social
1478 equity inclusion plan as required by this section.

1479 (q) For an early approval adult use dispensing organization

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1480 license at a secondary site renewed pursuant to paragraph (p),
1481 the department shall provide written or electronic notice 90
1482 days before the expiration of the license that the license will
1483 expire and inform the licensee that it may apply for an adult
1484 use dispensing organization license. The department shall grant
1485 an adult use dispensing organization license within 60 days
1486 after it deems an application complete if the applicant has met
1487 all of the criteria for such a license.

1488 (r) If a dispensing organization fails to submit an
1489 application for renewal of an early approval adult use
1490 dispensing organization license or for an adult use dispensing
1491 organization license before the expiration dates provided in
1492 paragraphs (p) and (q), the dispensing organization shall cease
1493 serving purchasers until it receives a renewal or an adult use
1494 dispensing organization license.

1495 (s) A medical marijuana treatment center agent who holds a
1496 valid medical marijuana treatment center agent identification
1497 card issued under s. 381.986 and is an officer, director,
1498 manager, or employee of the medical marijuana treatment center
1499 licensed under this section may engage in all activities
1500 authorized by this chapter to be performed by a medical
1501 marijuana treatment center agent.

1502 (t) If the department suspends or revokes the early
1503 approval adult use dispensing organization license of a
1504 dispensing organization that also holds a medical marijuana
1505 treatment center license, the Department of Health may consider
1506 the suspension or revocation as grounds to take disciplinary
1507 action against the medical marijuana treatment center.

1508 (u) All fees or fines collected from an early approval

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1509 adult use dispensing organization license at a secondary site
1510 holder as a result of a disciplinary action in the enforcement
1511 of this chapter shall be deposited into the Alcoholic Beverage,
1512 Marijuana, and Tobacco Trust Fund and be appropriated to the
1513 department for the ordinary and contingent expenses of the
1514 department in the administration and enforcement of this
1515 section.

1516 (16) All fees collected pursuant to this section shall be
1517 deposited into the Alcoholic Beverage, Marijuana, and Tobacco
1518 Trust Fund, unless otherwise specified.

1519 566.203 Awarding of conditional adult use dispensing
1520 organization licenses.-

1521 (1) The department shall issue up to 75 conditional adult
1522 use dispensing organization licenses before May 1, 2023.

1523 (2) The department shall make the application for a
1524 conditional adult use dispensing organization license available
1525 no later than October 1, 2022, and shall accept applications no
1526 later than January 1, 2023.

1527 (3) To ensure the geographic dispersion of conditional
1528 adult use dispensing organization licensees, the number of
1529 licenses shall be awarded in each BLS region as determined by
1530 each region's percentage of the state's population.

1531 (4) An applicant seeking issuance of a conditional adult
1532 use dispensing organization license shall submit an application
1533 on forms provided by the department. An applicant must meet the
1534 following requirements:

1535 (a) Payment of a nonrefundable application fee as provided
1536 in s. 566.801 for each license for which the applicant is
1537 applying, which shall be deposited into the Alcoholic Beverage,

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1538 Marijuana, and Tobacco Trust Fund.

1539 (b) Certification that the applicant will comply with the
1540 requirements of this chapter.

1541 (c) The legal name of the proposed dispensing organization.

1542 (d) A statement that the dispensing organization agrees to
1543 respond to the department's supplemental requests for
1544 information.

1545 (e) From each principal officer, a statement indicating
1546 whether that person:

1547 1. Has previously held or currently holds an ownership
1548 interest in a cannabis business establishment in this state; or

1549 2. Has held an ownership interest in a dispensing
1550 organization or its equivalent in another state or territory of
1551 the United States that had the dispensing organization
1552 registration or license suspended, revoked, placed on
1553 probationary status, or subjected to other disciplinary action.

1554 (f) Disclosure of whether any principal officer has ever
1555 filed for bankruptcy or defaulted on a spousal support or child
1556 support obligation.

1557 (g) A resume for each principal officer, including whether
1558 that person has an academic degree, certification, or relevant
1559 experience with a cannabis business establishment or in a
1560 related industry.

1561 (h) A description of the training and education that will
1562 be provided to dispensing organization agents.

1563 (i) A copy of the proposed operating bylaws.

1564 (j) A copy of the proposed business plan that complies with
1565 the requirements in this chapter, including, at a minimum, the
1566 following:

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- 1567 1. A description of services to be offered.
- 1568 2. A description of the process of dispensing cannabis.
- 1569 (k) A copy of the proposed security plan that complies with
1570 the requirements in this chapter, including:
- 1571 1. The process or controls that will be implemented to
1572 monitor the dispensary, secure the premises, agents, and
1573 currency, and prevent the diversion, theft, or loss of cannabis.
- 1574 2. The process to ensure that access to the restricted
1575 access areas is restricted to registered agents, service
1576 professionals, transporting organization agents, department
1577 inspectors, and security personnel.
- 1578 (l) A proposed inventory control plan that complies with
1579 this section.
- 1580 (m) A proposed floor plan, a square footage estimate, and a
1581 description of proposed security devices, including, without
1582 limitation, cameras, motion detectors, servers, video storage
1583 capabilities, and alarm service providers.
- 1584 (n) The name, address, social security number, and date of
1585 birth of each principal officer and board member of the
1586 dispensing organization, each of whom must be at least 21 years
1587 of age.
- 1588 (o) Evidence of the applicant's status as a social equity
1589 applicant, if applicable, and whether such applicant plans to
1590 apply for a loan or grant issued by the Department of Economic
1591 Opportunity.
- 1592 (p) The address, telephone number, and e-mail address of
1593 the applicant's principal place of business, if applicable. A
1594 post office box may not be used for purposes of this paragraph.
- 1595 (q) Written summaries of any information regarding

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1596 instances in which a business or nonprofit organization that a
1597 prospective board member previously managed or served on was
1598 fined or censured or had its registration suspended or revoked
1599 in any administrative or judicial proceeding.

1600 (r) A plan for community engagement.

1601 (s) Procedures to ensure accurate recordkeeping and
1602 security measures that are in accordance with this chapter and
1603 department rules.

1604 (t) The estimated volume of cannabis it plans to store at
1605 the dispensary.

1606 (u) A description of the features that will provide
1607 accessibility to purchasers as required by the Americans with
1608 Disabilities Act.

1609 (v) A detailed description of air treatment systems that
1610 will be installed to reduce odors.

1611 (w) A reasonable assurance that the issuance of a license
1612 will not have a detrimental impact on the community in which the
1613 applicant wishes to locate.

1614 (x) The dated signature of each principal officer.

1615 (y) A description of the enclosed, locked facility where
1616 cannabis will be stored by the dispensing organization.

1617 (z) Signed statements from each dispensing organization
1618 agent stating that he or she will not divert cannabis.

1619 (aa) The number of licenses it is applying for in each BLS
1620 region.

1621 (bb) A diversity plan that includes a narrative of at least
1622 2,500 words that establishes a goal of diversity in ownership,
1623 management, employment, and contracting to ensure that diverse
1624 participants and groups are afforded equal opportunities.

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1625 (cc) A contract with a private security contractor that is
1626 licensed under part III of chapter 493 in order for the
1627 dispensary to have adequate security at its facility.

1628 (5) An applicant who receives a conditional adult use
1629 dispensing organization license under this section has 180 days
1630 after the date of award to identify a physical location for the
1631 dispensing organization retail storefront. Before a conditional
1632 licensee receives an authorization to build out the dispensing
1633 organization from the department, the department shall inspect
1634 the physical space selected by the conditional licensee. The
1635 department shall verify the site is suitable for product
1636 handling, storage, and public access; the layout promotes the
1637 safe dispensing of cannabis; and the location is sufficient in
1638 size, power allocation, lighting, parking, handicapped
1639 accessible parking spaces, and accessible entry and exits as
1640 required by the Americans with Disabilities Act. The applicant
1641 shall also provide a statement of reasonable assurance that the
1642 issuance of a license will not have a detrimental impact on the
1643 community. The applicant shall also provide evidence that the
1644 location is not within 1,500 feet of an existing dispensing
1645 organization. If an applicant is unable to find a physical
1646 location suitable to the department within 180 days after the
1647 issuance of the conditional adult use dispensing organization
1648 license, the department may extend the period for finding a
1649 physical location for an additional 180 days if the conditional
1650 adult use dispensing organization licensee demonstrates concrete
1651 attempts to secure a location and a hardship. If the department
1652 denies the extension or the conditional adult use dispensing
1653 organization licensee is unable to find a location or become

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1654 operational within 360 days after being awarded a conditional
1655 license, the department shall rescind the conditional license
1656 and award it to the next highest scoring applicant in the BLS
1657 region for which the license was assigned, provided the
1658 applicant receiving the license:

1659 (a) Confirms a continued interest in operating a dispensing
1660 organization.

1661 (b) Can provide evidence that the applicant continues to
1662 meet the financial requirements of this section.

1663 (c) Has not otherwise become ineligible to be awarded a
1664 dispensing organization license. If the new awardee is unable to
1665 accept the conditional adult use dispensing organization
1666 license, the department shall award the conditional adult use
1667 dispensing organization license to the next highest scoring
1668 applicant in the same manner. The new awardee shall be subject
1669 to the same required deadlines as provided in this subsection.

1670 (6) If within 180 days after being awarded a conditional
1671 adult use dispensing organization license, a dispensing
1672 organization is unable to find a location within the BLS region
1673 in which it was awarded a conditional adult use dispensing
1674 organization license because no jurisdiction within the BLS
1675 region allows for the operation of an adult use dispensing
1676 organization, the department may authorize the conditional adult
1677 use dispensing organization licensee to transfer its license to
1678 a different BLS region specified by the department.

1679 (7) A dispensing organization that is awarded a conditional
1680 adult use dispensing organization license pursuant to the
1681 criteria in s. 566.202 may not purchase, possess, sell, or
1682 dispense cannabis or cannabis-infused products until the person

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1683 has received an adult use dispensing organization license issued
1684 by the department pursuant to s. 566.2032. The department may
1685 not issue an adult use dispensing organization license until:

1686 (a) The department has inspected the dispensary site and
1687 proposed operations and verified that they are in compliance
1688 with this chapter and local zoning laws.

1689 (b) The conditional adult use dispensing organization
1690 licensee has paid a registration fee as provided in s. 566.801,
1691 or a prorated amount accounting for the difference of time
1692 between when the adult use dispensing organization license is
1693 issued and March 31 of the next even-numbered year.

1694 (8) The department shall conduct a background check of the
1695 prospective organization agents in order to carry out its duties
1696 under this chapter. The Department of Law Enforcement may charge
1697 a fee as provided in s. 943.053. Each person applying as a
1698 dispensing organization agent shall submit a full set of
1699 fingerprints to the Department of Law Enforcement for the
1700 purpose of obtaining a state and federal criminal records check.
1701 These fingerprints shall be checked against the fingerprint
1702 records now and hereafter, to the extent allowed by law, filed
1703 in the Department of Law Enforcement criminal history records
1704 databases. The Department of Law Enforcement shall furnish,
1705 following positive identification, all of this state's
1706 conviction information to the department.

1707 (9) Applicants for a conditional adult use dispensing
1708 organization license must submit all required information,
1709 including the information required in s. 566.203, to the
1710 department. Failure by an applicant to submit all required
1711 information may result in the application being disqualified.

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1712 (10) If the department receives an application that fails
1713 to provide the required elements contained in this section, the
1714 department shall issue a deficiency notice to the applicant. The
1715 applicant shall have 10 calendar days after the date of the
1716 deficiency notice to resubmit the incomplete information.
1717 Applications that are still incomplete after this opportunity to
1718 cure will not be scored and will be disqualified.

1719 (11) The department shall award up to 250 points to
1720 complete applications based on the sufficiency of the
1721 applicant's responses to required information. Applicants will
1722 be awarded points based on a determination that the application
1723 satisfactorily includes the following elements:

1724 (a) Suitability of employee training plan (15 points).—The
1725 plan includes an employee training plan that demonstrates that
1726 employees will understand the laws and rules to be followed by
1727 dispensary employees, have knowledge of any security measures
1728 and operating procedures of the dispensary, and are able to
1729 advise purchasers on how to safely consume cannabis and use
1730 individual products offered by the dispensary.

1731 (b) Security and recordkeeping (65 points).—

1732 1. The security plan accounts for the prevention of the
1733 theft or diversion of cannabis. The security plan demonstrates
1734 safety procedures for dispensary agents and purchasers, and for
1735 safe delivery and storage of cannabis and currency. It
1736 demonstrates compliance with all security requirements in this
1737 section and rules adopted hereto.

1738 2. The security plan includes a plan for recordkeeping,
1739 tracking, and monitoring inventory, quality control, and other
1740 policies and procedures that will promote standard recordkeeping

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1741 and discourage unlawful activity. This plan includes the
1742 applicant's strategy to communicate with the department and the
1743 Department of Law Enforcement on the destruction and disposal of
1744 cannabis. The plan must also demonstrate compliance with this
1745 chapter and rules adopted pursuant thereto.

1746 3. The security plan shall also detail which private
1747 security contractor licensed under part III of chapter 493 the
1748 dispensary will contract with in order to provide adequate
1749 security at its facility.

1750 (c) Applicant's business plan, financials, operating and
1751 floor plan (65 points).-

1752 1. The business plan shall describe, at a minimum, how the
1753 dispensing organization will be managed on a long-term basis.
1754 This shall include a description of the dispensing
1755 organization's point-of-sale system, purchases and denials of
1756 sale, confidentiality, and products and services to be offered.
1757 It will demonstrate compliance with this chapter and rules
1758 adopted pursuant thereto.

1759 2. The operating plan shall include, at a minimum, best
1760 practices for day-to-day dispensary operation and staffing. The
1761 operating plan may also include information about employment
1762 practices, including information about the percentage of full-
1763 time employees who will be provided a living wage.

1764 3. The proposed floor plan must be suitable for public
1765 access and the layout must promote safe dispensing of cannabis,
1766 must comply with the Americans with Disabilities Act, and must
1767 facilitate safe product handling and storage.

1768 (d) Knowledge and experience (30 points).-

1769 1. The applicant's principal officers must demonstrate

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1770 experience and qualifications in business management or
1771 experience with the cannabis industry. This includes ensuring
1772 optimal safety and accuracy in the dispensing and sale of
1773 cannabis.

1774 2. The applicant's principal officers must demonstrate
1775 knowledge of various cannabis product strains or varieties and
1776 describe the types and quantities of products planned to be
1777 sold. This includes confirmation of whether the dispensing
1778 organization plans to sell cannabis paraphernalia or edibles.

1779 3. Knowledge and experience may be demonstrated through
1780 experience in other comparable industries which reflect on the
1781 applicant's ability to operate a cannabis business
1782 establishment.

1783 (e) Status as a social equity applicant (50 points).—The
1784 applicant meets the qualifications for a social equity applicant
1785 as set forth in this chapter.

1786 (f) Labor and employment practices (5 points).—The
1787 applicant may describe plans to provide a safe, healthy, and
1788 economically beneficial working environment for its agents,
1789 including, but not limited to, codes of conduct, health care
1790 benefits, educational benefits, retirement benefits, living wage
1791 standards, and entering a labor peace agreement with employees.

1792 (g) Environmental plan (5 points).—The applicant may
1793 demonstrate an environmental plan of action to minimize the
1794 carbon footprint, environmental impact, and resource needs for
1795 the dispensary, which may include, but need not be limited to,
1796 recycling cannabis product packaging.

1797 (h) Florida owner (5 points).—Fifty-one percent or more of
1798 the applicant business is owned and controlled by a Florida

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1799 resident who can prove residency in this state for each of the
1800 past 5 years with tax records.

1801 (i) Status as a veteran (5 points).—Fifty-one percent or
1802 more of the applicant business is controlled and owned by an
1803 individual or individuals who meet the qualifications of a
1804 veteran as defined s. 1.01(14).

1805 (j) A diversity plan (5 points).—The applicant must provide
1806 a diversity plan that includes a narrative of no more than 2,500
1807 words which establishes a goal of diversity in ownership,
1808 management, employment, and contracting to ensure that diverse
1809 participants and groups are afforded equal opportunities.

1810 (12) The department may also award up to 2 bonus points if
1811 an applicant includes a plan to engage with the community. The
1812 applicant may demonstrate a desire to engage with its community
1813 by participating in one or more of, but not limited to, the
1814 following actions:

1815 (a) Establishing an incubator program designed to increase
1816 participation in the cannabis industry by persons who would
1817 qualify as social equity applicants;

1818 (b) Providing financial assistance to substance abuse
1819 treatment centers;

1820 (c) Educating children and teens about the potential harms
1821 of cannabis use; or

1822 (d) Other measures demonstrating a commitment to the
1823 applicant's community. Bonus points will only be awarded if the
1824 department receives more than one application for a particular
1825 BLS region which receive an equal score.

1826 (13) The department may verify information contained in
1827 each application and accompanying documentation to assess the

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1828 applicant's veracity and fitness to operate a dispensing
1829 organization.

1830 (14) The department may refuse to issue an authorization to
1831 any applicant who:

1832 (a) Is unqualified to perform the duties required of the
1833 applicant;

1834 (b) Fails to disclose or states falsely any information
1835 called for in the application;

1836 (c) Has been found guilty of a violation of this chapter,
1837 or whose medical marijuana dispensary license, early approval
1838 adult use dispensing organization license, early approval adult
1839 use dispensing organization license at a secondary site, or
1840 early approval cultivation center license was suspended,
1841 restricted, revoked, or denied for just cause, or the
1842 applicant's cannabis business establishment license was
1843 suspended, restricted, revoked, or denied in any other state; or

1844 (d) Has engaged in a pattern or practice of unfair or
1845 illegal practices, methods, or activities in the conduct of
1846 owning a cannabis business establishment or other business.

1847 (15) The department shall deny the license if any principal
1848 officer, board member, or person having a financial or voting
1849 interest of 5 percent or greater in the licensee is delinquent
1850 in filing any required tax returns or paying any amounts owed to
1851 the state.

1852 (16) The department shall verify an applicant's compliance
1853 with the requirements of this chapter and rules adopted pursuant
1854 thereto before issuing a dispensing organization license.

1855 (17) If an applicant is awarded a license, the information
1856 and plans provided in the application, including any plans

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1857 submitted for bonus points, shall become a condition of the
1858 conditional adult use dispensing organization license, except as
1859 otherwise provided by this chapter or rule adopted pursuant
1860 thereto. Dispensing organizations have a duty to disclose any
1861 material changes to the application. The department shall review
1862 all material changes disclosed by the dispensing organization
1863 and may reevaluate its prior decision regarding the awarding of
1864 a license, including, but not limited to, suspending or revoking
1865 a license. Failure to comply with the conditions or requirements
1866 in the application may subject the dispensing organization to
1867 discipline, up to and including suspension or revocation of its
1868 authorization or license by the department.

1869 (18) If an applicant has not begun operating as a
1870 dispensing organization within 1 year after the issuance of the
1871 conditional adult use dispensing organization license, the
1872 department may revoke the conditional adult use dispensing
1873 organization license and award it to the next highest scoring
1874 applicant in the BLS region if a suitable applicant indicates a
1875 continued interest in the license or begin a new selection
1876 process to award a conditional adult use dispensing organization
1877 license.

1878 (19) The department shall deny an application if granting
1879 that application would result in a single person or entity
1880 having a direct or indirect financial interest in more than 10
1881 early approval adult use dispensing organization licenses,
1882 conditional adult use dispensing organization licenses, or adult
1883 use dispensing organization licenses. Any entity that is awarded
1884 a license that results in a single person or entity having a
1885 direct or indirect financial interest in more than 10 licenses

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1886 shall forfeit the most recently issued license and be subject to
1887 a penalty to be determined by the department, unless the entity
1888 declines the license at the time it is awarded.

1889 566.2031 Conditional adult use dispensing organization
1890 licenses after January 1, 2024.-

1891 (1) In addition to any of the licenses issued under this
1892 chapter, by December 21, 2022, the department shall issue up to
1893 110 conditional adult use dispensing organization licenses
1894 pursuant to the application process under this section. Before
1895 issuing such licenses, the department may adopt rules through
1896 emergency rulemaking in accordance with chapter 120. Such rules
1897 may:

1898 (a) Modify or change the BLS regions as they apply to this
1899 chapter or modify or raise the number of conditional adult use
1900 dispensing organization licenses assigned to each region based
1901 on the following factors:

1902 1. Purchaser wait times.

1903 2. Travel time to the nearest dispensary for potential
1904 purchasers.

1905 3. Percentage of cannabis sales occurring in this state
1906 which are not in the regulated market and tourism data from
1907 VISIT Florida to ascertain total cannabis consumption in this
1908 state compared to the amount of sales in licensed dispensing
1909 organizations.

1910 4. Whether there is an adequate supply of cannabis and
1911 cannabis-infused products to serve registered qualified
1912 patients.

1913 5. Population increases or shifts.

1914 6. Density of dispensing organizations in a region.

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1915 7. The department's capacity to appropriately regulate
1916 additional licenses.

1917 8. Any other criteria the department deems relevant.

1918 (b) Make modifications to remedy evidence of
1919 discrimination.

1920 (2) After January 1, 2024, the department may by rule
1921 modify or raise the number of adult use dispensing organization
1922 licenses assigned to each region and modify or change the
1923 licensing application process to reduce or eliminate barriers
1924 based on the criteria in subsection (1). The department may not
1925 issue more than 500 adult use dispensing organization licenses.

1926 566.2032 Adult use dispensing organization license.—

1927 (1) A person is eligible to receive an adult use dispensing
1928 organization license only if the person has been awarded a
1929 conditional adult use dispensing organization license pursuant
1930 to this chapter or has renewed its license pursuant to s.
1931 566.202(11) or (12).

1932 (2) The department may not issue an adult use dispensing
1933 organization license until:

1934 (a) The department has inspected the dispensary site and
1935 proposed operations and verified that they are in compliance
1936 with this chapter and local zoning laws;

1937 (b) The conditional adult use dispensing organization
1938 licensee has paid a registration fee as provided in s. 566.801
1939 or a prorated amount accounting for the difference of time
1940 between when the adult use dispensing organization license is
1941 issued and March 31 of the next even-numbered year; and

1942 (c) The conditional adult use dispensing organization
1943 licensee has met all the requirements in this chapter and rules.

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1944 (3) A person or an entity may not hold any legal,
1945 equitable, ownership, or beneficial interest, directly or
1946 indirectly, of more than 10 dispensing organizations licensed
1947 under this chapter. Further, a person or an entity that is:

1948 (a) Employed by, is an agent of, or participates in the
1949 management of a dispensing organization or registered medical
1950 marijuana dispensary;

1951 (b) A principal officer of a dispensing organization or
1952 registered medical marijuana dispensary; or

1953 (c) An entity controlled by or affiliated with a principal
1954 officer of a dispensing organization or registered medical
1955 marijuana dispensary;

1956
1957 may not hold any legal, equitable, ownership, or beneficial
1958 interest, directly or indirectly, in a dispensing organization
1959 which would result in such person or entity owning or
1960 participating in the management of more than 10 dispensing
1961 organizations. For the purpose of this paragraph, the term
1962 "participating in management" includes, without limitation,
1963 controlling decisions regarding staffing, pricing, purchasing,
1964 marketing, store design, hiring, and website design.

1965 (4) The department shall deny an application if granting
1966 that application would result in a person or entity obtaining
1967 direct or indirect financial interest in more than 10 early
1968 approval adult use dispensing organization licenses, conditional
1969 adult use dispensing organization licenses, adult use dispensing
1970 organization licenses, or any combination thereof. If a person
1971 or entity is awarded a conditional adult use dispensing
1972 organization license that would cause the person or entity to be

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1973 in violation of this subsection, the person or entity shall
1974 choose which license application it wants to abandon and such
1975 license shall become available to the next qualified applicant
1976 in the region in which the abandoned license was awarded.

1977 566.2033 Dispensing organization agent identification card;
1978 agent training.—

1979 (1) The department shall:

1980 (a) Verify the information contained in an application or
1981 renewal for a dispensing organization agent identification card
1982 submitted under this chapter, and approve or deny an application
1983 or renewal, within 30 days after receiving a completed
1984 application or renewal application and all supporting
1985 documentation required by rule.

1986 (b) Issue a dispensing organization agent identification
1987 card to a qualifying agent within 15 business days after
1988 approving the application or renewal.

1989 (c) Enter the registry identification number of the
1990 dispensing organization where the agent works.

1991 (d) By July 1, 2023, allow for an electronic application
1992 process and confirm by electronic means or other methods that an
1993 application has been submitted.

1994 (e) Collect a nonrefundable fee as provided in s. 566.801
1995 from the applicant to be deposited into the Alcoholic Beverage,
1996 Marijuana, and Tobacco Trust Fund.

1997 (2) A dispensing agent must keep his or her identification
1998 card visible at all times when on the property of the dispensing
1999 organization.

2000 (3) The dispensing organization agent identification cards
2001 shall contain all of the following:

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- 2002 (a) The name of the cardholder.
- 2003 (b) The date of issuance and expiration date of the
2004 dispensing organization agent identification cards.
- 2005 (c) A random 10-digit alphanumeric identification number
2006 containing at least four numbers and at least four letters which
2007 is unique to the cardholder.
- 2008 (d) A photograph of the cardholder.
- 2009 (4) The dispensing organization agent identification cards
2010 shall be immediately returned to the dispensing organization
2011 upon termination of employment.
- 2012 (5) The department may not issue an agent identification
2013 card if the applicant is delinquent in filing any required tax
2014 returns or paying any amounts owed to the state.
- 2015 (6) A card lost by a dispensing organization agent shall be
2016 reported to the Department of Law Enforcement and the department
2017 immediately upon discovery of the loss.
- 2018 (7) An applicant shall be denied a dispensing organization
2019 agent identification card if he or she fails to complete the
2020 training provided for in this section.
- 2021 (8) A dispensing organization agent shall be required to
2022 hold only one card for the same employer regardless of what type
2023 of dispensing organization license the employer holds.
- 2024 (9) (a) Within 90 days after September 1, 2022, or 90 days
2025 after employment, whichever is later, all owners, managers,
2026 employees, and agents involved in the handling or sale of
2027 cannabis or cannabis-infused product employed by an adult use
2028 dispensing organization or medical marijuana dispensary shall
2029 attend and successfully complete a responsible vendor program.
- 2030 (b) Each owner, manager, employee, and agent of an adult

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2031 use dispensing organization or medical marijuana dispensary
2032 shall successfully complete the program annually.

2033 (c) Responsible vendor program training modules shall
2034 include at least 2 hours of instruction time approved by the
2035 department which includes:

2036 1. Health and safety concerns of cannabis use, including
2037 the responsible use of cannabis, its physical effects, onset of
2038 physiological effects, recognizing signs of impairment, and
2039 appropriate responses in the event of overconsumption.

2040 2. Training on laws and rules relating to driving while
2041 under the influence.

2042 3. Training on state laws and rules relating to the
2043 prohibition on the sale of cannabis to minors.

2044 4. Training on state laws and rules relating to quantity
2045 limitations on sales to purchasers.

2046 5. Training on acceptable forms of identification,
2047 including, but not limited to:

2048 a. How to check identification.

2049 b. Common mistakes made in verification.

2050 6. Safe storage of cannabis.

2051 7. Compliance with all inventory tracking system
2052 regulations.

2053 8. Waste handling, management, and disposal.

2054 9. Health and safety standards.

2055 10. Maintenance of records.

2056 11. Security and surveillance requirements.

2057 12. Permitting inspections by state and local licensing and
2058 enforcement authorities.

2059 13. Privacy issues.

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2060 14. Packaging and labeling requirement for sales to
2061 purchasers.

2062 15. Other areas as determined by department rule.

2063 (10) Upon the successful completion of the responsible
2064 vendor program, the provider shall deliver proof of completion
2065 either through mail or electronic communication to the
2066 dispensing organization, which shall retain a copy of the
2067 certificate.

2068 (11) The license of a dispensing organization or medical
2069 marijuana dispensary whose owners, managers, employees, or
2070 agents fail to comply with this section may be suspended or
2071 revoked under s. 566.2068 or may face other disciplinary action.

2072 (12) The regulation of dispensing organization and medical
2073 marijuana dispensary employer and employee training is an
2074 exclusive function of the state, and regulation by a unit of
2075 local government is prohibited.

2076 (13) Persons seeking department approval to offer the
2077 training required by paragraph (9) (c) may apply for such
2078 approval between August 1 and August 15 of each odd-numbered
2079 year in a manner prescribed by the department.

2080 (14) Persons seeking department approval to offer the
2081 training required by paragraph (9) (c) shall submit a
2082 nonrefundable application fee as provided in s. 566.801 to be
2083 deposited into the Alcoholic Beverage, Marijuana, and Tobacco
2084 Trust Fund or a fee as may be set by rule. Any changes made to
2085 the training module shall be approved by the department.

2086 (15) The department may not unreasonably deny approval of a
2087 training module that meets all the requirements of paragraph
2088 (9) (c). A denial of approval must include a detailed description

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2089 of the reasons for the denial.

2090 (16) Any person approved to provide the training required
2091 by paragraph (9)(c) shall submit an application for reapproval
2092 between August 1 and August 15 of each odd-numbered year and
2093 include a nonrefundable application fee as provided in s.
2094 566.801 to be deposited into the Alcoholic Beverage, Marijuana,
2095 and Tobacco Trust Fund or a fee as may be set by rule.

2096 566.20331 Renewal of adult use dispensing organization
2097 licenses.-

2098 (1) Adult use dispensing organization licenses shall expire
2099 on March 31 of even-numbered years.

2100 (2) Agent identification cards shall expire 1 year after
2101 the date they are issued.

2102 (3) Licensees and dispensing agents shall submit renewal
2103 applications as provided by the department and pay the renewal
2104 fees provided in s. 566.801(3)(b) and (4)(a)1., respectively.
2105 The department shall require an agent, employee, contracting,
2106 and subcontracting diversity report and an environmental impact
2107 report with its renewal application. No license or agent
2108 identification card shall be renewed if it is currently under
2109 revocation or suspension for violation of this chapter or any
2110 rules that may be adopted under this chapter or the licensee,
2111 principal officer, board member, person having a financial or
2112 voting interest of 5 percent or greater in the licensee, or
2113 agent is delinquent in filing any required tax returns or paying
2114 any amounts owed to the state.

2115 (4) Renewal fees collected under subsection (3) are to be
2116 deposited into the Alcoholic Beverage, Marijuana, and Tobacco
2117 Trust Fund.

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2118 (5) If a dispensing organization fails to renew its license
2119 before expiration, the dispensing organization shall cease
2120 operations until the license is renewed.

2121 (6) If a dispensing organization agent fails to renew his
2122 or her registration before its expiration, he or she shall cease
2123 to perform duties authorized by this chapter at a dispensing
2124 organization until his or her registration is renewed.

2125 (7) Any dispensing organization that continues to operate
2126 after failing to renew its license or a dispensing agent who
2127 continues to perform duties authorized by this chapter at a
2128 dispensing organization that fails to renew its license is
2129 subject to penalty as provided in this chapter, or any rules
2130 that may be adopted pursuant to this chapter.

2131 (8) The department may not renew a license if the applicant
2132 is delinquent in filing any required tax returns or paying any
2133 amounts owed to the state. The department may not renew a
2134 dispensing agent identification card if the applicant is
2135 delinquent in filing any required tax returns or paying any
2136 amounts owed to the state.

2137 566.20332 Disclosure of ownership and control.—

2138 (1) Each dispensing organization applicant and licensee
2139 shall file and maintain a table of organization, ownership, and
2140 control with the department. The table of organization,
2141 ownership, and control shall contain the information required by
2142 this section in sufficient detail to identify all owners,
2143 directors, and principal officers, and the title of each
2144 principal officer or business entity that, through direct or
2145 indirect means, manages, owns, or controls the applicant or
2146 licensee.

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2147 (2) The table of organization, ownership, and control shall
2148 identify the following information:

2149 (a) The management structure, ownership, and control of the
2150 applicant or licensee including the name of each principal
2151 officer or business entity, the office or position held, and the
2152 percentage ownership interest, if any.

2153 (b) If the business entity has a parent company, the name
2154 of each owner, board member, and officer of the parent company
2155 and his or her percentage ownership interest in the parent
2156 company and the dispensing organization.

2157 (c) If the applicant or licensee is a business entity with
2158 publicly traded stock, the identification of ownership shall be
2159 provided as required in subsection (3).

2160 (3) If a business entity identified in subsection (2) is a
2161 publicly traded company, the following information shall be
2162 provided in the table of organization, ownership, and control:

2163 (a) The name and percentage of ownership interest of each
2164 individual or business entity with ownership of more than 5
2165 percent of the voting shares of the entity, to the extent that
2166 such information is known or contained in 13D or 13G Securities
2167 and Exchange Commission filings.

2168 (b) To the extent known, the names and percentage of
2169 interest of ownership of persons who are relatives of one
2170 another and who together exercise control over or own more than
2171 10 percent of the voting shares of the entity.

2172 (4) A dispensing organization with a parent company or
2173 companies or that is partially owned or controlled by another
2174 entity must disclose to the department the relationship and all
2175 owners, board members, officers, or individuals with control or

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2176 management of those entities. A dispensing organization may not
2177 shield its ownership or control from the department.

2178 (5) All principal officers must submit a complete online
2179 application with the department within 14 days after the
2180 dispensing organization is licensed by the department or within
2181 14 days after the department submits notice of approval of a new
2182 principal officer.

2183 (6) A principal officer may not allow his or her
2184 registration to expire.

2185 (7) A dispensing organization separating with a principal
2186 officer must do so under this chapter. The principal officer
2187 must communicate the separation to the department within 5
2188 business days.

2189 (8) A principal officer not in compliance with the
2190 requirements of this chapter shall be removed from his or her
2191 position with the dispensing organization or shall otherwise
2192 terminate his or her affiliation. Failure to do so may subject
2193 the dispensing organization to discipline, suspension, or
2194 revocation of its license by the department.

2195 (9) It is the responsibility of the dispensing organization
2196 and its principal officers to promptly notify the department of
2197 any change of the principal place of business address, hours of
2198 operation, or change in the dispensing organization's ownership,
2199 control, or primary or secondary contact information. Any
2200 changes must be made to the department in writing.

2201 566.20333 Financial responsibility.—Evidence of financial
2202 responsibility is a requirement for the issuance, maintenance,
2203 or reactivation of a license under this chapter. Evidence of
2204 financial responsibility shall be used to guarantee that the

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2205 dispensing organization timely and successfully completes
2206 dispensary construction, operates in a manner that provides an
2207 uninterrupted supply of cannabis, faithfully pays registration
2208 renewal fees, keeps accurate books and records, makes regularly
2209 required reports, complies with state tax requirements, and
2210 conducts the dispensing organization in conformity with this
2211 chapter and rules adopted pursuant thereto. Evidence of
2212 financial responsibility shall be provided by one of the
2213 following:

2214 (1) Establishing and maintaining an escrow or surety
2215 account in a financial institution in the amount of \$50,000,
2216 with escrow terms, approved by the department, that shall be
2217 payable to the department in the event of circumstances outlined
2218 in this chapter and rules adopted pursuant thereto.

2219 (a) A financial institution may not return money in an
2220 escrow or surety account to the dispensing organization that
2221 established the account or a representative of the organization
2222 unless the organization or representative presents a statement
2223 issued by the department indicating that the account may be
2224 released.

2225 (b) The escrow or surety account may not be canceled on
2226 less than 30 days' notice in writing to the department, unless
2227 otherwise approved by the department. If an escrow or surety
2228 account is canceled and the registrant fails to secure a new
2229 account with the required amount on or before the effective date
2230 of cancellation, the registrant's registration may be revoked.
2231 The total and aggregate liability of the surety on the bond is
2232 limited to the amount specified in the escrow or surety account.

2233 (2) Providing a surety bond in the amount of \$50,000,

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2234 naming the dispensing organization as principal of the bond,
2235 with terms, approved by the department, specifying that the bond
2236 defaults to the department in the event of circumstances
2237 outlined in this chapter and rules adopted pursuant thereto.
2238 Bond terms must require that:

2239 (a) The business name and registration number on the bond
2240 must correspond exactly with the business name and registration
2241 number in the department's records.

2242 (b) The bond must be written on a form approved by the
2243 department.

2244 (c) A copy of the bond must be received by the department
2245 within 90 days after the effective date.

2246 (d) The bond may not be canceled by a surety on less than
2247 30 days' notice in writing to the department. If a bond is
2248 canceled and the registrant fails to file a new bond with the
2249 department in the required amount on or before the effective
2250 date of cancellation, the registrant's registration may be
2251 revoked. The total and aggregate liability of the surety on the
2252 bond is limited to the amount specified in the bond.

2253 566.20334 Changes to a dispensing organization.-

2254 (1) A license shall be issued to the specific dispensing
2255 organization identified on the application and for the specific
2256 location proposed. The license is valid only as designated on
2257 the license and for the location for which it is issued.

2258 (2) A dispensing organization may add principal officers
2259 only after being approved by the department.

2260 (3) A dispensing organization shall provide written notice
2261 of the removal of a principal officer within 5 business days
2262 after removal. The notice shall include the written agreement of

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2263 the principal officer being removed, unless otherwise approved
2264 by the department, and allocation of ownership shares after
2265 removal in an updated ownership chart.

2266 (4) A dispensing organization shall provide a written
2267 request to the department for the addition of principal
2268 officers. A dispensing organization shall submit proposed
2269 principal officer applications on forms approved by the
2270 department.

2271 (5) All proposed new principal officers shall be subject to
2272 the requirements of this chapter and any rules that may be
2273 adopted pursuant to this chapter.

2274 (6) The department may prohibit the addition of a principal
2275 officer to a dispensing organization for failure to comply with
2276 this chapter and any rules that may be adopted pursuant to this
2277 chapter.

2278 (7) A dispensing organization may not assign a license.

2279 (8) A dispensing organization may not transfer a license
2280 without prior department approval. Such approval may be withheld
2281 if the person to whom the license is being transferred does not
2282 commit to the same or a similar community engagement plan
2283 provided as part of the dispensing organization's application
2284 under s. 566.202(4), and such transferee's license shall be
2285 conditional upon that commitment.

2286 (9) With the addition or removal of principal officers, the
2287 department shall review the ownership structure to determine
2288 whether the change in ownership has had the effect of a transfer
2289 of the license. The dispensing organization shall supply all
2290 ownership documents requested by the department.

2291 (10) A dispensing organization may apply to the department

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2292 to approve a sale of the dispensing organization. A request to
2293 sell the dispensing organization must be on application forms
2294 provided by the department. A request for an approval to sell a
2295 dispensing organization must comply with the following:

2296 (a) New application materials shall comply with this
2297 chapter and any rules that may be adopted pursuant to this
2298 chapter.

2299 (b) Application materials shall include a change of
2300 ownership fee as provided in s. 566.801 to be deposited into the
2301 Alcoholic Beverage, Marijuana, and Tobacco Trust Fund.

2302 (c) The application materials shall provide proof that the
2303 transfer of ownership will not have the effect of granting any
2304 of the owners or principal officers direct or indirect ownership
2305 or control of more than 10 dispensing organization licenses.

2306 (d) New principal officers shall each complete the proposed
2307 new principal officer application.

2308 (e) If the department approves the application materials
2309 and proposed new principal officer applications, it will perform
2310 an inspection before approving the sale and issuing the
2311 dispensing organization license.

2312 (f) If a new license is approved, the department will issue
2313 a new license number and certificate to the new dispensing
2314 organization.

2315 (11) The dispensing organization shall provide the
2316 department with the personal information for all new dispensing
2317 organization agents as required in this chapter, and all new
2318 dispensing organization agents shall be subject to the
2319 requirements of this chapter. A dispensing organization agent
2320 must obtain an agent identification card from the department

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2321 before beginning work at a dispensary.

2322 (12) Before remodeling, expansion, reduction, or other
2323 physical, noncosmetic alteration of a dispensary, the dispensing
2324 organization must notify the department and confirm the
2325 alterations are in compliance with this chapter and any rules
2326 that may be adopted pursuant to this chapter.

2327 566.204 Administration.—

2328 (1) A dispensing organization shall establish, maintain,
2329 and comply with written policies and procedures as submitted in
2330 the business, financial, and operating plan as prescribed in
2331 this chapter or by rules established by the department, and
2332 approved by the department, for the security, storage,
2333 inventory, and distribution of cannabis. These policies and
2334 procedures shall include methods for identifying, recording, and
2335 reporting diversion, theft, or loss and for correcting errors
2336 and inaccuracies in inventories. At a minimum, dispensing
2337 organizations shall ensure the written policies and procedures
2338 provide for the following:

2339 (a) Mandatory and voluntary recalls of cannabis products.
2340 The policies shall be adequate to deal with recalls due to any
2341 action initiated at the request of the department and any
2342 voluntary action by the dispensing organization to remove
2343 defective or potentially defective cannabis from the market or
2344 any action undertaken to promote public health and safety,
2345 including:

2346 1. A mechanism reasonably calculated to contact purchasers
2347 who have, or likely have, obtained the product from the
2348 dispensary, including information on the policy for return of
2349 the recalled product.

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2350 2. A mechanism to identify and contact the adult use
2351 cultivation center, craft grower, or infuser that manufactured
2352 the cannabis.

2353 3. Policies for communicating with the department and the
2354 Department of Health within 24 hours after discovering defective
2355 or potentially defective cannabis.

2356 4. Policies for destruction of any recalled cannabis
2357 product.

2358 (b) Responses to local, state, or national emergencies,
2359 including natural disasters, that affect the security or
2360 operation of a dispensary.

2361 (c) Segregation and destruction of outdated, damaged,
2362 deteriorated, misbranded, or adulterated cannabis. This
2363 procedure shall provide for written documentation of the
2364 cannabis disposition.

2365 (d) Ensuring the oldest stock of a cannabis product is
2366 distributed first. The procedure may permit deviation from this
2367 requirement, if such deviation is temporary and appropriate.

2368 (e) Training of dispensing organization agents on the
2369 requirements of this chapter and rules adopted pursuant thereto,
2370 including training on how to effectively operate the point-of-
2371 sale system and the state's verification system, proper
2372 inventory handling and tracking, specific uses of cannabis or
2373 cannabis-infused products, regulatory inspection preparedness
2374 and law enforcement interactions, the legal requirements for
2375 maintaining status as an agent, and other topics as specified by
2376 the dispensing organization or the department. The dispensing
2377 organization shall maintain evidence of all training provided to
2378 each agent in its files which is subject to inspection and audit

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2379 by the department. The dispensing organization shall ensure
2380 agents receive a minimum of 8 hours of training annually,
2381 subject to the requirements in s. 566.2033(9), unless otherwise
2382 approved by the department.

2383 (f) Maintenance of business records consistent with
2384 industry standards, including bylaws, consents, manual or
2385 computerized records of assets and liabilities, audits, monetary
2386 transactions, journals, ledgers, and supporting documents,
2387 including agreements, checks, invoices, receipts, and vouchers.
2388 Records shall be maintained in a manner consistent with this
2389 chapter and shall be retained for a minimum of 5 years.

2390 (g) Inventory control, including:

2391 1. Tracking purchases and denials of sale.

2392 2. Disposal of unusable or damaged cannabis as required by
2393 this chapter and rules.

2394 (h) Purchaser education and support, including:

2395 1. Whether possession of cannabis is illegal under federal
2396 law.

2397 2. Current educational information issued by the Department
2398 of Public Health about the health risks associated with the use
2399 or abuse of cannabis.

2400 3. Information about possible side effects.

2401 4. Prohibition on smoking cannabis in public places.

2402 5. Offering any other appropriate purchaser education or
2403 support materials.

2404 (2) A dispensing organization shall maintain copies of the
2405 policies and procedures on the dispensary premises and provide
2406 copies to the department upon request. The dispensing
2407 organization shall review the dispensing organization policies

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2408 and procedures at least once every 12 months from the issue date
2409 of the license and update as needed due to changes in industry
2410 standards or as requested by the department.

2411 (3) A dispensing organization shall ensure that each
2412 principal officer and each dispensing organization agent has a
2413 current agent identification card in the agent's immediate
2414 possession when the agent is at the dispensary.

2415 (4) A dispensing organization shall provide prompt written
2416 notice to the department, including the date of the event, when
2417 a dispensing organization agent no longer is employed by the
2418 dispensing organization.

2419 (5) A dispensing organization shall promptly document and
2420 report any loss or theft of cannabis from the dispensary to the
2421 Department of Law Enforcement and the department. It is the duty
2422 of any dispensing organization agent who becomes aware of the
2423 loss or theft to report it as provided in this chapter.

2424 (6) A dispensing organization shall post the following
2425 information in a conspicuous location in an area of the
2426 dispensary accessible to consumers:

2427 (a) The dispensing organization's license.

2428 (b) The hours of operation.

2429 (7) (a) All dispensing organizations must display a placard
2430 that states the following: "Cannabis can impair cognition and
2431 driving, is for adult use only, may be habit-forming, and should
2432 not be used by pregnant or breastfeeding women."

2433 (b) Any dispensing organization that sells edible cannabis-
2434 infused products must display a placard that states the
2435 following:

2436 1. "Edible cannabis-infused products were produced in a

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2437 kitchen that may also process common food allergens"; and

2438 2. "The effects of cannabis products can vary from person
2439 to person, and it can take as long as 2 hours to feel the
2440 effects of some cannabis-infused products. Carefully review the
2441 portion size information and warnings contained on the product
2442 packaging before consuming."

2443 (c) All of the required signage in this subsection shall be
2444 no smaller than 24 inches tall by 36 inches wide, with typed
2445 letters no smaller than 2 inches. The signage shall be clearly
2446 visible and readable by customers. The signage shall be placed
2447 in the area where cannabis and cannabis-infused products are
2448 sold and may be translated into additional languages as needed.
2449 The department may require a dispensary to display the required
2450 signage in a different language, other than English, if the
2451 department deems it necessary.

2452 (8) A dispensing organization shall prominently post
2453 notices inside the dispensing organization which state
2454 activities that are strictly prohibited and punishable by law,
2455 including, but not limited to:

2456 (a) Minors are not allowed on the premises unless the minor
2457 is a qualified patient.

2458 (b) Distribution to persons under the age of 21 is
2459 prohibited.

2460 (c) Transportation of cannabis or cannabis products across
2461 state lines is prohibited.

2462 566.2042 Operational requirements; prohibitions.-

2463 (1) A dispensing organization shall operate in accordance
2464 with the representations made in its application and license
2465 materials. It shall be in compliance with this chapter and

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2466 rules.

2467 (2) A dispensing organization must include the legal name
2468 of the dispensary on the packaging of any cannabis product it
2469 sells.

2470 (3) All cannabis, cannabis-infused products, and cannabis
2471 seeds must be obtained from a registered adult use cultivation
2472 center in this state, craft grower, infuser, or another
2473 dispensary.

2474 (4) Dispensing organizations are prohibited from selling
2475 any product containing alcohol except tinctures, which must be
2476 limited to containers that are no larger than 100 milliliters.

2477 (5) A dispensing organization shall inspect and count
2478 product received by the adult use cultivation center before
2479 dispensing it.

2480 (6) A dispensing organization may accept cannabis
2481 deliveries only into a restricted access area. Deliveries may
2482 not be accepted through public or limited access areas unless
2483 otherwise approved by the department.

2484 (7) A dispensing organization shall maintain compliance
2485 with state and local building, fire, and zoning requirements or
2486 regulations.

2487 (8) A dispensing organization shall submit a list to the
2488 department of the names of all service professionals who will
2489 work at the dispensary. The list shall include a description of
2490 the type of business or service provided. Changes to the service
2491 professional list shall be promptly provided. No service
2492 professional shall work in the dispensary until the name is
2493 provided to the department on the service professional list.

2494 (9) A dispensing organization's license allows for a

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2495 dispensary to be operated only at a single location.

2496 (10) A dispensary may operate between 6 a.m. and 10 p.m.
2497 local time.

2498 (11) A dispensing organization must keep all lighting
2499 outside and inside the dispensary in good working order and with
2500 wattage sufficient for security cameras.

2501 (12) A dispensing organization shall ensure that any
2502 building or equipment used by a dispensing organization for the
2503 storage or sale of cannabis is maintained in a clean and
2504 sanitary condition.

2505 (13) The dispensary shall be free from infestation by
2506 insects, rodents, or pests.

2507 (14) A dispensing organization may not:

2508 (a) Produce or manufacture cannabis.

2509 (b) Accept a cannabis product from an adult use cultivation
2510 center, craft grower, infuser, dispensing organization, or
2511 transporting organization unless it is pre-packaged and labeled
2512 in accordance with this chapter and any rules that may be
2513 adopted pursuant to this chapter.

2514 (c) Obtain cannabis or cannabis-infused products from
2515 outside this state.

2516 (d) Sell cannabis or cannabis-infused products to a
2517 purchaser unless the dispensing organization is a medical
2518 marijuana treatment center and the individual is a registered
2519 qualified patient or caregiver under s. 381.986 or the purchaser
2520 has been verified to be over the age of 21.

2521 (e) Enter into an exclusive agreement with any adult use
2522 cultivation center, craft grower, processor, or infuser.

2523 Dispensaries shall provide consumers an assortment of products

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2524 from various cannabis business establishment licensees such that
2525 the inventory available for sale at any dispensary from any
2526 single cultivation center, craft grower, processor, or infuser
2527 entity may not be more than 40 percent of the total inventory
2528 available for sale. For the purpose of this subsection, a
2529 cultivation center, craft grower, processor, or infuser shall be
2530 considered part of the same entity if the licensees share at
2531 least one principal officer. The department may request that a
2532 dispensary diversify its products as needed or otherwise
2533 discipline a dispensing organization for violating this
2534 requirement.

2535 (f) Refuse to conduct business with an adult use
2536 cultivation center, craft grower, transporting organization, or
2537 infuser that has the ability to properly deliver the product and
2538 is permitted by the Department of Agriculture, on the same terms
2539 as other adult use cultivation centers, craft growers, infusers,
2540 or transporters with whom it is dealing.

2541 (g) Operate drive-through windows.

2542 (h) Allow for the dispensing of cannabis or cannabis-
2543 infused products in vending machines.

2544 (i) Transport cannabis to residences or other locations
2545 where purchasers may be for delivery.

2546 (j) Enter into agreements to allow persons who are not
2547 dispensing organization agents to deliver cannabis or to
2548 transport cannabis to purchasers.

2549 (k) Operate a dispensary if its video surveillance
2550 equipment is inoperative.

2551 (l) Operate a dispensary if the point-of-sale equipment is
2552 inoperative.

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2553 (m) Operate a dispensary if the state's cannabis electronic
2554 verification system is inoperative.

2555 (n) Have fewer than two people working at the dispensary at
2556 any time while the dispensary is open.

2557 (o) Be located within 1,500 feet of the property line of a
2558 preexisting dispensing organization.

2559 (p) Sell clones or any other live plant material.

2560 (q) Sell cannabis, cannabis concentrate, or cannabis-
2561 infused products in combination or bundled with each other or
2562 any other items for one price, and each item of cannabis,
2563 concentrate, or cannabis-infused product must be separately
2564 identified by quantity and price on the receipt.

2565 (r) Violate any other requirements or prohibitions set by
2566 department rules.

2567 (15) It is unlawful for any person having an early approval
2568 adult use dispensing organization license, a conditional adult
2569 use dispensing organization, an adult use dispensing
2570 organization license, or a medical marijuana treatment center
2571 license or any officer, associate, member, representative, or
2572 agent of such licensee to accept, receive, or borrow money or
2573 anything else of value or accept or receive credit, other than
2574 merchandising credit in the ordinary course of business for a
2575 period not to exceed 30 days, directly or indirectly, from any
2576 adult use cultivation center, craft grower, infuser, or
2577 transporting organization. This includes anything received or
2578 borrowed or from any stockholders, officers, agents, or persons
2579 connected with an adult use cultivation center, craft grower,
2580 infuser, or transporting organization. This also excludes
2581 anything received or borrowed in exchange for preferential

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2582 placement by the dispensing organization, including preferential
2583 placement on the dispensing organization's shelves, display
2584 cases, or website.

2585 (16) It is unlawful for any person having an early approval
2586 adult use dispensing organization license, a conditional adult
2587 use dispensing organization, an adult use dispensing
2588 organization license, or a medical marijuana treatment center
2589 license to enter into any contract with any person licensed to
2590 cultivate, process, or transport cannabis whereby such
2591 dispensing organization agrees not to sell any cannabis
2592 cultivated, processed, transported, manufactured, or distributed
2593 by any other cultivator, transporter, or infuser, and any
2594 provision in any contract in violation of this section shall
2595 render the whole of such contract void and no action shall be
2596 brought thereon in any court.

2597 566.2043 Inventory control system.—

2598 (1) A dispensing organization agent-in-charge shall have
2599 primary oversight of the dispensing organization's cannabis
2600 inventory verification system and its point-of-sale system. The
2601 inventory point-of-sale system shall be real-time, web-based,
2602 and accessible by the department at any time. The point-of-sale
2603 system shall track, at a minimum, the date of sale, amount,
2604 price, and currency.

2605 (2) A dispensing organization shall establish an account
2606 with the state's verification system that documents:

2607 (a) Each sales transaction at the time of sale and each
2608 day's beginning inventory, acquisitions, sales, disposal, and
2609 ending inventory.

2610 (b) Acquisition of cannabis and cannabis-infused products

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2611 from a licensed adult use cultivation center, craft grower,
2612 infuser, or transporter, including:

2613 1. A description of the products, including the quantity,
2614 strain, variety, and batch number of each product received.

2615 2. The name and registry identification number of the
2616 licensed adult use cultivation center, craft grower,
2617 transporter, or infuser providing the cannabis and cannabis-
2618 infused products.

2619 3. The name and registry identification number of the
2620 licensed adult use cultivation center, craft grower, infuser, or
2621 transportation agent delivering the cannabis.

2622 4. The name and registry identification number of the
2623 dispensing organization agent receiving the cannabis.

2624 5. The date of acquisition.

2625 (c) The disposal of cannabis, including:

2626 1. A description of the products, including the quantity,
2627 strain, variety, batch number, and reason for the cannabis being
2628 disposed.

2629 2. The method of disposal.

2630 3. The date and time of disposal.

2631 (3) Upon cannabis delivery, a dispensing organization shall
2632 confirm that the product's name, strain name, weight, and
2633 identification number on the manifest matches the information on
2634 the cannabis product label and package. The product name listed
2635 and the weight listed in the state's verification system must
2636 match the product packaging.

2637 (a) The agent-in-charge shall conduct daily inventory
2638 reconciliation documenting and balancing cannabis inventory by
2639 confirming the state's verification system matches the

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2640 dispensing organization's point-of-sale system and the amount of
2641 physical product at the dispensary.

2642 (b) A dispensing organization must receive department
2643 approval before completing an inventory adjustment. It shall
2644 provide a detailed reason for the adjustment. Inventory
2645 adjustment documentation shall be kept at the dispensary for 2
2646 years after the date performed.

2647 (c) If the dispensing organization identifies an imbalance
2648 in the amount of cannabis after the daily inventory
2649 reconciliation due to mistake, the dispensing organization shall
2650 determine how the imbalance occurred and immediately upon
2651 discovery take and document corrective action. If the dispensing
2652 organization cannot identify the reason for the mistake within 2
2653 calendar days after first discovery, it shall inform the
2654 department immediately in writing of the imbalance and the
2655 corrective action taken to date. The dispensing organization
2656 shall work diligently to determine the reason for the mistake.

2657 (d) If the dispensing organization identifies an imbalance
2658 in the amount of cannabis after the daily inventory
2659 reconciliation or through other means due to theft, criminal
2660 activity, or suspected criminal activity, the dispensing
2661 organization shall immediately determine how the reduction
2662 occurred and take and document corrective action. Within 24
2663 hours after the first discovery of the reduction due to theft,
2664 criminal activity, or suspected criminal activity, the
2665 dispensing organization shall inform the department and the
2666 Department of Law Enforcement in writing.

2667 (e) The dispensing organization shall file an annual
2668 compilation report with the department, including a financial

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2669 statement that shall include, but not be limited to, an income
2670 statement, balance sheet, profit and loss statement, statement
2671 of cash flow, wholesale cost and sales, and any other
2672 documentation requested by the department in writing. The
2673 financial statement shall include any other information the
2674 department deems necessary in order to effectively administer
2675 this chapter and all rules, orders, and final decisions
2676 promulgated under this chapter. Statements required by this
2677 section shall be filed with the department within 60 days after
2678 the end of the calendar year. The compilation report shall
2679 include a letter authored by a licensed certified public
2680 accountant that it has been reviewed and is accurate based on
2681 the information provided. The dispensing organization, financial
2682 statement, and accompanying documents are not required to be
2683 audited unless specifically requested by the department.

2684 (4) A dispensing organization shall:

2685 (a) Maintain the documentation required in this section in
2686 a secure locked location at the dispensing organization for 5
2687 years after the date on the document.

2688 (b) Provide any documentation required to be maintained in
2689 this section to the department for review upon request.

2690 (c) If maintaining a bank account, retain for a period of 5
2691 years a record of each deposit or withdrawal from the account.

2692 (5) If a dispensing organization chooses to have a return
2693 policy for cannabis and cannabis products, the dispensing
2694 organization shall seek prior approval from the department.

2695 566.2044 Storage requirements.—

2696 (1) Authorized on-premises storage. A dispensing
2697 organization must store inventory on its premises. All inventory

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2698 stored on the premises must be secured in a restricted access
2699 area and tracked consistently with the inventory tracking rules.

2700 (2) A dispensary shall be of suitable size and construction
2701 to facilitate cleaning, maintenance, and proper operations.

2702 (3) A dispensary shall maintain adequate lighting,
2703 ventilation, temperature, humidity control, and equipment.

2704 (4) Containers storing cannabis which have been tampered
2705 with, damaged, or opened must be labeled with the date opened
2706 and quarantined from other cannabis products in the vault until
2707 they are disposed of.

2708 (5) Cannabis that was tampered with, expired, or damaged
2709 may not be stored at the premises for more than 7 calendar days.

2710 (6) Cannabis samples shall be stored in a sealed container
2711 and maintained in the restricted access area.

2712 (7) The dispensary storage areas shall be maintained in
2713 accordance with the security requirements in this chapter and
2714 rules.

2715 (8) Cannabis must be stored at appropriate temperatures and
2716 under appropriate conditions to help ensure that its packaging,
2717 strength, quality, and purity are not adversely affected.

2718 566.2046 Dispensing cannabis.—

2719 (1) Before a dispensing organization agent dispenses
2720 cannabis to a purchaser, the agent shall:

2721 (a) Verify the age of the purchaser by checking a
2722 government-issued identification card by use of an electronic
2723 reader or electronic scanning device to scan a purchaser's
2724 government-issued identification, if applicable, to determine
2725 the purchaser's age and the validity of the identification.

2726 (b) Verify the validity of the government-issued

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2727 identification card.

2728 (c) Offer any appropriate purchaser education or support
2729 materials.

2730 (d) Enter the following information into the state's
2731 cannabis electronic verification system:

2732 1. The dispensing organization agent's identification
2733 number.

2734 2. The dispensing organization's identification number.

2735 3. The amount and type, including strain, if applicable, of
2736 cannabis or cannabis-infused product dispensed.

2737 4. The date and time the cannabis was dispensed.

2738 (2) A dispensing organization shall refuse to sell cannabis
2739 or cannabis-infused products to any person unless the person
2740 produces a valid identification showing that the person is 21
2741 years of age or older. A dispensing organization may sell
2742 cannabis or cannabis-infused products to a person who is under
2743 21 years of age if the sale complies with the provisions of the
2744 s. 381.986 and rules adopted pursuant thereto.

2745 (3) For the purposes of this section, valid identification
2746 must:

2747 (a) Be valid and unexpired.

2748 (b) Contain a photograph and the date of birth of the
2749 person.

2750 566.2047 Destruction and disposal of cannabis.-

2751 (1) Cannabis and cannabis-infused products must be
2752 destroyed by rendering them unusable using methods approved by
2753 the department which comply with this chapter and rules.

2754 (2) Cannabis waste rendered unusable must be promptly
2755 disposed of according to this chapter and rules. Disposal of the

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2756 cannabis waste rendered unusable may be delivered to a permitted
2757 solid waste facility for final disposition. Acceptable permitted
2758 solid waste facilities include, but are not limited to:

2759 (a) For compostable mixed waste, a compost, an anaerobic
2760 digester, or another facility approved by the jurisdictional
2761 health department.

2762 (b) For noncompostable mixed waste, a landfill, an
2763 incinerator, or another facility approved by the jurisdictional
2764 health department.

2765 (3) All waste and unusable product shall be weighed,
2766 recorded, and entered into the inventory system before rendering
2767 it unusable. All waste and unusable cannabis concentrates and
2768 cannabis-infused products shall be recorded and entered into the
2769 inventory system before rendering it unusable. Verification of
2770 this event shall be performed by an agent-in-charge and
2771 conducted in an area with video surveillance.

2772 (4) Electronic documentation of destruction and disposal
2773 shall be maintained for a period of at least 5 years.

2774 566.2048 Agent-in-charge.—

2775 (1) Every dispensing organization shall designate, at a
2776 minimum, one agent-in-charge for each licensed dispensary. The
2777 designated agent-in-charge must hold a dispensing organization
2778 agent identification card. Maintaining an agent-in-charge is a
2779 continuing requirement for the license, except as provided in
2780 subsection (6).

2781 (2) The agent-in-charge shall be a principal officer or a
2782 full-time agent of the dispensing organization and shall manage
2783 the dispensary. Managing the dispensary includes, but is not
2784 limited to, responsibility for opening and closing the

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2785 dispensary, delivery acceptance, oversight of sales and
2786 dispensing organization agents, recordkeeping, inventory,
2787 dispensing organization agent training, and compliance with this
2788 chapter and rules. Participation in affairs also includes the
2789 responsibility for maintaining all files subject to audit or
2790 inspection by the department at the dispensary.

2791 (3) The agent-in-charge is responsible for promptly
2792 notifying the department of any change of information required
2793 to be reported to the department.

2794 (4) In determining whether an agent-in-charge manages the
2795 dispensary, the department may consider the responsibilities
2796 identified in this section, the number of dispensing
2797 organization agents under the supervision of the agent-in-
2798 charge, and the employment relationship between the agent-in-
2799 charge and the dispensing organization, including the existence
2800 of a contract for employment and any other relevant fact or
2801 circumstance.

2802 (5) The agent-in-charge is responsible for notifying the
2803 department of a change in the employment status of all
2804 dispensing organization agents within 5 business days after the
2805 change, including notice to the department if the termination of
2806 an agent was for diversion of product or theft of currency.

2807 (6) In the event of the separation of an agent-in-charge
2808 due to death, incapacity, termination, or any other reason and
2809 if the dispensary does not have an active agent-in-charge, the
2810 dispensing organization shall immediately contact the department
2811 and request a temporary certificate of authority allowing the
2812 continuing operation. The request shall include the name of an
2813 interim agent-in-charge until a replacement is identified, or

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2814 shall include the name of the replacement. The department shall
2815 issue the temporary certificate of authority promptly after it
2816 approves the request. If a dispensing organization fails to
2817 promptly request a temporary certificate of authority after the
2818 separation of the agent-in-charge, its registration shall cease
2819 until the department approves the temporary certificate of
2820 authority or registers a new agent-in-charge. No temporary
2821 certificate of authority shall be valid for more than 90 days.
2822 The succeeding agent-in-charge shall register with the
2823 department in compliance with this chapter. Once the permanent
2824 succeeding agent-in-charge is registered with the department,
2825 the temporary certificate of authority is void. No temporary
2826 certificate of authority shall be issued for the separation of
2827 an agent-in-charge due to disciplinary action by the department
2828 related to his or her conduct on behalf of the dispensing
2829 organization.

2830 (7) The dispensing organization agent-in-charge
2831 registration shall expire one year after the date it is issued.
2832 The agent-in-charge's registration shall be renewed annually.
2833 The department shall review the dispensing organization's
2834 compliance history when determining whether to grant the request
2835 to renew.

2836 (8) Upon termination of an agent-in-charge's employment,
2837 the dispensing organization shall immediately reclaim the
2838 dispensing agent identification card. The dispensing
2839 organization shall promptly return the identification card to
2840 the department.

2841 (9) The department may deny an application or renewal or
2842 discipline or revoke an agent-in-charge identification card for

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2843 any of the following reasons:

2844 (a) Submission of misleading, incorrect, false, or
2845 fraudulent information in the application or renewal
2846 application;

2847 (b) Violation of the requirements of this chapter or rules
2848 adopted pursuant thereto;

2849 (c) Fraudulent use of the agent-in-charge identification
2850 card;

2851 (d) Selling, distributing, transferring in any manner, or
2852 giving cannabis to any unauthorized person;

2853 (e) Theft of cannabis, currency, or any other items from a
2854 dispensary;

2855 (f) Tampering with, falsifying, altering, modifying, or
2856 duplicating an agent-in-charge identification card;

2857 (g) Tampering with, falsifying, altering, or modifying the
2858 surveillance video footage, the point-of-sale system, or the
2859 state's verification system;

2860 (h) Failure to notify the department immediately upon
2861 discovery that the agent-in-charge identification card has been
2862 lost, stolen, or destroyed;

2863 (i) Failure to notify the department within 5 business days
2864 after a change in the information provided in the application
2865 for an agent-in-charge identification card;

2866 (j) Conviction of a felony offense in accordance with or
2867 any incident listed in this chapter or rules following the
2868 issuance of an agent-in-charge identification card;

2869 (k) Dispensing to purchasers in amounts above the limits
2870 provided in this chapter; or

2871 (l) Delinquency in filing any required tax returns or

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2872 paying any amounts owed to the state.

2873 566.20485 Security.—

2874 (1) A dispensing organization shall implement security
2875 measures to deter and prevent entry into the facility and theft
2876 of cannabis or currency.

2877 (2) A dispensing organization shall submit any changes to
2878 the floor plan or security plan to the department for
2879 preapproval. All cannabis shall be maintained and stored in a
2880 restricted access area during construction.

2881 (3) The dispensing organization shall implement security
2882 measures to protect the premises, purchasers, and dispensing
2883 organization agents, including, but not limited to, measures
2884 that:

2885 (a) Establish a locked door or barrier between the
2886 facility's entrance and the limited access area.

2887 (b) Prevent individuals from remaining on the premises if
2888 they are not engaging in activity authorized by this chapter or
2889 rules adopted pursuant thereto.

2890 (c) Develop a policy that addresses the maximum capacity
2891 and purchaser flow in the waiting rooms and limited access
2892 areas.

2893 (d) Dispose of cannabis in accordance with this chapter and
2894 rules adopted pursuant thereto.

2895 (e) During the hours of operation, store and dispense all
2896 cannabis from the restricted access area. During operational
2897 hours, cannabis shall be stored in an enclosed locked room or
2898 cabinet and accessible only to specifically authorized
2899 dispensing organization agents.

2900 (f) When the dispensary is closed, store all cannabis and

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2901 currency in a reinforced vault room in the restricted access
2902 area and in a manner as to prevent diversion, theft, or loss.

2903 (g) Keep the reinforced vault room and any other equipment
2904 or cannabis storage areas securely locked and protected from
2905 unauthorized entry.

2906 (h) Keep an electronic daily log of dispensing organization
2907 agents with access to the reinforced vault room and knowledge of
2908 the access code or combination.

2909 (i) Keep all locks and security equipment in good working
2910 order.

2911 (j) Maintain an operational security and alarm system at
2912 all times.

2913 (k) Prohibit keys, if applicable, from being left in the
2914 locks, or stored or placed in a location accessible to persons
2915 other than specifically authorized personnel.

2916 (l) Prohibit accessibility of security measures, including
2917 combination numbers, passwords, or electronic or biometric
2918 security systems, to persons other than specifically authorized
2919 dispensing organization agents.

2920 (m) Ensure that the dispensary interior and exterior
2921 premises are sufficiently lit to facilitate surveillance.

2922 (n) Ensure that trees, bushes, and other foliage outside of
2923 the dispensary premises do not allow for a person or persons to
2924 conceal themselves from sight.

2925 (o) Develop emergency policies and procedures for securing
2926 all product and currency following any instance of diversion,
2927 theft, or loss of cannabis, and conduct an assessment to
2928 determine whether additional safeguards are necessary.

2929 (p) Develop sufficient additional safeguards in response to

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2930 any special security concerns, or as required by the department.

2931 (4) The department may request or approve alternative
2932 security provisions that it determines are an adequate
2933 substitute for a security requirement specified in this chapter.
2934 Any additional protections may be considered by the department
2935 in evaluating overall security measures.

2936 (5) A dispensing organization may share premises with a
2937 craft grower or an infuser organization, or both, provided each
2938 licensee stores currency and cannabis or cannabis-infused
2939 products in a separate secured vault to which the other licensee
2940 does not have access or all licensees sharing a vault share more
2941 than 50 percent of the same ownership.

2942 (6) A dispensing organization shall provide additional
2943 security as needed and in a manner appropriate for the community
2944 where it operates.

2945 (7) All restricted access areas must:

2946 (a) Be identified by the posting of a sign that is a
2947 minimum of 12 inches by 12 inches and that states "Do Not Enter
2948 - Restricted Access Area - Authorized Personnel Only" in
2949 lettering no smaller than one inch in height.

2950 (b) Be clearly described in the floor plan of the premises,
2951 in the form and manner determined by the department, reflecting
2952 walls, partitions, counters, and all areas of entry and exit.
2953 The floor plan must show all storage, disposal, and retail sales
2954 areas.

2955 (c) Be secure, with locking devices that prevent access
2956 from the limited access areas.

2957 (8) (a) A dispensing organization must have an adequate
2958 security plan and security system to prevent and detect

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2959 diversion, theft, or loss of cannabis, currency, or unauthorized
2960 intrusion using commercial grade equipment installed by a
2961 licensed private alarm contractor or private alarm contractor
2962 agency which shall, at a minimum, include:

2963 1. A perimeter alarm on all entry points and glass break
2964 protection on perimeter windows.

2965 2. Security shatterproof tinted film on exterior windows.

2966 3. A failure notification system that provides an audible,
2967 text, or visual notification of any failure in the surveillance
2968 system, including, but not limited to, panic buttons, alarms,
2969 and video monitoring systems. The failure notification system
2970 shall provide an alert to designated dispensing organization
2971 agents within 5 minutes after the failure, either by telephone
2972 or text message.

2973 4. A duress alarm, panic button, and alarm, or holdup alarm
2974 and after-hours intrusion detection alarm that by design and
2975 purpose will directly or indirectly notify, by the most
2976 efficient means, the public safety answering point for the law
2977 enforcement agency having primary jurisdiction.

2978 5. Security equipment to deter and prevent unauthorized
2979 entrance into the dispensary, including electronic door locks on
2980 the limited and restricted access areas which include devices or
2981 a series of devices to detect unauthorized intrusion which may
2982 include a signal system interconnected with a radio frequency
2983 method, cellular, private radio signals or other mechanical or
2984 electronic device.

2985 (b) All security system equipment and recordings shall be
2986 maintained in good working order, in a secure location so as to
2987 prevent theft, loss, destruction, or alterations.

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2988 (c) Access to surveillance monitoring recording equipment
2989 shall be limited to persons who are essential to surveillance
2990 operations, law enforcement authorities acting within their
2991 jurisdiction, security system service personnel, and the
2992 department. A current list of authorized dispensing organization
2993 agents and service personnel that have access to the
2994 surveillance equipment must be available to the department upon
2995 request.

2996 (d) All security equipment shall be inspected and tested at
2997 regular intervals, not to exceed 1 month from the previous
2998 inspection, and tested to ensure the systems remain functional.

2999 (e) The security system shall provide protection against
3000 theft and diversion that is facilitated or hidden by tampering
3001 with computers or electronic records.

3002 (f) The dispensary shall ensure all access doors are not
3003 solely controlled by an electronic access panel to ensure that
3004 locks are not released during a power outage.

3005 (9) To monitor the dispensary, the dispensing organization
3006 shall incorporate continuous electronic video monitoring
3007 including the following:

3008 (a) All monitors must be 19 inches or greater.

3009 (b) Unobstructed video surveillance of all enclosed
3010 dispensary areas, unless prohibited by law, including all points
3011 of entry and exit that shall be appropriate for the normal
3012 lighting conditions of the area under surveillance. The cameras
3013 shall be directed so all areas are captured, including, but not
3014 limited to, safes, vaults, sales areas, and areas where cannabis
3015 is stored, handled, dispensed, or destroyed. Cameras shall be
3016 angled to allow for facial recognition and the capture of clear

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3017 and certain identification of any person entering or exiting the
3018 dispensary area and in lighting sufficient during all times of
3019 night or day.

3020 (c) Unobstructed video surveillance of outside areas, the
3021 storefront, and the parking lot, which shall be appropriate for
3022 the normal lighting conditions of the area under surveillance.
3023 Cameras shall be angled so as to allow for the capture of facial
3024 recognition, clear and certain identification of any person
3025 entering or exiting the dispensary and the immediate surrounding
3026 area, and license plates of vehicles in the parking lot.

3027 (d) Twenty-four hour recordings from all video cameras
3028 available for immediate viewing by the department upon request.
3029 Recordings may not be destroyed or altered and shall be retained
3030 for at least 90 days. Recordings shall be retained as long as
3031 necessary if the dispensing organization is aware of the loss or
3032 theft of cannabis or a pending criminal, civil, or
3033 administrative investigation or legal proceeding for which the
3034 recording may contain relevant information.

3035 (e) The ability to immediately produce a clear, color still
3036 photo from the surveillance video, either live or recorded.

3037 (f) A date and time stamp embedded on all video
3038 surveillance recordings. The date and time shall be synchronized
3039 and set correctly and may not significantly obscure the picture.

3040 (g) The ability to remain operational during a power outage
3041 and ensure all access doors are not solely controlled by an
3042 electronic access panel to ensure that locks are not released
3043 during a power outage.

3044 (h) All video surveillance equipment shall allow for the
3045 exporting of still images in an industry standard image format,

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3046 including .jpg, .bmp, and .gif. Exported video shall have the
3047 ability to be archived in a proprietary format that ensures
3048 authentication of the video and guarantees that no alteration of
3049 the recorded image has taken place. Exported video shall also
3050 have the ability to be saved in an industry standard file format
3051 that can be played on a standard computer operating system. All
3052 recordings shall be erased or destroyed before disposal.

3053 (i) The video surveillance system shall be operational
3054 during a power outage with a 4-hour minimum battery backup.

3055 (j) A video camera or cameras recording at each point-of-
3056 sale location allowing for the identification of the dispensing
3057 organization agent distributing the cannabis and any purchaser.
3058 The camera or cameras shall capture the sale, the individuals
3059 and the computer monitors used for the sale.

3060 (k) A failure notification system that provides an audible
3061 and visual notification of any failure in the electronic video
3062 monitoring system.

3063 (l) All electronic video surveillance monitoring must
3064 record at least the equivalent of 8 frames per second and be
3065 available as recordings to the department and the Department of
3066 Law Enforcement 24 hours a day via a secure web-based portal
3067 with reverse functionality.

3068 (10) The requirements contained in this chapter are minimum
3069 requirements for operating a dispensing organization. The
3070 department may establish additional requirements by rule.

3071 566.2049 Recordkeeping.—

3072 (1) Dispensing organization records must be maintained
3073 electronically for 3 years and be available for inspection by
3074 the department upon request. Required written records include,

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3075 but are not limited to, the following:

3076 (a) Operating procedures.

3077 (b) Inventory records, policies, and procedures.

3078 (c) Security records.

3079 (d) Audit records.

3080 (e) Staff training plans and completion documentation.

3081 (f) Staffing plan.

3082 (g) Business records, including, but not limited to:

3083 1. Assets and liabilities.

3084 2. Monetary transactions.

3085 3. Written or electronic accounts, including bank

3086 statements, journals, ledgers, and supporting documents,

3087 agreements, checks, invoices, receipts, and vouchers.

3088 4. Any other financial accounts reasonably related to the

3089 dispensary operations.

3090 (2) Storage and transfer of records. If a dispensary closes

3091 due to insolvency, revocation, bankruptcy, or for any other

3092 reason, all records must be preserved at the expense of the

3093 dispensing organization for at least 3 years in a form and

3094 location in this state acceptable to the department. The

3095 dispensing organization shall keep the records longer if

3096 requested by the department. The dispensing organization shall

3097 notify the department of the location where the dispensary

3098 records are stored or to which they are transferred.

3099 566.205 Closure of a dispensary.—

3100 (1) If a dispensing organization decides not to renew its

3101 license or decides to close its business, it shall promptly

3102 notify the department not less than 3 months before the

3103 effective date of the closing date or as otherwise authorized by

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3104 the department.

3105 (2) The dispensing organization shall work with the
3106 department to develop a closure plan that addresses, at a
3107 minimum, the transfer of business records, transfer of cannabis
3108 products, and anything else the department finds necessary.

3109 566.206 Investigations.—

3110 (1) Dispensing organizations are subject to random and
3111 unannounced dispensary inspections and cannabis testing by the
3112 department, the Department of Law Enforcement, and local law
3113 enforcement.

3114 (2) The department and its authorized representatives may
3115 enter any place, including a vehicle, in which cannabis is held,
3116 stored, dispensed, sold, produced, delivered, transported,
3117 manufactured, or disposed of and inspect, in a reasonable
3118 manner, the place and all pertinent equipment, containers and
3119 labeling, and all things, including records, files, financial
3120 data, sales data, shipping data, pricing data, personnel data,
3121 research, papers, processes, controls, and facility, and
3122 inventory any stock of cannabis and obtain samples of any
3123 cannabis or cannabis-infused product, any labels or containers
3124 for cannabis, or paraphernalia.

3125 (3) The department may conduct an investigation of an
3126 applicant, application, dispensing organization, principal
3127 officer, dispensary agent, third party vendor, or other party
3128 associated with a dispensing organization for an alleged
3129 violation of this chapter or rules or to determine
3130 qualifications to be granted a registration by the department.

3131 (4) The department may require an applicant or holder of
3132 any license issued pursuant to this chapter to produce

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3133 documents, records, or any other material pertinent to the
3134 investigation of an application or alleged violations of this
3135 chapter or rules. Failure to provide the required material may
3136 be grounds for denial or discipline.

3137 (5) Every person charged with preparing, obtaining, or
3138 keeping records, logs, reports, or other documents in connection
3139 with this chapter and rules and every person in charge, or
3140 having custody, of those documents shall, upon request by the
3141 department, make the documents immediately available for
3142 inspection and copying by the department, the department's
3143 authorized representative, or others authorized by law to review
3144 the documents.

3145 566.2065 Citations.—The department may issue
3146 nondisciplinary citations for minor violations. Any such
3147 citation issued by the department may be accompanied by a fee.
3148 The fee may not exceed \$20,000 per violation. The citation shall
3149 be issued to the licensee and shall contain the licensee's name
3150 and address, the licensee's license number, a brief factual
3151 statement, the sections of the law allegedly violated, and the
3152 fee, if any, imposed. The citation must clearly state that the
3153 licensee may choose, in lieu of accepting the citation, to
3154 request a hearing. If the licensee does not dispute the matter
3155 in the citation with the department within 30 days after the
3156 citation is served, the citation becomes final and is not
3157 subject to appeal. The penalty shall be a fee or other
3158 conditions as established by rule.

3159 566.2068 Grounds for discipline.—

3160 (1) The department may deny issuance, refuse to renew or
3161 restore, or reprimand, place on probation, suspend, revoke, or

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3162 take other disciplinary or nondisciplinary action against any
3163 license or agent identification card or may impose a fine for
3164 any of the following:

3165 (a) Material misstatement in furnishing information to the
3166 department.

3167 (b) Any violation of this chapter or rules adopted pursuant
3168 thereto.

3169 (c) Obtaining an authorization or license by fraud or
3170 misrepresentation.

3171 (d) A pattern of conduct that demonstrates incompetence or
3172 that the applicant has engaged in conduct or actions that would
3173 constitute grounds for discipline under this chapter.

3174 (e) Aiding or assisting another person in violating any
3175 provision of this chapter or rules.

3176 (f) Failing to respond to a written request for information
3177 by the department within 30 days.

3178 (g) Engaging in unprofessional, dishonorable, or unethical
3179 conduct of a character likely to deceive, defraud, or harm the
3180 public.

3181 (h) Adverse action by another United States jurisdiction or
3182 foreign nation.

3183 (i) A finding by the department that the licensee, after
3184 having his or her license placed on suspended or probationary
3185 status, has violated the terms of the suspension or probation.

3186 (j) Conviction, entry of a plea of guilty or nolo
3187 contendere, or the equivalent in a state or federal court of a
3188 principal officer or agent-in-charge of a felony offense.

3189 (k) Excessive use or addiction to alcohol, narcotics,
3190 stimulants, or any other chemical agent or drug.

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3191 (l) A finding by the department of a discrepancy in a
3192 department audit of cannabis.

3193 (m) A finding by the department of a discrepancy in a
3194 department audit of capital or funds.

3195 (n) A finding by the department of acceptance of cannabis
3196 from a source other than an adult use cultivation center, craft
3197 grower, infuser, or transporting organization licensed by the
3198 department, or a dispensing organization licensed by the
3199 department.

3200 (o) An inability to operate using reasonable judgment,
3201 skill, or safety due to physical or mental illness or other
3202 impairment or disability, including, without limitation,
3203 deterioration through the aging process or loss of motor skills
3204 or mental incompetence.

3205 (p) Failing to report to the department within the time
3206 frames established, or, if not identified, 14 days, after any
3207 adverse action taken against the dispensing organization or an
3208 agent by a licensing jurisdiction in any state or any territory
3209 of the United States or any foreign jurisdiction, any
3210 governmental agency, any law enforcement agency, or any court.

3211 (q) Any violation of the dispensing organization's policies
3212 and procedures submitted to the department annually as a
3213 condition for licensure.

3214 (r) Failure to inform the department of any change of
3215 address within 10 business days.

3216 (s) Disclosing customer names, personal information, or
3217 protected health information in violation of any state or
3218 federal law.

3219 (t) Operating a dispensary before obtaining a license from

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3220 the department.

3221 (u) Performing duties authorized by this chapter before
3222 receiving a license to perform such duties.

3223 (v) Dispensing cannabis when prohibited by this chapter or
3224 rules.

3225 (w) Any fact or condition that, if it had existed at the
3226 time of the original application for the license, would have
3227 warranted the denial of the license.

3228 (x) Permitting a person without a valid agent
3229 identification card to perform licensed activities under this
3230 chapter.

3231 (y) Failure to assign an agent-in-charge as required by
3232 this chapter.

3233 (z) Failure to provide the responsible vendor training
3234 required by s. 566.2033(9)(c) within the provided timeframe.

3235 (aa) Personnel insufficient in number or unqualified in
3236 training or experience to properly operate the dispensary
3237 business.

3238 (bb) Any pattern of activity that causes a harmful impact
3239 on the community.

3240 (cc) Failing to prevent diversion, theft, or loss of
3241 cannabis.

3242 (2) All fines and fees imposed under this section shall be
3243 paid within 60 days after the effective date of the order
3244 imposing the fine or as otherwise specified in the order.

3245 (3) A circuit court order establishing that an agent-in-
3246 charge or principal officer holding an agent identification card
3247 is subject to involuntary admission shall operate as a
3248 suspension of that card.

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3249 566.2069 Temporary suspension.—

3250 (1) The department may temporarily suspend a dispensing
3251 organization license or an agent registration without a hearing
3252 if the department finds that public safety or welfare requires
3253 emergency action. The department shall cause the temporary
3254 suspension by issuing a suspension notice in connection with the
3255 institution of proceedings for a hearing.

3256 (2) If the department temporarily suspends a license or
3257 agent registration without a hearing, the licensee or agent is
3258 entitled to a hearing within 45 days after the suspension notice
3259 has been issued. The hearing shall be limited to the issues
3260 cited in the suspension notice, unless all parties agree
3261 otherwise.

3262 (3) If the department does not hold a hearing with 45 days
3263 after the date the suspension notice was issued, the suspended
3264 license or registration shall be automatically reinstated and
3265 the suspension vacated.

3266 (4) The suspended licensee or agent may seek a continuance
3267 of the hearing date, during which time the suspension remains in
3268 effect and the license or registration may not be automatically
3269 reinstated.

3270 (5) Subsequently discovered causes of action by the
3271 department after the issuance of the suspension notice may be
3272 filed as a separate notice of violation. The department is not
3273 precluded from filing a separate action against the suspended
3274 licensee or agent.

3275 566.20695 Consent to administrative supervision order.—In
3276 appropriate cases, the department may resolve a complaint
3277 against a licensee or agent through the issuance of a consent

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3278 order for administrative supervision. A license or agent subject
3279 to a consent order shall be considered by the department to hold
3280 a license or registration in good standing.

3281 566.2072 Notice; hearing.—

3282 (1) The department shall, before disciplining an applicant
3283 or licensee, at least 30 days before the date set for the
3284 hearing:

3285 (a) Notify the accused in writing of the charges made and
3286 the time and place for the hearing on the charges.

3287 (b) Direct him or her to file a written answer to the
3288 charges under oath within 20 days after service.

3289 (c) Inform the applicant or licensee that failure to answer
3290 will result in a default being entered against the applicant or
3291 licensee.

3292 (2) At the time and place fixed in the notice, the hearing
3293 officer appointed by the department shall proceed to hear the
3294 charges, and the parties or their counsel shall be accorded
3295 ample opportunity to present any pertinent statements,
3296 testimony, evidence, and arguments. The hearing officer may
3297 continue the hearing from time to time. In case the person,
3298 after receiving the notice, fails to file an answer, his or her
3299 license may, in the discretion of the department, having first
3300 received the recommendation of the hearing officer, be
3301 suspended, revoked, or placed on probationary status, or be
3302 subject to whatever disciplinary action the department considers
3303 proper, including a fine, without hearing, if the act or acts
3304 charged constitute sufficient grounds for that action under this
3305 chapter.

3306 (3) The written notice and any notice in the subsequent

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3307 proceeding may be served by regular mail or e-mail to the
3308 licensee's or applicant's address of record.

3309 566.2073 Subpoenas; oaths.—The department may subpoena and
3310 bring before it any person and take testimony either orally or
3311 by deposition, or both, with the same fees and mileage and in
3312 the same manner as prescribed by law in judicial proceedings in
3313 civil cases in courts in this state. The department or the
3314 hearing officer shall each have the power to administer oaths to
3315 witnesses at any hearings that the department is authorized to
3316 conduct.

3317 566.2074 Hearing; motion for rehearing.—

3318 (1) The hearing officer shall hear evidence in support of
3319 the formal charges and evidence produced by the licensee. At the
3320 conclusion of the hearing, the hearing officer shall present to
3321 the department a written report of his or her findings of fact,
3322 conclusions of law, and recommendations.

3323 (2) At the conclusion of the hearing, a copy of the hearing
3324 officer's report shall be served upon the applicant or licensee
3325 by the department, either personally or as provided in this
3326 chapter for the service of a notice of hearing. Within 20
3327 calendar days after service, the applicant or licensee may
3328 present in writing to the department a motion for rehearing,
3329 which must specify the particular grounds for rehearing. The
3330 department may respond to the motion for rehearing within 20
3331 calendar days after its service on the department. If a motion
3332 for rehearing is not filed, upon the expiration of the time
3333 specified for filing such motion or upon denial of a motion for
3334 rehearing, the department may enter an order in accordance with
3335 the recommendation of the hearing officer. If the applicant or

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3336 licensee orders from the reporting service and pays for a
3337 transcript of the record within the time for filing a motion for
3338 rehearing, the 20-day period within which a motion may be filed
3339 commences upon the delivery of the transcript to the applicant
3340 or licensee.

3341 (3) If the department disagrees with any aspect of the
3342 report of the hearing officer, the department may issue an order
3343 contrary to the report.

3344 (4) Whenever the department is not satisfied that
3345 substantial justice has been done, the department may order a
3346 rehearing by the same or another hearing officer.

3347 (5) At any point in an investigation or a disciplinary
3348 proceeding under in this chapter, both parties may agree to a
3349 negotiated consent order. The consent order must be final upon
3350 signature of the secretary.

3351 566.301 Issuance of adult use cultivation center licenses.-
3352 On or after July 1, 2022, the department by rule may:

3353 (1) Modify or change the number of adult use cultivation
3354 center licenses available, which at no time may exceed 30 adult
3355 use cultivation center licenses. In determining whether to
3356 exercise the authority granted under this subsection, the
3357 department must consider all of the following factors:

3358 (a) The percentage of cannabis sales occurring in this
3359 state using the best available data to ascertain total cannabis
3360 consumption in this state compared to the amount of sales in
3361 licensed dispensing organizations.

3362 (b) Whether there is an adequate supply of cannabis and
3363 cannabis-infused products to serve registered qualified
3364 patients.

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3365 (c) Whether there is an adequate supply of cannabis and
3366 cannabis-infused products to serve purchasers.

3367 (d) Whether there is an oversupply of cannabis in this
3368 state leading to trafficking of cannabis to any other state.

3369 (e) Population increases or shifts.

3370 (f) Changes to federal law.

3371 (g) The past security records of cultivation centers.

3372 (h) The department's capacity to appropriately regulate
3373 additional licensees.

3374 (i) Any other criteria the department deems relevant.

3375 (2) Modify or change the licensing application process to
3376 reduce or eliminate the barriers to entry and remedy evidence of
3377 discrimination.

3378 566.3011 Early approval of adult use cultivation center
3379 license.-

3380 (1) Any medical marijuana treatment center licensed and in
3381 good standing as of July 1, 2022, may, after September 1, 2022,
3382 but no later than December 31, 2022, apply to the department for
3383 an early approval adult use cultivation center license to
3384 produce cannabis and cannabis-infused products at its existing
3385 facilities as of July 1, 2022.

3386 (2) A medical marijuana treatment center seeking issuance
3387 of an early approval adult use cultivation center license shall
3388 submit an application on forms provided by the department. The
3389 application must meet the following requirements and include the
3390 following information, as applicable:

3391 (a) Payment of a nonrefundable application fee as provided
3392 in s. 566.801 to be deposited into the Alcoholic Beverage,
3393 Marijuana, and Tobacco Trust Fund.

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3394 (b) Proof of licensure as a medical marijuana treatment
3395 center which is in good standing.

3396 (c) Submission of the application by the same person or
3397 entity that holds the medical marijuana treatment center
3398 license.

3399 (d) Certification that the applicant will comply with the
3400 requirements of s. 566.3016.

3401 (e) The legal name of the cultivation center.

3402 (f) The physical address of the cultivation center.

3403 (g) The name, address, social security number, and date of
3404 birth of each principal officer and board member of the
3405 cultivation center, each of whom must be at least 21 years of
3406 age.

3407 (h) Payment of the nonrefundable cannabis business
3408 development fee as provided in s. 566.801, to be deposited into
3409 the Cannabis Business Development Fund.

3410 (i) A commitment to completing one of the following social
3411 equity inclusion plans before the expiration of the early
3412 approval adult use cultivation center license:

3413 1. Making a contribution as provided in s. 566.801 to one
3414 of the following:

3415 a. The Cannabis Business Development Fund. This is in
3416 addition to the fee required by paragraph (h).

3417 b. A cannabis industry training or education program at a
3418 Florida College System institution as defined in s. 1000.21.

3419 c. A program that provides job training services to persons
3420 recently incarcerated or that operates in a disproportionately
3421 impacted area.

3422 2. Participate as a host for at least 1 year in a cannabis

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3423 business incubator program approved by the Department of
3424 Economic Opportunity in which an early approval adult use
3425 cultivation center licensee agrees to provide a loan of at least
3426 \$100,000 and mentorship to incubate a licensee that qualifies as
3427 a social equity applicant. As used in this section, the term
3428 "incubate" means to provide direct financial assistance and
3429 training necessary to engage in licensed cannabis industry
3430 activity similar to that of the host licensee. The early
3431 approval adult use cultivation center license holder or the same
3432 entity holding any other licenses issued pursuant to this
3433 chapter may not take an ownership stake of greater than 10
3434 percent in any business receiving incubation services to comply
3435 with this subsection. If an early approval adult use cultivation
3436 center licensee fails to identify an incubation partner before
3437 its early approval adult use cultivation center license expires,
3438 the licensee may opt to meet the requirements of this paragraph
3439 by completing another item from this subsection before the
3440 expiration of its early approval adult use cultivation center
3441 license to avoid a penalty.

3442 (3) An early approval adult use cultivation center license
3443 is valid until March 31, 2024. A cultivation center that obtains
3444 an early approval adult use cultivation center license must be
3445 given at least 90 days' advance written or electronic notice of
3446 the expiration of the license, which must inform the licensee
3447 that it may renew its early approval adult use cultivation
3448 center license. The department shall grant a renewal of an early
3449 approval adult use cultivation center license within 60 days
3450 after submission of an application if:

3451 (a) The cultivation center submits an application and the

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3452 required renewal fee as provided in s. 566.801 for an early
3453 approval adult use cultivation center license.

3454 (b) The department has not suspended or revoked the license
3455 of the cultivation center for violating this chapter or rules
3456 adopted under this chapter.

3457 (c) The cultivation center has complied with paragraph
3458 (2) (i).

3459 (d) An early approval adult use cultivation center license
3460 renewed pursuant to this subsection expires March 31, 2025. The
3461 early approval adult use cultivation center licensee must be
3462 given at least 90 days' advance written or electronic notice
3463 that the license will expire, which must inform the licensee
3464 that it may apply for an adult use cultivation center license.
3465 The department shall grant an adult use dispensing organization
3466 license within 60 days after it deems an application complete if
3467 the applicant meets all of the criteria in s. 566.3014.

3468 (4) The license fee under paragraph (3) (a) is in addition
3469 to any license fee required for the renewal of a medical
3470 marijuana treatment center license that expires during the
3471 effective period of the early approval adult use cultivation
3472 center license.

3473 (5) Applicants must submit all required information,
3474 including that required by subsection (2), to the department.
3475 Failure by an applicant to submit all such information may
3476 result in the application being disqualified.

3477 (6) If the department receives an application that is
3478 missing information, the department may issue a deficiency
3479 notice to the applicant. The applicant has 10 calendar days
3480 after the date of the deficiency notice to submit the missing

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3481 information. Applications that are still incomplete after this
3482 opportunity to cure may be disqualified.

3483 (7) If an applicant meets the requirements of subsection
3484 (2), the department shall issue the early approval adult use
3485 cultivation center license within 14 days after receiving the
3486 application unless any of the following applies:

3487 (a) The licensee; a principal officer, a board member, or a
3488 person having a financial or voting interest of 5 percent or
3489 greater in the licensee; or an agent is delinquent in filing any
3490 required tax returns or paying any amounts owed to the state.

3491 (b) The department determines there is reason to conclude,
3492 based on the number of documented compliance violations, that
3493 the licensee is not entitled to an early approval adult use
3494 cultivation center license.

3495 (c) The licensee fails to comply with requirements related
3496 to the social equity inclusion plan under paragraph (2) (i).

3497 (8) A cultivation center may begin producing cannabis and
3498 cannabis-infused products once the early approval adult use
3499 cultivation center license is approved. A cultivation center
3500 that obtains an early approval adult use cultivation center
3501 license may begin selling cannabis and cannabis-infused products
3502 on December 1, 2022.

3503 (9) An early approval adult use cultivation center licensee
3504 must continue to produce and provide an adequate supply of
3505 cannabis and cannabis-infused products for purchase by qualified
3506 patients and caregivers. For the purposes of this subsection,
3507 the term "adequate supply" means a monthly production level that
3508 is comparable in type and quantity to those medical cannabis
3509 products produced for patients and caregivers on an average

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3510 monthly basis for the 6 months before July 1, 2022.

3511 (10) If there is a shortage of cannabis or cannabis-infused
3512 products, a licensee shall prioritize qualified patients and
3513 caregivers under s. 381.986 over adult use purchasers.

3514 (11) If an early approval adult use cultivation center
3515 licensee fails to submit an application for an adult use
3516 cultivation center license before the expiration of the early
3517 approval adult use cultivation center license as provided in
3518 subsection (3), the cultivation center must cease adult use
3519 cultivation until it receives an adult use cultivation center
3520 license.

3521 (12) If a cultivation center licensee also holds a medical
3522 marijuana treatment center license issued under s. 381.986, the
3523 department may suspend or revoke the medical marijuana treatment
3524 center license concurrently with the early approval adult use
3525 cultivation center license.

3526 (13) All fees or fines collected from an early approval
3527 adult use cultivation center licensee as a result of a
3528 disciplinary action taken in connection with the enforcement of
3529 this chapter must be deposited into the Alcoholic Beverage,
3530 Marijuana, and Tobacco Trust Fund.

3531 566.3012 Conditional adult use cultivation center
3532 application.-

3533 (1) If the department makes available additional
3534 cultivation center licenses, applicants for a conditional adult
3535 use cultivation center license must electronically submit the
3536 following in such form as the department may direct:

3537 (a) The nonrefundable application fee established by
3538 department rule, to be deposited into the Alcoholic Beverage,

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3539 Marijuana, and Tobacco Trust Fund.

3540 (b) The legal name of the cultivation center.

3541 (c) The proposed physical address of the cultivation
3542 center.

3543 (d) The name, address, social security number, and date of
3544 birth of each principal officer and board member of the
3545 cultivation center, each of whom must be at least 21 years of
3546 age.

3547 (e) The details of any administrative or judicial
3548 proceeding in which any of the principal officers or board
3549 members of the cultivation center pled guilty, were convicted,
3550 were fined, or had a registration or license suspended or
3551 revoked, or managed or served on the board of a business or
3552 nonprofit organization that pled guilty, was convicted, was
3553 fined, or had a registration or license suspended or revoked.

3554 (f) Proposed operating bylaws that include procedures for
3555 the oversight of the cultivation center, including the
3556 development and implementation of a plant monitoring system,
3557 accurate recordkeeping, a staffing plan, and a security plan
3558 approved by the Department of Law Enforcement which are in
3559 accordance with department rule. A cultivation center shall
3560 perform a physical inventory of all plants and cannabis on a
3561 weekly basis by the cultivation center.

3562 (g) Verification from the Department of Law Enforcement
3563 that all background checks of the prospective principal
3564 officers, board members, and agents of the cannabis business
3565 establishment have been conducted.

3566 (h) A copy of any applicable current local zoning ordinance
3567 or permit and verification that the proposed cultivation center

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3568 is in compliance with the local zoning rules and any distance
3569 limitations established by the local jurisdiction.

3570 (i) Proposed employment practices, in which the applicant
3571 must demonstrate a plan of action to inform, hire, and educate
3572 minorities, women, veterans, and persons with disabilities;
3573 engage in fair labor practices; and provide worker protections.

3574 (j) A statement as to whether an applicant can demonstrate
3575 experience in, or business practices that promote, economic
3576 empowerment in disproportionately impacted areas.

3577 (k) Experience with the cultivation of agricultural or
3578 horticultural products or operating an agricultural or
3579 horticultural business.

3580 (l) A description of the enclosed, locked facility where
3581 cannabis will be grown, harvested, manufactured, processed,
3582 packaged, or otherwise prepared for distribution to a dispensing
3583 organization.

3584 (m) A survey of the enclosed, locked facility, including
3585 the space used for cultivation.

3586 (n) Cultivation, processing, inventory, and packaging
3587 plans.

3588 (o) A description of the applicant's experience with
3589 agricultural cultivation techniques and industry standards.

3590 (p) A list of any academic degrees, certifications, or
3591 relevant experience of all prospective principal officers, board
3592 members, and agents of the cultivation center.

3593 (q) The name and address of each person having a financial
3594 or voting interest of 5 percent or greater in the cultivation
3595 center operation with respect to which the license is sought,
3596 whether a trust, corporation, partnership, limited liability

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3597 company, or sole proprietorship.

3598 (r) A plan describing how the cultivation center will
3599 address each of the following:

3600 1. Energy needs, including estimates of monthly electricity
3601 and gas usage; the extent to which it will procure energy from a
3602 local utility or from on-site generation; and if it has adopted
3603 or will adopt a sustainable energy use and energy conservation
3604 policy.

3605 2. Water needs, including estimated water draw, and if it
3606 has adopted or will adopt a sustainable water use and water
3607 conservation policy.

3608 3. Waste management, including if it has adopted or will
3609 adopt a waste reduction policy.

3610 (s) A diversity plan that includes a narrative of not more
3611 than 2,500 words which establishes a goal of diversity in
3612 ownership, management, employment, and contracting to ensure
3613 that diverse participants and groups are afforded equality of
3614 opportunity.

3615 (t) A recycling plan that includes requirements that:

3616 1. Purchaser packaging, including cartridges, be accepted
3617 by the applicant and recycled.

3618 2. Any recyclable waste generated by the cannabis
3619 cultivation facility be recycled per applicable state and local
3620 laws, ordinances, and rules.

3621 3. Any cannabis waste, liquid waste, or hazardous waste be
3622 disposed of so that, to the greatest extent feasible, all
3623 cannabis plant waste will be rendered unusable by grinding and
3624 incorporating the cannabis plant waste with compostable mixed
3625 waste.

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3626 (u) A commitment to remain in compliance with applicable
3627 state and federal environmental requirements, including:

3628 1. Storing, securing, and managing all recyclables and
3629 waste, including organic waste composed of or containing
3630 finished cannabis and cannabis products, in accordance with
3631 applicable state and local laws, ordinances, and rules.

3632 2. Disposing liquid waste containing cannabis or byproducts
3633 of cannabis processing in compliance with all applicable state
3634 and federal requirements, including the cannabis cultivation
3635 facility's permits under the Environmental Protection Act.

3636 (v) A commitment to a technology standard for resource
3637 efficiency of the cultivation center facility.

3638 1. A cannabis cultivation facility must commit to use
3639 resources, including energy and water, efficiently. A cannabis
3640 cultivation facility must commit to meet or exceed the
3641 technology standard identified for the following, which may be
3642 modified by rule:

3643 a. Lighting systems, including light bulbs.
3644 b. HVAC system.
3645 c. Water application system to the crop.
3646 d. Filtration system for removing contaminants from
3647 wastewater.

3648 2. The lighting power densities (LPD) for cultivation space
3649 may not exceed an average of 36 watts per gross square foot of
3650 active and growing space canopy, or all installed lighting
3651 technology must meet a photosynthetic photon efficacy (PPE) of
3652 no less than 2.2 micromoles per joule fixture and must be
3653 included on the DesignLights Consortium (DLC) Horticultural
3654 Specification Qualified Products List (QPL). In the event that

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3655 DLC requirement for minimum efficacy exceeds 2.2 micromoles per
3656 joule fixture, that PPE must become the new standard.

3657 3.a. For cannabis grow operations with less than 6,000
3658 square feet of canopy, the licensee must commit that all HVAC
3659 units will be high-efficiency, ductless, split HVAC units, or
3660 other more energy efficient equipment.

3661 b. For cannabis grow operations with 6,000 square feet of
3662 canopy or more, the licensee must commit that all HVAC units
3663 will be variable-refrigerant-flow HVAC units, or other more
3664 energy efficient equipment.

3665 4.a. The cannabis cultivation facility must commit to the
3666 use of automated watering systems, including drip irrigation and
3667 flood tables, to irrigate cannabis crop.

3668 b. The cannabis cultivation facility must commit to measure
3669 runoff from watering events and report this volume in its water
3670 usage plan, and that on average, watering events will produce no
3671 more than 20 percent of runoff of water.

3672 5. The cultivator must commit that HVAC condensate,
3673 dehumidification water, excess runoff, and other wastewater
3674 produced by the cannabis cultivation facility will be captured
3675 and filtered to the best of the facility's ability to achieve
3676 the quality needed to be reused in subsequent watering rounds.

3677 6. The cannabis cultivation facility must commit to
3678 reporting energy use and efficiency as required by department
3679 rule.

3680 (w) Any other information required by rule.

3681 (2) Applicants must submit all required information to the
3682 department. Failure by an applicant to submit all required
3683 information may result in the application being disqualified.

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3684 (3) If the department receives an incomplete application,
3685 the department may issue a deficiency notice to the applicant.
3686 The applicant has 10 calendar days after the date of the
3687 deficiency notice to resubmit the application to cure the
3688 deficiency. Applications that are still incomplete after this
3689 opportunity to cure will not be scored and must be disqualified.

3690 (4) A cultivation center that is awarded a conditional
3691 adult use cultivation center license may not grow, purchase,
3692 possess, or sell cannabis or cannabis-infused products until it
3693 has received an adult use cultivation center license issued by
3694 the department.

3695 566.3013 Conditional adult use cultivation center license;
3696 scoring applications.-

3697 (1) The department shall by rule develop a system to score
3698 cultivation center applications to administratively rank
3699 applications based on the clarity, organization, and quality of
3700 the applicant's responses to required information. Applicants
3701 shall be awarded points based on the following categories:

3702 (a) Suitability of the proposed facility.

3703 (b) Suitability of employee training plan.

3704 (c) Security and recordkeeping.

3705 (d) Cultivation plan.

3706 (e) Product safety and labeling plan.

3707 (f) Business plan.

3708 (g) The applicant's status as a social equity applicant,
3709 which constitutes at least 20 percent of total available points.

3710 (h) Labor and employment practices, which constitute no
3711 less than 2 percent of total available points.

3712 (i) Environmental plan as described in s. 566.3012(1)(u),

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3713 (v), and (w).

3714 (j) Whether at least 51 percent of the applicant business
3715 is owned and controlled by an individual or individuals who have
3716 been residents of this state for the past 5 years as proved by
3717 tax records.

3718 (k) Whether at least 51 percent of the applicant business
3719 is owned and controlled by an individual or individuals who meet
3720 the qualifications of a veteran as defined s. 1.01(14).

3721 (l) An applicant's diversity plan that includes a narrative
3722 of not more than 2,500 words that establishes a goal of
3723 diversity in ownership, management, employment, and contracting
3724 to ensure that diverse participants and groups are afforded
3725 equality of opportunity.

3726 (m) Any other category the department may set by rule for
3727 points.

3728 (2) If the department receives more than one application
3729 for the same BLS region which receive an equal score, it may
3730 award bonus points to applicants for their plans to engage with
3731 the community.

3732 (3) If an applicant is awarded a cultivation center
3733 license, the information and plans that the applicant provided
3734 in its application, including any plans submitted for the
3735 acquiring of bonus points, become a mandatory condition of the
3736 license. Any variation from or failure to perform such plans may
3737 result in discipline, including the revocation or nonrenewal of
3738 a license.

3739 (4) If an applicant is awarded a cultivation center
3740 license, it shall pay a fee as provided in s. 566.801 before
3741 receiving the license, to be deposited into the Alcoholic

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3742 Beverage, Marijuana, and Tobacco Trust Fund.

3743 566.3014 Adult use cultivation center license.-

3744 (1) A person or entity is eligible to receive an adult use
3745 cultivation center license only if the person or entity has
3746 first been awarded a conditional adult use cultivation center
3747 license pursuant to this chapter or the person or entity has
3748 renewed its early approval cultivation center license.

3749 (2) The department may not issue an adult use cultivation
3750 center license until:

3751 (a) The department has inspected the cultivation center
3752 site and proposed operations and verified that they are in
3753 compliance with this chapter and local zoning laws.

3754 (b) The conditional adult use cultivation center licensee
3755 has paid a registration fee as provided in s. 566.801 or a
3756 prorated amount that takes into account the period of time
3757 between issuance of the adult use cultivation center license and
3758 March 31 of the next even-numbered year.

3759 (c) The conditional adult use cultivation center licensee
3760 has met all the requirements in this chapter and department
3761 rule.

3762 566.3015 Denial of application.-An application for a
3763 cultivation center license must be denied if any of the
3764 following conditions is met:

3765 (1) The applicant failed to submit the materials
3766 required by this chapter.

3767 (2) The applicant, if granted a license to operate a
3768 cultivation center, would violate local zoning rules.

3769 (3) One or more of the prospective principal officers or
3770 board members commits or causes a violation of s. 566.3016.

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3771 (4) One or more of the principal officers or board members
3772 is younger than 21 years of age.

3773 (5) The person has submitted an application for a permit
3774 under this chapter which contains false information.

3775 (6) The licensee, a principal officer, a board member, or a
3776 person having a financial or voting interest of 5 percent or
3777 greater in the licensee, or the agent, is delinquent in filing
3778 any required tax returns or paying any amounts owed to the
3779 state.

3780 566.3016 Cultivation center requirements;
3781 prohibitions.-

3782 (1) The operating documents of a cultivation center must
3783 include procedures for the oversight of the cultivation center;
3784 a cannabis plant monitoring system, including a physical
3785 inventory that is recorded weekly; accurate recordkeeping; and a
3786 staffing plan.

3787 (2) A cultivation center shall implement a security plan
3788 reviewed by the Department of Law Enforcement which includes
3789 facility access controls, perimeter intrusion detection systems,
3790 personnel identification systems, and a 24-hour surveillance
3791 system to monitor the interior and exterior of the cultivation
3792 center facility and which provides authorized law enforcement
3793 officers, the department, and the Department of Health with real
3794 time access to parts of the cultivation center where processing
3795 takes place.

3796 (3) All cultivation of cannabis by a cultivation center
3797 must take place in an enclosed, locked facility at the physical
3798 address provided to the department during the licensing process.
3799 Access to the cultivation center location must be limited to the

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3800 agents working for the cultivation center; department staff
3801 during the performance of inspections; Department of Health
3802 staff during the performance of inspections; local and state law
3803 enforcement officers or other emergency personnel; contractors
3804 working on jobs unrelated to cannabis, such as installing or
3805 maintaining security devices or performing electrical wiring;
3806 transporting organization agents as provided in this chapter;
3807 individuals in a mentoring or educational program approved by
3808 the state; and other individuals as authorized by department
3809 rule.

3810 (4) A cultivation center may not sell or distribute any
3811 cannabis or cannabis-infused products to any person other than a
3812 dispensing organization, a craft grower, an infusing
3813 organization, or a transporter, or as otherwise authorized by
3814 rule.

3815 (5) A cultivation center may not, directly or indirectly,
3816 discriminate in price between different dispensing
3817 organizations, craft growers, or infuser organizations that are
3818 purchasing a like grade, strain, brand, and quality of cannabis
3819 or cannabis-infused product. This subsection does not prevent a
3820 cultivation center from pricing cannabis differently based on
3821 differences in the cost of manufacturing or processing; the
3822 quantities sold, such as through volume discounts; or the way
3823 the products are delivered.

3824 (6) A record of all cannabis harvested by a cultivation
3825 center and intended for distribution to a dispensing
3826 organization must be entered into a data collection system,
3827 packaged and labeled as required by this chapter, and placed
3828 into a cannabis container for transport. All cannabis harvested

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3829 by a cultivation center and intended for distribution to a craft
3830 grower or infuser organization must be packaged in a labeled
3831 cannabis container and entered into a data collection system
3832 before transport.

3833 (7) Cultivation centers are subject to random inspections
3834 by the department, the Department of Health, local safety or
3835 health inspectors, and the Department of Law Enforcement.

3836 (8) A cultivation center agent shall notify local law
3837 enforcement, the Department of Law Enforcement, and the
3838 department within 24 hours after the discovery of any loss or
3839 theft. Notification shall be made by telephone, by written or
3840 electronic communication, or in person.

3841 (9) A cultivation center shall comply with all state and
3842 any applicable federal rules and regulations regarding the use
3843 of pesticides on cannabis plants.

3844 (10) A person or entity may not hold any legal, equitable,
3845 ownership, or beneficial interest, directly or indirectly, of
3846 more than three cultivation centers licensed under this chapter.
3847 Further, a person or entity that is employed by, is an agent of,
3848 has a contract to receive payment in any form from, or is a
3849 principal officer of a cultivation center, or an entity
3850 controlled by or affiliated with a principal officer of a
3851 cultivation center, may not hold any legal, equitable,
3852 ownership, or beneficial interest, directly or indirectly, in a
3853 cultivation center which would result in the person or entity
3854 owning or controlling more than three cultivation center
3855 licenses in combination with any cultivation center, principal
3856 officer of a cultivation center, or entity controlled or
3857 affiliated with a principal officer of a cultivation center that

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3858 he, she, or it is employed by, is an agent of, or which it
3859 manages.

3860 (11) A cultivation center may not contain more than 210,000
3861 square feet of canopy space for plants in the flowering stage
3862 for cultivation of adult use cannabis as provided in this
3863 chapter.

3864 (12) A cultivation center may process cannabis, cannabis
3865 concentrates, and cannabis-infused products. Cannabis
3866 concentrate may be made with propylene glycol, glycerin, butter,
3867 olive oil or other typical cooking fats; water, ice, or dry ice;
3868 or butane, propane, carbon dioxide, ethanol, or isopropanol. The
3869 use of any other solvent is expressly prohibited unless approved
3870 by the department.

3871 (13) Beginning July 1, 2023, a cultivation center may not
3872 transport cannabis to a craft grower, a dispensing organization,
3873 an infuser organization, or a laboratory licensed under this
3874 chapter unless it has obtained a transporting organization
3875 license.

3876 (14) It is unlawful for any person having a cultivation
3877 center license, or any officer, associate, member,
3878 representative, or agent of such licensee, to offer or deliver
3879 money, or anything else of value, directly or indirectly, to:

3880 (a) Any person having an early approval adult use
3881 dispensing organization license, a conditional adult use
3882 dispensing organization license, an adult use dispensing
3883 organization license, or a medical marijuana treatment center;

3884 (b) Any person connected with, a family member of a person
3885 holding a license for, or in any way representing an early
3886 approval adult use dispensing organization license, a

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3887 conditional adult use dispensing organization license, an adult
3888 use dispensing organization license, or a medical marijuana
3889 treatment center;

3890 (c) Any stockholders in any corporation engaged in the
3891 retail sale of cannabis; or

3892 (d) Any officer, manager, agent, or representative of the
3893 early approval adult use dispensing organization license, a
3894 conditional adult use dispensing organization license, an adult
3895 use dispensing organization license, or a medical marijuana
3896 treatment center,

3897
3898 to obtain preferential placement within the dispensing
3899 organization, including, without limitation, on shelves and in
3900 display cases where purchasers can view products, or on the
3901 dispensing organization's website.

3902 (15) A cultivation center must comply with any other
3903 requirements or prohibitions set by administrative rule of the
3904 department.

3905 566.3017 Cultivation center agent identification card.—

3906 (1) The department shall:

3907 (a) Establish by rule the information required in an
3908 initial application or renewal application submitted under this
3909 chapter for an agent identification card and the nonrefundable
3910 fee that must accompany the such applications.

3911 (b) Verify the information contained in such applications
3912 and approve or deny an application within 30 days after
3913 receiving a completed application and all supporting
3914 documentation required by rule.

3915 (c) Issue an agent identification card to a qualifying

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3916 agent within 15 business days after approving the initial
3917 application or renewal application.

3918 (d) Enter the license number of the cultivation center
3919 where the agent is employed.

3920 (e) Allow for an electronic application process and for
3921 confirmation of submission by electronic or other means. The
3922 department may require by rule that prospective agents file
3923 their applications by electronic means and that notice be
3924 provided by the department to the agents by electronic means.

3925 (2) An agent must keep his or her identification card
3926 visible at all times when on the property of the cultivation
3927 center at which the agent is employed.

3928 (3) The agent identification cards must contain the
3929 following:

3930 (a) The name of the cardholder.

3931 (b) The date of issuance and expiration date of the
3932 identification card.

3933 (c) A random 10-digit alphanumeric identification number
3934 containing at least 4 numbers and at least 4 letters which is
3935 unique to the holder.

3936 (d) A photograph of the cardholder.

3937 (e) The legal name of the cultivation center employing
3938 the agent.

3939 (4) An agent identification card must be immediately
3940 returned to the cultivation center of the agent upon termination
3941 of his or her employment.

3942 (5) The loss of an agent identification card by a
3943 cultivation center agent must be reported to the Department of
3944 Law Enforcement and the department immediately upon discovery of

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3945 the loss.

3946 (6) The department may not issue an agent identification
3947 card if the applicant is delinquent in filing any required tax
3948 returns or paying any amounts owed to the state.

3949 566.3018 Cultivation center background checks.-

3950 (1) The department shall conduct a background check through
3951 the Department of Law Enforcement of the prospective principal
3952 officers, board members, and agents of a cultivation center
3953 applying for a license or an identification card under this
3954 chapter. The Department of Law Enforcement may charge a fee as
3955 provided in s. 943.053. In complying with this section, each
3956 cultivation center prospective principal officer, board member,
3957 or agent shall submit a full set of fingerprints to the
3958 Department of Law Enforcement for the purpose of obtaining a
3959 state and federal criminal records check. These fingerprints
3960 shall be checked against the fingerprint records now and
3961 hereafter, to the extent allowed by law, and filed in the
3962 Department of Law Enforcement and Federal Bureau of
3963 Investigation criminal history records databases. The Department
3964 of Law Enforcement shall furnish any conviction information to
3965 the department.

3966 (2) When applying for the initial license or identification
3967 card, the background checks for all prospective principal
3968 officers, board members, and agents must be completed before
3969 submission of the application to the licensing or issuing
3970 agency.

3971 566.3019 Renewal of cultivation center licenses and agent
3972 identification cards.-

3973 (1) Cultivation center licenses and identification cards

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3974 issued under this chapter shall be renewed annually. A
3975 cultivation center shall receive written or electronic notice 90
3976 days before the expiration of its current license that the
3977 license will expire. The department shall grant a renewal within
3978 45 days after submission of a renewal application if:

3979 (a) The cultivation center submits a renewal application
3980 and the required nonrefundable renewal fee as provided in s.
3981 566.801, or another amount as the department may set by rule
3982 after January 1, 2024, to be deposited into the Alcoholic
3983 Beverage, Marijuana, and Tobacco Trust Fund.

3984 (b) The department has not suspended the license of the
3985 cultivation center or suspended or revoked the license for
3986 violating this chapter or rules adopted under this chapter.

3987 (c) The cultivation center has continued to operate in
3988 accordance with all plans submitted as part of its application
3989 and approved by the department or any amendments thereto that
3990 have been approved by the department.

3991 (d) The cultivation center has submitted an agent,
3992 employee, contracting, and subcontracting diversity report as
3993 required by the department.

3994 (e) The cultivation center has submitted an environmental
3995 impact report.

3996 (2) If a cultivation center fails to renew its license
3997 before expiration, it shall cease operations until its license
3998 is renewed.

3999 (3) If a cultivation center agent fails to renew his or her
4000 identification card before its expiration, he or she shall cease
4001 to work as an agent of the cultivation center until his or her
4002 identification card is renewed.

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4003 (4) Any cultivation center that continues to operate, or
4004 any cultivation center agent who continues to work as an agent,
4005 after the applicable license or identification card has expired
4006 without renewal is subject to the penalties provided under s.
4007 566.4701.

4008 566.401 Craft growers.—

4009 (1) ISSUANCE OF LICENSES.—

4010 (a) The department shall issue up to 40 craft grower
4011 licenses by July 1, 2023. Any person or entity awarded a license
4012 pursuant to this subsection shall hold only one craft grower
4013 license and may not sell that license until after December 21,
4014 2022.

4015 (b) By December 21, 2024, the department shall issue up to
4016 60 additional craft grower licenses. Any person or entity
4017 awarded a license pursuant to this paragraph may not hold more
4018 than two craft grower licenses. The person or entity awarded a
4019 license pursuant to this paragraph or paragraph (a) may sell its
4020 craft grower license subject to the restrictions of this chapter
4021 or as determined by department rule. Before issuing such
4022 licenses, the department may adopt rules through emergency
4023 rulemaking to modify or raise the number of craft grower
4024 licenses assigned to each region and modify or change the
4025 licensing application process to reduce or eliminate barriers.
4026 In determining whether to exercise the authority granted by this
4027 subsection, the department must consider the following factors:

4028 1. The percentage of cannabis sales occurring in this state
4029 not in the regulated market, using the best available data to
4030 ascertain total cannabis consumption in this state compared to
4031 the amount of sales in licensed dispensing organizations.

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4032 2. Whether there is an adequate supply of cannabis and
4033 cannabis-infused products to serve registered qualified
4034 patients.

4035 3. Whether there is an adequate supply of cannabis and
4036 cannabis-infused products to serve purchasers.

4037 4. Whether there is an oversupply of cannabis in this state
4038 leading to trafficking of cannabis to states where the sale of
4039 cannabis is not authorized by law.

4040 5. Population increases or shifts.

4041 6. The density of craft growers in any area of the state.

4042 7. Perceived security risks of increasing the number or
4043 location of craft growers.

4044 8. The past safety record of craft growers.

4045 9. The department's capacity to appropriately regulate
4046 additional licensees.

4047 10. The reduction or elimination of any identified barriers
4048 to entry into the cannabis industry.

4049 11. Any other criteria the department deems relevant.

4050 (c) After January 1, 2023, the department may by rule
4051 modify or raise the number of craft grower licenses assigned to
4052 each region, and modify or change the licensing application
4053 process to reduce or eliminate barriers based on the criteria in
4054 paragraph (b). At no time may the number of craft grower
4055 licenses exceed 150. Any person or entity awarded a license
4056 pursuant to this subsection may not hold more than three craft
4057 grower licenses. A person or entity awarded a license pursuant
4058 to this subsection may sell its craft grower license or licenses
4059 subject to the restrictions of this chapter or as determined by
4060 administrative rule.

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4061 (2) APPLICATION.—

4062 (a) When applying for a license, the applicant shall
4063 electronically submit the following in such form as the
4064 department may direct:

4065 1. The nonrefundable application fee as provided in s.
4066 566.801 to be deposited into the Alcoholic Beverage, Marijuana,
4067 and Tobacco Trust Fund.

4068 2. The legal name of the craft grower.

4069 3. The proposed physical address of the craft grower.

4070 4. The name, address, social security number, and date of
4071 birth of each principal officer and board member of the craft
4072 grower, each of whom must be at least 21 years of age.

4073 5. The details of any administrative or judicial proceeding
4074 in which any of the principal officers or board members of the
4075 craft grower was named, including whether any of them:

4076 a. Pled guilty, were convicted, were fined, or had a
4077 registration or license suspended or revoked; or

4078 b. Managed or served on the board of a business or
4079 nonprofit organization that pled guilty, was convicted, was
4080 fined, or had a registration or license suspended or revoked.

4081 6. Proposed operating bylaws that include procedures for
4082 the oversight of the craft grower, including the development and
4083 implementation of a plant monitoring system, accurate
4084 recordkeeping, a staffing plan, and a security plan approved by
4085 the Department of Law Enforcement which are in accordance with
4086 the rules issued by the department under this chapter. A
4087 physical inventory must be performed of all plants on a weekly
4088 basis by the craft grower.

4089 7. Verification from the Department of Law Enforcement that

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4090 all background checks of the prospective principal officers,
4091 board members, and agents of the cannabis business establishment
4092 have been conducted.

4093 8. A copy of the current local zoning ordinance or permit
4094 and verification that the proposed craft grower is in compliance
4095 with the local zoning rules and distance limitations established
4096 by the local jurisdiction.

4097 9. Proposed employment practices, in which the applicant
4098 must demonstrate a plan of action to inform, hire, and educate
4099 minorities, women, veterans, and persons with disabilities,
4100 engage in fair labor practices, and provide worker protections.

4101 10. Whether an applicant can demonstrate experience in or
4102 business practices that promote economic empowerment in
4103 disproportionately impacted areas.

4104 11. Experience with the cultivation of agricultural or
4105 horticultural products, operating an agriculturally related
4106 business, or operating a horticultural business.

4107 12. A description of the enclosed, locked facility where
4108 cannabis will be grown, harvested, manufactured, packaged, or
4109 otherwise prepared for distribution to a dispensing organization
4110 or other cannabis business establishment.

4111 13. A survey of the enclosed, locked facility, including
4112 the space used for cultivation.

4113 14. Cultivation, processing, inventory, and packaging
4114 plans.

4115 15. A description of the applicant's experience with
4116 agricultural cultivation techniques and industry standards.

4117 16. A list of any academic degrees, certifications, or
4118 relevant experience of all prospective principal officers, board

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4119 members, and agents of the related business.

4120 17. The identity of every person having a financial or
4121 voting interest of 5 percent or greater in the craft grower
4122 operation, whether a trust, corporation, partnership, limited
4123 liability company, or sole proprietorship, including the name
4124 and address of each.

4125 18. A plan describing how the craft grower will address
4126 each of the following:

4127 a. Energy needs, including estimates of monthly electricity
4128 and gas usage, to what extent it will procure energy from a
4129 local utility or from on-site generation, and if it has or will
4130 adopt a sustainable energy use and energy conservation policy;
4131 and water needs, including estimated water draw and if it has or
4132 will adopt a sustainable water use and water conservation
4133 policy.

4134 b. Waste management, including if it has or will adopt a
4135 waste reduction policy.

4136 19. A recycling plan, including provisions requiring that:

4137 a. Purchaser packaging, including cartridges, be accepted
4138 by the applicant and recycled.

4139 b. Any recyclable waste generated by the craft grower
4140 facility be recycled per applicable state and local laws,
4141 ordinances, and rules.

4142 c. All cannabis plant waste rendered unusable by grinding
4143 and incorporating the cannabis plant waste with compostable
4144 mixed waste to be disposed of or composted in accordance with
4145 applicable solid waste laws.

4146 20. A commitment to comply with local waste provisions. A
4147 craft grower facility must remain in compliance with applicable

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4148 state and federal environmental requirements, including:

4149 a. Storing, securing, and managing all recyclables and
4150 waste, including organic waste composed of or containing
4151 finished cannabis and cannabis products, in accordance with
4152 applicable state and local laws, ordinances, and rules; and

4153 b. Disposing of liquid waste containing cannabis or
4154 byproducts of cannabis processing in compliance with all
4155 applicable state and federal requirements, including, but not
4156 limited to, the cannabis cultivation facility's permits under
4157 the Environmental Protection Act.

4158 21. A commitment to a technology standard for resource
4159 efficiency of the craft grower facility in which:

4160 a. A craft grower facility commits to use resources
4161 efficiently, including energy and water. For the following, a
4162 cannabis cultivation facility must commit to meet or exceed the
4163 following technology standards which may be modified by rule:

4164 (I) Lighting systems, including light bulbs.

4165 (II) HVAC system.

4166 (III) Water application system for the crop.

4167 (IV) Filtration system for removing contaminants from
4168 wastewater.

4169 b. The Lighting Power Densities (LPD) for cultivation space
4170 does not exceed an average of 36 watts per gross square foot of
4171 active and growing space canopy, or all installed lighting
4172 technology meets a photosynthetic photon efficacy (PPE) of no
4173 less than 2.2 micromoles per joule fixture and is featured on
4174 the DesignLights Consortium (DLC) Horticultural Specification
4175 Qualified Products List (QPL). In the event that DLC requirement
4176 for minimum efficacy exceeds 2.2 micromoles per joule fixture,

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4177 that PPE shall become the new standard.

4178 c.(I) For cannabis grow operations with less than 6,000
4179 square feet of canopy, the licensee commits that all HVAC units
4180 will be high-efficiency ductless split HVAC units, or other more
4181 energy efficient equipment.

4182 (II) For cannabis grow operations with 6,000 square feet of
4183 canopy or more, the licensee commits that all HVAC units will be
4184 variable refrigerant flow HVAC units, or other more energy
4185 efficient equipment.

4186 d. The craft grower facility commits to use automated
4187 watering systems, including, but not limited to, drip irrigation
4188 and flood tables, to irrigate cannabis crop and to measure
4189 runoff from watering events and report this volume in its water
4190 usage plan, and that on average, watering events shall have no
4191 more than 20 percent of runoff of water.

4192 e. The craft grower commits that HVAC condensate,
4193 dehumidification water, excess runoff, and other wastewater
4194 produced by the craft grower facility shall be captured and
4195 filtered to the best of the facility's ability to achieve the
4196 quality needed to be reused in subsequent watering rounds.

4197 f. Reporting energy use and efficiency as required by rule.

4198 22. Any other information required by department rule.

4199 (b) Applicants must submit all required information,
4200 including the information required in subsection (3), to the
4201 department. Failure by an applicant to submit all required
4202 information may result in the application being disqualified.

4203 (c) If the department receives an application with missing
4204 information, the department may issue a deficiency notice to the
4205 applicant. The applicant shall have 10 calendar days after the

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4206 date of the deficiency notice to resubmit the incomplete
4207 information. Applications that are still incomplete after this
4208 opportunity to cure will not be scored and will be disqualified.

4209 (3) SCORING APPLICATIONS.—

4210 (a) The department shall by rule develop a system to score
4211 craft grower applications to administratively rank applications
4212 based on the clarity, organization, and quality of the
4213 applicant's responses to required information. Applicants shall
4214 be awarded points based on the following categories:

4215 1. Suitability of the proposed facility.

4216 2. Suitability of the employee training plan.

4217 3. Security and recordkeeping.

4218 4. Cultivation plan.

4219 5. Product safety and labeling plan.

4220 6. Business plan.

4221 7. The applicant's status as a social equity applicant,
4222 which shall constitute no less than 20 percent of total
4223 available points.

4224 8. Labor and employment practices, which shall constitute
4225 no less than 2 percent of total available points.

4226 9. Environmental plans as described in
4227 subparagraphs (2) (a) 18. and 19.

4228 10. The applicant is 51 percent or more owned and
4229 controlled by an individual or individuals who have been a
4230 resident of this state for the past 5 years as proved by tax
4231 records.

4232 11. The applicant is 51 percent or more controlled and
4233 owned by an individual or individuals who meet the
4234 qualifications of a veteran as defined in s. 1.01(14).

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4235 12. A diversity plan that includes a narrative of not more
4236 than 2,500 words which establishes a goal of diversity in
4237 ownership, management, employment, and contracting to ensure
4238 that diverse participants and groups are afforded equality of
4239 opportunity.

4240 13. Any other criteria the department may set by rule for
4241 points.

4242 (b) The department may also award up to two bonus points
4243 for the applicant's plan to engage with the community. The
4244 applicant may demonstrate a desire to engage with its community
4245 by participating in one or more of the following actions or
4246 other actions as determined by the department:

4247 1. Establishment of an incubator program designed to
4248 increase participation in the cannabis industry by persons who
4249 would qualify as social equity applicants;

4250 2. Providing financial assistance to substance abuse
4251 treatment centers;

4252 3. Educating children and teens about the potential harms
4253 of cannabis use; or

4254 4. Other measures demonstrating a commitment to the
4255 applicant's community. Bonus points will be awarded only if the
4256 department receives applications that receive an equal score for
4257 a particular region.

4258 (c) Should the applicant be awarded a craft grower license,
4259 the information and plans that an applicant provided in its
4260 application, including any plans submitted for the acquiring of
4261 bonus points, shall be a mandatory condition of the license. Any
4262 variation from or failure to perform such plans may result in
4263 discipline, including the revocation or nonrenewal of a license.

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4264 (d) Should the applicant be awarded a craft grower license,
4265 the applicant shall pay the fee as provided in s. 566.801,
4266 prorated, before receiving the license, to be deposited into the
4267 Alcoholic Beverage, Marijuana, and Tobacco Trust Fund.

4268 (4) ISSUANCE OF LICENSE TO CERTAIN PERSONS PROHIBITED.—

4269 (a) A craft grower license issued by the department may not
4270 be issued to a person who is licensed by any licensing authority
4271 as a cultivation center, or to any partnership, corporation,
4272 limited liability company, or trust or any subsidiary,
4273 affiliate, or any other form of business enterprise having more
4274 than 10 percent legal, equitable, or beneficial interest,
4275 directly or indirectly, in a person licensed in this state as a
4276 cultivation center, or to any principal officer, agent,
4277 employee, or any other person with any form of ownership or
4278 control over a cultivation center except for a person who owns
4279 no more than 5 percent of the outstanding shares of a
4280 cultivation center whose shares are publicly traded on an
4281 exchange within the meaning of the Securities Exchange Act of
4282 1934.

4283 (b) A person who is licensed in this state as a craft
4284 grower, or any partnership, corporation, limited liability
4285 company, or trust or any subsidiary, affiliate, or agent
4286 thereof, or any other form of business enterprise licensed in
4287 this state as a craft grower may not have more than 10 percent
4288 legal, equitable, or beneficial interest, directly or
4289 indirectly, in a person licensed as a cultivation center, nor
4290 shall any partnership, corporation, limited liability company,
4291 or trust or any subsidiary, affiliate, or any other form of
4292 business enterprise having any legal, equitable, or beneficial

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4293 interest, directly or indirectly, in a person licensed in this
4294 state as a craft grower or a craft grower agent be a principal
4295 officer, agent, employee, or natural person with any form of
4296 ownership or control over a cultivation center except for a
4297 person who owns no more than 5 percent of the outstanding shares
4298 of a cultivation center whose shares are publicly traded on an
4299 exchange within the meaning of the Securities Exchange Act of
4300 1934.

4301 (5) DENIAL OF APPLICATION.—An application for a craft
4302 grower license must be denied if any of the following conditions
4303 is met:

4304 (a) The applicant failed to submit the materials required
4305 by this section.

4306 (b) The applicant would not be in compliance with local
4307 zoning rules.

4308 (c) One or more of the prospective principal officers or
4309 board members causes a violation of subsection (4).

4310 (d) One or more of the principal officers or board members
4311 is under 21 years of age.

4312 (e) The person has submitted an application for a license
4313 under this chapter which contains false information.

4314 (f) The licensee; principal officer, board member, or
4315 person having a financial or voting interest of 5 percent or
4316 greater in the licensee; or agent is delinquent in filing any
4317 required tax returns or paying any amounts owed to this state.

4318 (6) CRAFT GROWER REQUIREMENTS; PROHIBITIONS.—

4319 (a) The operating documents of a craft grower must include
4320 procedures for the oversight of the craft grower, a cannabis
4321 plant monitoring system including a physical inventory recorded

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4322 weekly, accurate recordkeeping, and a staffing plan.

4323 (b) A craft grower shall implement a security plan reviewed
4324 by the Department of Law Enforcement that includes, but is not
4325 limited to, facility access controls, perimeter intrusion
4326 detection systems, personnel identification systems, and a 24-
4327 hour surveillance system to monitor the interior and exterior of
4328 the craft grower facility and that is accessible to authorized
4329 law enforcement and the department in real time.

4330 (c) All cultivation of cannabis by a craft grower must take
4331 place in an enclosed, locked facility at the physical address
4332 provided to the department during the licensing process. The
4333 craft grower location shall be accessed only by the agents
4334 working for the craft grower, the department staff performing
4335 inspections, the Department of Health staff performing
4336 inspections, state and local law enforcement or other emergency
4337 personnel, contractors working on jobs unrelated to cannabis,
4338 such as installing or maintaining security devices or performing
4339 electrical wiring, transporting organization agents as provided
4340 in this chapter, or participants in the incubator program,
4341 individuals in a mentoring or educational program approved by
4342 the state, or other individuals as provided by rule. However, if
4343 a craft grower shares a premises with an infuser or dispensing
4344 organization, agents from those other licensees may access the
4345 craft grower portion of the premises if that is the location of
4346 common bathrooms, lunchrooms, locker rooms, or other areas of
4347 the building where work or cultivation of cannabis is not
4348 performed. At no time may an infuser or dispensing organization
4349 agent perform work at a craft grower without being a registered
4350 agent of the craft grower.

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4351 (d) A craft grower may not sell or distribute any cannabis
4352 to any person other than a cultivation center, a craft grower,
4353 an infuser organization, a dispensing organization, or as
4354 otherwise authorized by rule.

4355 (e) A craft grower may not be located in an area zoned for
4356 residential use.

4357 (f) A craft grower may not either directly or indirectly
4358 discriminate in price between different cannabis business
4359 establishments that are purchasing a like grade, strain, brand,
4360 and quality of cannabis or cannabis-infused product. Nothing in
4361 this paragraph prevents a craft grower from pricing cannabis
4362 differently based on differences in the cost of manufacturing or
4363 processing, the quantities sold, such as volume discounts, or
4364 the way the products are delivered.

4365 (g) All cannabis harvested by a craft grower and intended
4366 for distribution to a dispensing organization must be entered
4367 into a data collection system, packaged and labeled as required
4368 by law, and, if distribution is to a dispensing organization
4369 that does not share a premises with the dispensing organization
4370 receiving the cannabis, placed into a cannabis container for
4371 transport. All cannabis harvested by a craft grower and intended
4372 for distribution to a cultivation center, to an infuser
4373 organization, or to a craft grower with which it does not share
4374 a premises must be packaged in a labeled cannabis container and
4375 entered into a data collection system before transport.

4376 (h) Craft growers are subject to random inspections by the
4377 department, local safety or health inspectors, and the
4378 Department of Law Enforcement.

4379 (i) A craft grower agent shall notify local law

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4380 enforcement, the Department of Law Enforcement, and the
4381 department within 24 hours after the discovery of any loss or
4382 theft. Notification shall be made by phone, in person, or
4383 written or electronic communication.

4384 (j) A craft grower shall comply with all state and any
4385 applicable federal rules and regulations regarding the use of
4386 pesticides.

4387 (k) A craft grower or craft grower agent may not transport
4388 cannabis or cannabis-infused products to any other cannabis
4389 business establishment without a transport organization license
4390 unless:

4391 1. If the craft grower is located in a county with a
4392 population of 3 million or more, the cannabis business
4393 establishment receiving the cannabis is within 2,000 feet of the
4394 property line of the craft grower;

4395 2. If the craft grower is located in a county with a
4396 population of more than 700,000 but fewer than 3 million, the
4397 cannabis business establishment receiving the cannabis is within
4398 2 miles of the craft grower; or

4399 3. If the craft grower is located in a county with a
4400 population of fewer than 700,000, the cannabis business
4401 establishment receiving the cannabis is within 15 miles of the
4402 craft grower.

4403 (l) A craft grower may enter into a contract with a
4404 transporting organization to transport cannabis to a cultivation
4405 center, a craft grower, an infuser organization, a dispensing
4406 organization, or a laboratory.

4407 (m) No person or entity shall hold any legal, equitable,
4408 ownership, or beneficial interest, directly or indirectly, of

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4409 more than three craft grower licenses. Further, no person or
4410 entity that is employed by, an agent of, or has a contract to
4411 receive payment from or participate in the management of, a
4412 craft grower is a principal officer of a craft grower, or entity
4413 controlled by or affiliated with a principal officer of a craft
4414 grower shall hold any legal, equitable, ownership, or beneficial
4415 interest, directly or indirectly, in a craft grower license that
4416 would result in the person or entity owning or controlling in
4417 combination with any craft grower, principal officer of a craft
4418 grower, or entity controlled or affiliated with a principal
4419 officer of a craft grower by which he, she, or it is employed,
4420 is an agent of, or participates in the management of more than
4421 three craft grower licenses.

4422 (n) It is unlawful for any person having a craft grower
4423 license or any officer, associate, member, representative, or
4424 agent of the licensee to offer or deliver money, or anything
4425 else of value, directly or indirectly, to any person having an
4426 early approval adult use dispensing organization license, a
4427 conditional adult use dispensing organization license, an adult
4428 use dispensing organization license, or a medical marijuana
4429 treatment center, or to any person connected with or in any way
4430 representing, or to any member of the family of, the person
4431 holding an early approval adult use dispensing organization
4432 license, a conditional adult use dispensing organization
4433 license, an adult use dispensing organization license, or a
4434 medical marijuana treatment center, or to any stockholders in
4435 any corporation engaged in the retail sale of cannabis, or to
4436 any officer, manager, agent, or representative of the early
4437 approval adult use dispensing organization license, a

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4438 conditional adult use dispensing organization license, an adult
4439 use dispensing organization license, or a medical marijuana
4440 treatment center to obtain preferential placement within the
4441 dispensing organization, including, without limitation, on
4442 shelves and in display cases where purchasers can view products,
4443 or on the dispensing organization's website.

4444 (o) A craft grower may not be located within 1,500 feet of
4445 another craft grower or a cultivation center.

4446 (p) A craft grower may process cannabis, cannabis
4447 concentrates, and cannabis-infused products. Cannabis
4448 concentrate may be made with propylene glycol, glycerin, butter,
4449 olive oil or other typical cooking fats; water, ice, or dry ice;
4450 or butane, propane, carbon dioxide, ethanol, or isopropanol. The
4451 use of any other solvent is expressly prohibited unless it is
4452 approved by the department.

4453 (q) A craft grower must comply with any other requirements
4454 or prohibitions set by administrative rule of the department.

4455 (7) IDENTIFICATION CARD.—

4456 (a) The department shall:

4457 1. Establish by rule the information required in an initial
4458 application or renewal application for an agent identification
4459 card submitted under this section and the nonrefundable fee to
4460 accompany the initial application or renewal application.

4461 2. Verify the information contained in an initial
4462 application or renewal application for an agent identification
4463 card submitted under this section and approve or deny an
4464 application within 30 days after receiving a completed initial
4465 application or renewal application and all supporting
4466 documentation required by rule.

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4467 3. Issue an agent identification card to a qualifying agent
4468 within 15 business days after approving the initial application
4469 or renewal application.

4470 4. Enter the license number of the craft grower where the
4471 agent works, allow for an electronic initial application and
4472 renewal application process, and provide a confirmation by
4473 electronic or other methods that an application has been
4474 submitted. The department may by rule require prospective agents
4475 to file their applications by electronic means and provide
4476 notices to the agents by electronic means.

4477 (b) An agent must keep his or her identification card
4478 visible at all times when on the property of a cannabis business
4479 establishment, including the craft grower organization for which
4480 he or she is an agent.

4481 (c) The agent identification cards shall contain the
4482 following:

4483 1. The name of the cardholder.

4484 2. The date of issuance and expiration date of the
4485 identification card.

4486 3. A random 10-digit alphanumeric identification number
4487 containing at least four numbers and at least four letters that
4488 is unique to the holder.

4489 4. A photograph of the cardholder.

4490 5. The legal name of the craft grower organization
4491 employing the agent.

4492 (d) An agent identification card shall be immediately
4493 returned to the cannabis business establishment of the agent
4494 upon termination of his or her employment.

4495 (e) Any agent identification card lost by a craft grower

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4496 agent shall be reported to the Department of Law Enforcement and
4497 the department immediately upon discovery of the loss.

4498 (8) BACKGROUND CHECKS.—

4499 (a) Through the Department of Law Enforcement, the
4500 department shall conduct a background check of the prospective
4501 principal officers, board members, and agents of a craft grower
4502 applying for a license or identification card under this
4503 section. The Department of Law Enforcement may charge a fee as
4504 provided in s. 943.053. In order to carry out this section, each
4505 craft grower organization's prospective principal officer, board
4506 member, or agent shall submit a full set of fingerprints to the
4507 Department of Law Enforcement for the purpose of obtaining a
4508 state and federal criminal records check. These fingerprints
4509 shall be checked against the fingerprint records now and
4510 hereafter, to the extent allowed by law, and filed in the
4511 Department of Law Enforcement and Federal Bureau of
4512 Investigation criminal history records databases. The Department
4513 of Law Enforcement shall furnish, following positive
4514 identification, all conviction information to the department.

4515 (b) When applying for the initial license or identification
4516 card, the background checks for all prospective principal
4517 officers, board members, and agents shall be completed before
4518 submitting the application to the licensing or issuing agency.

4519 (9) RENEWAL OF LICENSES AND IDENTIFICATION CARDS.—

4520 (a) Licenses and identification cards issued under this
4521 section shall be renewed annually. A craft grower shall receive
4522 written or electronic notice 90 days before the expiration of
4523 its current license that the license will expire. The department
4524 shall grant a renewal within 45 days after submission of a

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4525 renewal application if:

4526 1. The craft grower submits a renewal application and the
4527 required nonrefundable renewal fee as provided in s. 566.801.

4528 2. The department has not suspended the license of the
4529 craft grower or suspended or revoked the license for violating
4530 this section or rules adopted under this section.

4531 3. The craft grower has continued to operate in accordance
4532 with all plans submitted as part of its application and approved
4533 by the department or any amendments thereto that have been
4534 approved by the department.

4535 4. The craft grower has submitted an agent, employee,
4536 contracting, and subcontracting diversity report as required by
4537 the department.

4538 5. The craft grower has submitted an environmental impact
4539 report.

4540 (b) If a craft grower fails to renew its license before
4541 expiration, it shall cease operations until its license is
4542 renewed.

4543 (c) If a craft grower agent fails to renew his or her
4544 identification card before its expiration, he or she shall cease
4545 to work as an agent of the craft grower organization until his
4546 or her identification card is renewed.

4547 (d) Any craft grower that continues to operate, or any
4548 craft grower agent who continues to work as an agent, after the
4549 applicable license or identification card has expired without
4550 renewal is subject to the penalties provided under s. 566.4701.

4551 (e) All fees or fines collected from the renewal of a craft
4552 grower license shall be deposited into the Alcoholic Beverage,
4553 Marijuana, and Tobacco Trust Fund.

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4554 566.405 Infuser organizations.—

4555 (1) ISSUANCE OF LICENSES.—

4556 (a) The department shall issue up to 40 infuser licenses
4557 through a process provided for in this section no later than
4558 July 1, 2023.

4559 (b) The department shall make the application for infuser
4560 licenses available on January 7, 2023, and on every January 7
4561 thereafter, and shall receive such applications by March 15,
4562 2023, and on every March 15 thereafter. If any of the dates fall
4563 on a weekend or holiday, the first business day immediately
4564 succeeding the weekend or holiday applies.

4565 (c) By December 21, 2024, the department may issue up to 60
4566 additional infuser licenses. Before issuing such licenses, the
4567 department may adopt rules through emergency rulemaking to
4568 modify or raise the number of infuser licenses and modify or
4569 change the licensing application process to reduce or eliminate
4570 barriers. In determining whether to exercise the authority
4571 granted by this subsection, the department must consider the
4572 following factors:

4573 1. The percentage of cannabis sales occurring in this
4574 states not in the regulated market using the best available data
4575 to ascertain total cannabis consumption in this state compared
4576 to the amount of sales in licensed dispensing organizations.

4577 2. Whether there is an adequate supply of cannabis and
4578 cannabis-infused products to serve registered qualified
4579 patients.

4580 3. Whether there is an adequate supply of cannabis and
4581 cannabis-infused products to serve purchasers.

4582 4. Whether there is an oversupply of cannabis in this state

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4583 leading to trafficking of cannabis to states where the sale of
4584 cannabis is not authorized by law.

4585 5. Population increases or shifts.

4586 6. Changes to federal law.

4587 7. Perceived security risks of increasing the number or
4588 location of infuser organizations.

4589 8. The past security record of infuser organizations.

4590 9. The department's capacity to appropriately regulate
4591 additional licensees.

4592 10. The reduction or elimination of any identified barriers
4593 to entry in the cannabis industry.

4594 11. Any other criteria the department deems relevant.

4595 (d) After January 1, 2023, the department may by rule
4596 modify or raise the number of infuser licenses, and modify or
4597 change the licensing application process to reduce or eliminate
4598 barriers based on the criteria in paragraph (c).

4599 (2) APPLICATION.—

4600 (a) When applying for a license, the applicant shall
4601 electronically submit the following in such form as the
4602 department may direct:

4603 1. The nonrefundable application fee as provided in s.
4604 566.801 to be deposited into the Alcoholic Beverage, Marijuana,
4605 and Tobacco Trust Fund.

4606 2. The legal name of the infuser.

4607 3. The proposed physical address of the infuser.

4608 4. The name, address, social security number, and date of
4609 birth of each principal officer and board member of the infuser,
4610 each of whom must be at least 21 years of age.

4611 5. The details of any administrative or judicial proceeding

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4612 in which any of the principal officers or board members of the
4613 infuser:

4614 a. Pled guilty, were convicted, were fined, or had a
4615 registration or license suspended or revoked; or

4616 b. Managed or served on the board of a business or
4617 nonprofit organization that pled guilty, was convicted, was
4618 fined, or had a registration or license suspended or revoked.

4619 6. Proposed operating bylaws that include procedures for
4620 the oversight of the infuser, including the development and
4621 implementation of a plant monitoring system, accurate
4622 recordkeeping, staffing plan, and security plan approved by the
4623 Department of Law Enforcement which are in accordance with the
4624 rules issued by the department under this section. A physical
4625 inventory of all cannabis shall be performed on a weekly basis
4626 by the infuser.

4627 7. Verification from the Department of Law Enforcement that
4628 all background checks of the prospective principal officers,
4629 board members, and agents of the infuser organization have been
4630 conducted.

4631 8. A copy of the current local zoning ordinance and
4632 verification that the proposed infuser is in compliance with the
4633 local zoning rules and distance limitations established by the
4634 local jurisdiction.

4635 9. Proposed employment practices, in which the applicant
4636 must demonstrate a plan of action to inform, hire, and educate
4637 minorities, women, veterans, and persons with disabilities,
4638 engage in fair labor practices, and provide worker protections.

4639 10. Whether an applicant can demonstrate experience in or
4640 business practices that promote economic empowerment in

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4641 disproportionately impacted areas.

4642 11. Experience with infusing products with cannabis
4643 concentrate.

4644 12. A description of the enclosed, locked facility where
4645 cannabis will be infused, packaged, or otherwise prepared for
4646 distribution to a dispensing organization or other infuser.

4647 13. Processing, inventory, and packaging plans.

4648 14. A description of the applicant's experience with
4649 operating a commercial kitchen or laboratory preparing products
4650 for human consumption.

4651 15. A list of any academic degrees, certifications, or
4652 relevant experience of all prospective principal officers, board
4653 members, and agents of the related business.

4654 16. The identity of every person having a financial or
4655 voting interest of 5 percent or greater in the infuser operation
4656 with respect to which the license is sought, whether a trust,
4657 corporation, partnership, limited liability company, or sole
4658 proprietorship, including the name and address of each.

4659 17. A plan describing how the infuser will address each of
4660 the following:

4661 a. Energy needs, including estimates of monthly electricity
4662 and gas usage, to what extent it will procure energy from a
4663 local utility or from on-site generation, and if it has or will
4664 adopt a sustainable energy use and energy conservation policy.

4665 b. Water needs, including estimated water draw, and if it
4666 has or will adopt a sustainable water use and water conservation
4667 policy.

4668 c. Waste management, including adoption of a waste
4669 reduction policy.

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- 4670 18. A recycling plan that requires:
- 4671 a. A commitment that any recyclable waste generated by the
- 4672 infuser will be recycled per applicable state and local laws,
- 4673 ordinances, and rules; and
- 4674 b. A commitment to comply with local waste provisions. An
- 4675 infuser must commit to remain in compliance with applicable
- 4676 state and federal environmental requirements, including, but not
- 4677 limited to, storing, securing, and managing all recyclables and
- 4678 waste, including organic waste composed of or containing
- 4679 finished cannabis and cannabis products, in accordance with
- 4680 applicable state and local laws, ordinances, and rules.
- 4681 19. Any other information required by rule.
- 4682 (b) Applicants must submit all required information,
- 4683 including the information required in subsection (3), to the
- 4684 department. Failure by an applicant to submit all required
- 4685 information may result in the application being disqualified.
- 4686 (c) If the department receives an application with missing
- 4687 information, the department may issue a deficiency notice to the
- 4688 applicant. The applicant shall have 10 calendar days from the
- 4689 date of the deficiency notice to resubmit the incomplete
- 4690 information. Applications that are still incomplete after this
- 4691 opportunity to cure will not be scored and will be disqualified.
- 4692 (3) ISSUING LICENSES.—
- 4693 (a) The department shall by rule develop a system to score
- 4694 infuser applications to administratively rank applications based
- 4695 on the clarity, organization, and quality of the applicant's
- 4696 responses to required information. Applicants shall be awarded
- 4697 points based on the following categories:
- 4698 1. Suitability of the proposed facility.

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- 4699 2. Suitability of the employee training plan.
- 4700 3. Security and recordkeeping plan.
- 4701 4. Infusing plan.
- 4702 5. Product safety and labeling plan.
- 4703 6. Business plan.
- 4704 7. The applicant's status as a social equity applicant,
4705 which shall constitute no less than 20 percent of total
4706 available points.
- 4707 8. Labor and employment practices, which shall constitute
4708 no less than 2 percent of total available points.
- 4709 9. Environmental plans as described in subparagraphs
4710 (2) (a) 17. and 18.
- 4711 10. The applicant is 51 percent or more owned and
4712 controlled by an individual or individuals who have been a
4713 resident of this state for the past 5 years as proved by tax
4714 records.
- 4715 11. The applicant is 51 percent or more controlled and
4716 owned by an individual or individuals who meet the
4717 qualifications of a veteran as defined in s. 1.01(14).
- 4718 12. A diversity plan that includes a narrative of not more
4719 than 2,500 words which establishes a goal of diversity in
4720 ownership, management, employment, and contracting to ensure
4721 that diverse participants and groups are afforded equality of
4722 opportunity.
- 4723 13. Any other criteria the department may set by rule for
4724 points.
- 4725 (b) The department may also award up to two bonus points
4726 for the applicant's plan to engage with the community. The
4727 applicant may demonstrate a desire to engage with its community

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4728 by participating in one or more of, but not limited to, the
4729 following actions:

4730 1. Establishment of an incubator program designed to
4731 increase participation in the cannabis industry by persons who
4732 would qualify as social equity applicants;

4733 2. Providing financial assistance to substance abuse
4734 treatment centers;

4735 3. Educating children and teens about the potential harms
4736 of cannabis use; or

4737 4. Other measures demonstrating a commitment to the
4738 applicant's community. Bonus points will only be awarded if the
4739 department receives applications that receive an equal score for
4740 a particular region.

4741 (c) Should the applicant be awarded an infuser license, the
4742 information and plans that an applicant provided in its
4743 application, including any plans submitted for the acquiring of
4744 bonus points, becomes a mandatory condition of the permit. Any
4745 variation from or failure to perform such plans may result in
4746 discipline, including the revocation or nonrenewal of a license.

4747 (d) Should the applicant be awarded an infuser organization
4748 license, the applicant shall pay a fee as provided in s. 566.801
4749 before receiving the license, to be deposited into the Alcoholic
4750 Beverage, Marijuana, and Tobacco Trust Fund.

4751 (4) DENIAL OF APPLICATION.—An application for an infuser
4752 license shall be denied if any of the following conditions are
4753 met:

4754 (a) The applicant failed to submit the materials required
4755 by this section.

4756 (b) The applicant would not be in compliance with local

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4757 zoning rules or permit requirements.

4758 (c) One or more of the prospective principal officers or
4759 board members causes a violation of subsection (5).

4760 (d) One or more of the principal officers or board members
4761 is under 21 years of age.

4762 (e) The person has submitted an application for a license
4763 under this chapter which contains false information.

4764 (f) If the licensee; principal officer, board member, or
4765 person having a financial or voting interest of 5 percent or
4766 greater in the licensee; or agent is delinquent in filing any
4767 required tax returns or paying any amounts owed to the state.

4768 (5) INFUSER ORGANIZATION REQUIREMENTS; PROHIBITIONS.-

4769 (a) The operating documents of an infuser shall include
4770 procedures for the oversight of the infuser, an inventory
4771 monitoring system, including a physical inventory recorded
4772 weekly, accurate recordkeeping, and a staffing plan.

4773 (b) An infuser shall implement a security plan reviewed by
4774 the Department of Law Enforcement which includes, but is not
4775 limited to, facility access controls, perimeter intrusion
4776 detection systems, personnel identification systems, and a 24-
4777 hour surveillance system to monitor the interior and exterior of
4778 the infuser facility and which is accessible to authorized law
4779 enforcement, the Department of Health, and the department in
4780 real time.

4781 (c) All processing of cannabis by an infuser must take
4782 place in an enclosed, locked facility at the physical address
4783 provided to the department during the licensing process. The
4784 infuser location shall only be accessed by the agents working
4785 for the infuser, the department staff performing inspections,

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4786 the Department of Health staff performing inspections, state and
4787 local law enforcement or other emergency personnel, contractors
4788 working on jobs unrelated to cannabis, such as installing or
4789 maintaining security devices or performing electrical wiring,
4790 transporting organization agents as provided in this chapter,
4791 participants in the incubator program, individuals in a
4792 mentoring or educational program approved by the state, local
4793 safety or health inspectors, or other individuals as provided by
4794 rule. However, if an infuser shares a premises with a craft
4795 grower or dispensing organization, agents from these other
4796 licensees may access the infuser portion of the premises if that
4797 is the location of common bathrooms, lunchrooms, locker rooms,
4798 or other areas of the building where processing of cannabis is
4799 not performed. At no time may a craft grower or dispensing
4800 organization agent perform work at an infuser without being a
4801 registered agent of the infuser.

4802 (d) An infuser may not sell or distribute any cannabis to
4803 any person other than a dispensing organization, or as otherwise
4804 authorized by rule.

4805 (e) An infuser may not either directly or indirectly
4806 discriminate in price between different cannabis business
4807 establishments that are purchasing a like grade, strain, brand,
4808 and quality of cannabis or cannabis-infused product. Nothing in
4809 this paragraph prevents an infuser from pricing cannabis
4810 differently based on differences in the cost of manufacturing or
4811 processing, the quantities sold, such volume discounts, or the
4812 way the products are delivered.

4813 (f) All cannabis infused by an infuser and intended for
4814 distribution to a dispensing organization must be entered into a

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4815 data collection system, packaged and labeled under s. 566.4805,
4816 and, if distribution is to a dispensing organization that does
4817 not share a premises with the infuser, placed into a cannabis
4818 container for transport. All cannabis produced by an infuser and
4819 intended for distribution to a cultivation center, infuser
4820 organization, or craft grower with which it does not share a
4821 premises, must be packaged in a labeled cannabis container and
4822 entered into a data collection system before transport.

4823 (g) Infusers are subject to random inspections by the
4824 department, the Department of Health, the Department of Law
4825 Enforcement, and local law enforcement.

4826 (h) An infuser agent shall notify local law enforcement,
4827 the Department of Law Enforcement, and the department within 24
4828 hours of the discovery of any loss or theft. Notification shall
4829 be made by phone, in person, or by written or electronic
4830 communication.

4831 (i) An infuser organization may not be located in an area
4832 zoned for residential use.

4833 (j) An infuser or infuser agent may not transport cannabis
4834 or cannabis-infused products to any other cannabis business
4835 establishment without a transport organization license unless:

4836 1. If the infuser is located in a county with a population
4837 of 3 million or more, the cannabis business establishment
4838 receiving the cannabis or cannabis-infused product is within
4839 2,000 feet of the property line of the infuser;

4840 2. If the infuser is located in a county with a population
4841 of more than 700,000 but fewer than 3 million, the cannabis
4842 business establishment receiving the cannabis or cannabis-
4843 infused product is within 2 miles of the infuser; or

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4844 3. If the infuser is located in a county with a population
4845 of 700,000 or fewer, the cannabis business establishment
4846 receiving the cannabis or cannabis-infused product is within 15
4847 miles of the infuser.

4848 (k) An infuser may enter into a contract with a
4849 transporting organization to transport cannabis to a dispensing
4850 organization or a laboratory.

4851 (l) An infuser organization may share premises with a craft
4852 grower or a dispensing organization, or both, provided each
4853 licensee stores currency and cannabis or cannabis-infused
4854 products in a separate secured vault to which the other licensee
4855 does not have access or all licensees sharing a vault share more
4856 than 50 percent of the same ownership.

4857 (m) It is unlawful for any person or entity having an
4858 infuser organization license or any officer, associate, member,
4859 representative, or agent of such licensee to offer or deliver
4860 money, or anything else of value, directly or indirectly, to any
4861 person having an early approval adult use dispensing
4862 organization license, a conditional adult use dispensing
4863 organization license, an adult use dispensing organization
4864 license, or a medical marijuana treatment center license, or to
4865 any person connected with or in any way representing, or to any
4866 member of the family of, such person holding an early approval
4867 adult use dispensing organization license, a conditional adult
4868 use dispensing organization license, an adult use dispensing
4869 organization license, or a medical marijuana treatment center
4870 license, or to any stockholders in any corporation engaged in
4871 the retail sales of cannabis, or to any officer, manager, agent,
4872 or representative of the early approval adult use dispensing

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4873 organization license, a conditional adult use dispensing
4874 organization license, an adult use dispensing organization
4875 license, or a medical marijuana treatment center license to
4876 obtain preferential placement within the dispensing
4877 organization, including, without limitation, on shelves and in
4878 display cases where purchasers can view products, or on the
4879 dispensing organization's website.

4880 (n) At no time shall an infuser organization or an infuser
4881 agent perform the extraction of cannabis concentrate from
4882 cannabis flower.

4883 (6) IDENTIFICATION CARD.—

4884 (a) The department shall:

4885 1. Establish by rule the information required in an initial
4886 application or renewal application for an agent identification
4887 card submitted under this section and the nonrefundable fee to
4888 accompany the initial application or renewal application.

4889 2. Verify the information contained in an initial
4890 application or renewal application for an agent identification
4891 card submitted under this section and approve or deny an
4892 application within 30 days after receiving a completed
4893 application and all supporting documentation required by rule.

4894 3. Issue an agent identification card to a qualifying agent
4895 within 15 business days after approving the initial application
4896 or renewal application.

4897 4. Enter the license number of the infuser where the agent
4898 works.

4899 5. Allow for an electronic initial application and renewal
4900 application process, and provide a confirmation by electronic or
4901 other methods that an application has been submitted. The

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4902 department may by rule require prospective agents to file their
4903 applications by electronic means and provide notices to the
4904 agents by electronic means.

4905 (b) An agent must keep his or her identification card
4906 visible at all times when on the property of a cannabis business
4907 establishment including the cannabis business establishment for
4908 which he or she is an agent.

4909 (c) The agent identification cards must contain all of the
4910 following:

4911 1. The name of the cardholder.

4912 2. The date of issuance and expiration date of the
4913 identification card.

4914 3. A random 10-digit alphanumeric identification number
4915 containing at least four numbers and at least four letters that
4916 is unique to the holder.

4917 4. A photograph of the cardholder.

4918 5. The legal name of the infuser organization employing the
4919 agent.

4920 (d) An agent identification card must be immediately
4921 returned to the infuser organization of the agent upon
4922 termination of his or her employment.

4923 (e) Any agent identification card lost by a transporting
4924 agent must be reported to the Department of Law Enforcement and
4925 the department immediately upon discovery of the loss.

4926 (7) ENSURING AN ADEQUATE SUPPLY OF RAW MATERIALS.—

4927 (a) As used in this subsection, the term "raw materials"
4928 means carbon dioxide, hash oil, crude, distillate, or any other
4929 cannabis concentrate extracted from cannabis flower by use of a
4930 solvent or a mechanical process.

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4931 (b) The department may by rule design a method for
4932 assessing whether licensed infusers have access to an adequate
4933 supply of reasonably affordable raw materials, which may
4934 include, but need not be limited to, any of the following:

4935 1. A survey of infusers.

4936 2. A market study on the sales trends of cannabis-infused
4937 products manufactured by infusers.

4938 3. The costs cultivation centers and craft growers assume
4939 for the raw materials they use in any cannabis-infused products
4940 they manufacture.

4941 (c) The department shall perform an assessment of whether
4942 infusers have access to an adequate supply of reasonably
4943 affordable raw materials beginning on or after January 1, 2024,
4944 and concluding by April 1, 2026.

4945 (d) The department may by rule adopt measures to ensure
4946 that infusers have access to an adequate supply of reasonably
4947 affordable raw materials necessary for the manufacture of
4948 cannabis-infused products. Such measures may include, but need
4949 not be limited to, requiring cultivation centers and craft
4950 growers to set aside a minimum amount of raw materials for the
4951 wholesale market or enabling infusers to apply for a processor
4952 license to extract raw materials from cannabis flower.

4953 (e) If the department decides to make processor licenses
4954 available to infuser organizations based on its findings under
4955 paragraph (d), infuser organizations may apply to the department
4956 for a processor license on forms provided by the department. An
4957 infuser organization must include all of the following
4958 information as part of its application for a processor license:

4959 1. A description of the applicant's experience with the

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4960 extraction, processing, or infusing of oils similar to those
4961 derived from cannabis or with other business practices to be
4962 performed by the infuser.

4963 2. A description of the applicant's experience with
4964 manufacturing equipment and chemicals to be used in processing.

4965 3. A description of the applicant's expertise in any
4966 relevant scientific fields.

4967 4. A commitment from the applicant that any cannabis waste,
4968 liquid waste, or hazardous waste will be disposed of in
4969 accordance with applicable laws and that all cannabis plant
4970 waste will be rendered unusable by grinding and incorporating
4971 the cannabis plant waste with compostable mixed waste to be
4972 disposed of or composted in accordance with applicable laws.

4973 5. Any other information the department deems relevant.

4974 (f) The department may issue a processor license to an
4975 infusing organization only if, based on the information provided
4976 under paragraph (e) and any other criteria set by the
4977 department, which may include, but need not be limited to, an
4978 inspection of the site where processing would occur, the
4979 department is reasonably certain the infusing organization will
4980 process cannabis in a safe and compliant manner.

4981 (8) BACKGROUND CHECKS.-

4982 (a) Through the Department of Law Enforcement, the
4983 department shall conduct a background check of the prospective
4984 principal officers, board members, and agents of an infuser
4985 applying for a license or identification card under this
4986 section. The Department of Law Enforcement may charge a fee as
4987 provided in s. 943.053. In order to carry out this provision,
4988 each infuser organization's prospective principal officer, board

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4989 member, or agent shall submit a full set of fingerprints to the
4990 Department of Law Enforcement for the purpose of obtaining a
4991 state and federal criminal records check. These fingerprints
4992 shall be checked against the fingerprint records now and
4993 hereafter, to the extent allowed by law, filed in the Department
4994 of Law Enforcement and Federal Bureau of Investigation criminal
4995 history records databases. The Department of Law Enforcement
4996 shall furnish, following positive identification, all conviction
4997 information to the department.

4998 (b) When applying for the initial license or identification
4999 card, the background checks for all prospective principal
5000 officers, board members, and agents shall be completed before
5001 submitting the application to the licensing or issuing agency.

5002 (9) RENEWAL OF LICENSES AND IDENTIFICATION CARDS.—

5003 (a) Licenses and identification cards issued under this
5004 section shall be renewed annually. An infuser organization must
5005 be provided written or electronic notice 90 days before the
5006 expiration of its current license that the license will expire.
5007 The department shall grant a renewal within 45 days after
5008 submission of a completed renewal application if:

5009 1. The infuser organization submits a completed renewal
5010 application and the required nonrefundable renewal fee as
5011 provided in s. 566.801 to be deposited into the Alcoholic
5012 Beverage, Marijuana, and Tobacco Trust Fund.

5013 2. The department has not suspended or revoked the license
5014 of the infuser organization for violating this section or rules
5015 adopted under this section.

5016 3. The infuser organization has continued to operate in
5017 accordance with all plans submitted as part of its application

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5018 and approved by the department or any amendments thereto that
5019 have been approved by the department.

5020 4. The infuser has submitted an agent, employee,
5021 contracting, and subcontracting diversity report as required by
5022 the department.

5023 5. The infuser has submitted an environmental impact
5024 report.

5025 (b) If an infuser organization fails to renew its license
5026 before expiration, it must cease operations until its license is
5027 renewed.

5028 (c) If an infuser organization agent fails to renew his or
5029 her identification card before its expiration, he or she must
5030 cease working as an agent of the infuser organization until his
5031 or her identification card is renewed.

5032 (d) Any infuser organization that continues to operate or
5033 any infuser organization agent who continues to work as an agent
5034 after the applicable license or identification card has expired
5035 without renewal is subject to the penalties provided under
5036 subsection (5).

5037 (e) The department may not renew a license or an agent
5038 identification card if the applicant is delinquent in filing any
5039 required tax returns or paying any amounts owed to the state.

5040 566.4501 Transporting organizations.—

5041 (1) ISSUANCE OF LICENSES.—

5042 (a) By July 1, 2023, the department shall issue
5043 transporting licenses through a process provided for in this
5044 section.

5045 (b) The department shall make the application for
5046 transporting organization licenses available on January 7, 2023,

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5047 and shall receive such applications no later than March 15,
5048 2023. Thereafter, the department shall make available such
5049 applications on every January 7 thereafter, or if that date
5050 falls on a weekend or holiday, the business day immediately
5051 succeeding the weekend or holiday and shall receive such
5052 applications no later than March 15 or the succeeding business
5053 day thereafter.

5054 (2) APPLICATION.—

5055 (a) When applying for a transporting organization license,
5056 the applicant shall electronically submit the following in such
5057 form as the department may direct:

5058 1. The nonrefundable application fee as provided in s.
5059 566.801 to be deposited into the Alcoholic Beverage, Marijuana,
5060 and Tobacco Trust Fund.

5061 2. The legal name of the transporting organization.

5062 3. The proposed physical address of the transporting
5063 organization, if one is proposed.

5064 4. The name, address, social security number, and date of
5065 birth of each principal officer and board member of the
5066 transporting organization; each principal officer and board
5067 member shall be at least 21 years of age.

5068 5. The details of any administrative or judicial proceeding
5069 in which any of the principal officers or board members of the
5070 transporting organization:

5071 a. Pled guilty, was convicted, was fined, or had a
5072 registration or license suspended or revoked; or

5073 b. Managed or served on the board of a business or
5074 nonprofit organization that pled guilty, was convicted, was
5075 fined, or had a registration or license suspended or revoked.

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5076 6. Proposed operating bylaws that include procedures for
5077 the oversight of the transporting organization, including the
5078 development and implementation of an accurate recordkeeping
5079 plan, staffing plan, and security plan approved by the
5080 Department of Law Enforcement which are in accordance with the
5081 rules issued by the department under this section. The
5082 transporting organization shall perform a physical inventory on
5083 all cannabis on a weekly basis.

5084 7. Verification from the Department of Law Enforcement that
5085 all background checks of the prospective principal officers,
5086 board members, and agents of the transporting organization have
5087 been conducted.

5088 8. A copy of the current local zoning ordinance or permit
5089 and verification that the proposed transporting organization is
5090 in compliance with the local zoning rules and distance
5091 limitations established by the local jurisdiction, if the
5092 transporting organization has a business address.

5093 9. Proposed employment practices, in which the applicant
5094 must demonstrate a plan of action to inform, hire, and educate
5095 minorities, women, veterans, and persons with disabilities,
5096 engage in fair labor practices, and provide worker protections.

5097 10. Whether an applicant can demonstrate experience in or
5098 business practices that promote economic empowerment in
5099 disproportionately impacted areas.

5100 11. The number and types of equipment the transporting
5101 organization will use to transport cannabis and cannabis-infused
5102 products.

5103 12. Loading, transporting, and unloading plans.

5104 13. A description of the applicant's experience in the

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5105 distribution or security business.

5106 14. The identity of every person having a financial or
5107 voting interest of 5 percent or more in the transporting
5108 organization with respect to which the license is sought,
5109 whether a trust, corporation, partnership, limited liability
5110 company, or sole proprietorship, including the name and address
5111 of each person.

5112 15. Any other information required by rule.

5113 (b) Applicants must submit all required information,
5114 including the information required in subsection (3), to the
5115 department. Failure by an applicant to submit all required
5116 information may result in the application being disqualified.

5117 (c) If the department receives an application with missing
5118 information, the department may issue a deficiency notice to the
5119 applicant. The applicant shall have 10 calendar days after the
5120 date of the deficiency notice to resubmit the incomplete
5121 information. Applications that are still incomplete after this
5122 opportunity to cure will not be scored and will be disqualified.

5123 (3) ISSUING LICENSES.—

5124 (a) The department shall by rule develop a system to score
5125 transporter applications to administratively rank applications
5126 based on the clarity, organization, and quality of the
5127 applicant's responses to required information. Applicants shall
5128 be awarded points based on the following categories:

5129 1. Suitability of employee training plan.

5130 2. Security and recordkeeping plan.

5131 3. Business plan.

5132 4. The applicant's status as a social equity applicant,
5133 which shall constitute no less than 20 percent of total

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5134 available points.

5135 5. Labor and employment practices, which shall constitute
5136 no less than 2 percent of total available points.

5137 6. Environmental plan that demonstrates an environmental
5138 plan of action to minimize the carbon footprint, environmental
5139 impact, and resource needs for the transporter, which may
5140 include, without limitation, recycling cannabis product
5141 packaging.

5142 7. The applicant is 51 percent or more owned and controlled
5143 by an individual or individuals who have been residents of this
5144 state for the past 5 years as proved by tax records.

5145 8. The applicant is 51 percent or more controlled and owned
5146 by an individual or individuals who meet the qualifications of a
5147 veteran as defined in s. 1.01(14).

5148 9. A diversity plan that includes a narrative of not more
5149 than 2,500 words that establishes a goal of diversity in
5150 ownership, management, employment, and contracting to ensure
5151 that diverse participants and groups are afforded equality of
5152 opportunity.

5153 10. Any other criteria the department may establish by rule
5154 for points.

5155 (b) The department may also award up to 2 bonus points for
5156 the applicant's plan to engage with the community. The applicant
5157 may demonstrate a desire to engage with its community by
5158 participating in one or more of, but not limited to, the
5159 following actions:

5160 1. Establishment of an incubator program designed to
5161 increase participation in the cannabis industry by persons who
5162 would qualify as social equity applicants;

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5163 2. Providing financial assistance to substance abuse
5164 treatment centers;

5165 3. Educating children and teens about the potential harms
5166 of cannabis use; or

5167 4. Other measures demonstrating a commitment to the
5168 applicant's community.

5169

5170 Bonus points will only be awarded if the department receives
5171 applications that receive an equal score for a particular
5172 region.

5173 (c) Applicants for transportation organization licenses
5174 that score at least 85 percent of available points according to
5175 the system developed by rule and meet all other requirements for
5176 a transporter license shall be issued a license by the
5177 department within 60 days after receiving the application. An
5178 applicant who was licensed as a medical marijuana treatment
5179 center before January 1, 2023, and who meets all other
5180 requirements for a transporter license shall be issued a license
5181 by the department within 60 days after receiving the
5182 application.

5183 (d) Should the applicant be awarded a transportation
5184 organization license, the information and plans that an
5185 applicant provided in its application, including any plans
5186 submitted for the acquiring of bonus points, shall be a
5187 mandatory condition of the permit. Any variation from or failure
5188 to perform such plans may result in discipline, including the
5189 revocation or nonrenewal of a license.

5190 (e) Should the applicant be awarded a transporting
5191 organization license, the applicant shall pay a prorated fee as

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5192 provided in s. 566.801 before receiving the license, to be
5193 deposited into the Alcoholic Beverage, Marijuana, and Tobacco
5194 Trust Fund.

5195 (4) DENIAL OF APPLICATION.—An application for a
5196 transportation organization license must be denied if any of the
5197 following conditions apply:

5198 (a) The applicant failed to submit the materials required
5199 by this section.

5200 (b) The applicant would not be in compliance with local
5201 zoning rules or permit requirements.

5202 (c) One or more of the prospective principal officers or
5203 board members causes a violation of subsection (5).

5204 (d) One or more of the principal officers or board members
5205 is under 21 years of age.

5206 (e) The person has submitted an application for license
5207 under this chapter that contains false information.

5208 (f) The licensee, principal officer, board member, or
5209 person having a financial or voting interest of 5 percent or
5210 greater in the licensee is delinquent in filing any required tax
5211 returns or paying any amounts owed to the state.

5212 (5) ORGANIZATION REQUIREMENTS; PROHIBITIONS.—

5213 (a) The operating documents of a transporting organization
5214 shall include procedures for the oversight of the transporter,
5215 an inventory monitoring system, including a physical inventory
5216 recorded weekly, accurate recordkeeping, and a staffing plan.

5217 (b) A transporting organization may not transport cannabis
5218 or cannabis-infused products to any person other than a
5219 cultivation center, a craft grower, an infuser organization, a
5220 dispensing organization, a testing facility, or as otherwise

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5221 authorized by rule.

5222 (c) All cannabis transported by a transporting organization
5223 must be entered into a data collection system and placed into a
5224 cannabis container for transport.

5225 (d) Transporters are subject to random inspections by the
5226 department, the Department of Health, and the Department of Law
5227 Enforcement.

5228 (e) A transporting organization agent shall notify local
5229 law enforcement, the Department of Law Enforcement, and the
5230 department within 24 hours of the discovery of any loss or
5231 theft. Notification shall be made by phone, in person, or by
5232 written or electronic communication.

5233 (f) No person under the age of 21 years shall be in a
5234 commercial vehicle or trailer transporting cannabis goods.

5235 (g) No person who is not a transporting organization agent
5236 shall be in a vehicle while transporting cannabis goods.

5237 (h) Transporters may not use commercial motor vehicles with
5238 a weight rating of over 10,001 pounds.

5239 (i) It is unlawful for any person to offer or deliver
5240 money, or anything else of value, directly or indirectly, to any
5241 of the following persons to obtain preferential placement within
5242 the dispensing organization, including, without limitation, on
5243 shelves and in display cases where purchasers can view products,
5244 or on the dispensing organization's website:

5245 1. A person having a transporting organization license, or
5246 any officer, associate, member, representative, or agent of the
5247 licensee;

5248 2. A person having an early applicant adult use dispensing
5249 organization license, an adult use dispensing organization

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5250 license, or a medical marijuana treatment center license;

5251 3. A person connected with or in any way representing, or a
5252 member of the family of, a person holding an early applicant
5253 adult use dispensing organization license, an adult use
5254 dispensing organization license, or a medical marijuana
5255 treatment center license; or

5256 4. A stockholder, officer, manager, agent, or
5257 representative of a corporation engaged in the retail sale of
5258 cannabis, an early applicant adult use dispensing organization
5259 license, an adult use dispensing organization license, or a
5260 medical marijuana treatment center license.

5261 (j) A transportation organization agent must keep his or
5262 her identification card visible at all times when on the
5263 property of a cannabis business establishment and during the
5264 transportation of cannabis when acting under his or her duties
5265 as a transportation organization agent. During these times, the
5266 transporting organization agent must also provide the
5267 identification card upon request of any law enforcement officer
5268 engaged in his or her official duties.

5269 (k) A copy of the transporting organization's registration
5270 and a manifest for the delivery shall be present in any vehicle
5271 transporting cannabis.

5272 (l) Cannabis shall be transported so it is not visible or
5273 recognizable from outside the vehicle.

5274 (m) A vehicle transporting cannabis must not bear any
5275 markings to indicate the vehicle contains cannabis or bear the
5276 name or logo of the cannabis business establishment.

5277 (n) Cannabis must be transported in an enclosed, locked
5278 storage compartment that is secured or affixed to the vehicle.

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5279 (o) The department may, by rule, impose any other
5280 requirements or prohibitions on the transportation of cannabis.

5281 (6) IDENTIFICATION CARD.—

5282 (a) The department shall:

5283 1. Establish by rule the information required in an initial
5284 application or renewal application for an agent identification
5285 card submitted under this chapter and the nonrefundable fee to
5286 accompany the initial application or renewal application.

5287 2. Verify the information contained in an initial
5288 application or renewal application for an agent identification
5289 card submitted under this section and approve or deny an
5290 application within 30 days after receiving a completed initial
5291 application or renewal application and all supporting
5292 documentation required by rule.

5293 3. Issue an agent identification card to a qualifying agent
5294 within 15 business days after approving the initial application
5295 or renewal application.

5296 4. Enter the license number of the transporting
5297 organization where the agent works.

5298 5. Allow for an electronic initial application and renewal
5299 application process and provide a confirmation by electronic or
5300 other methods that an application has been submitted. The
5301 department may by rule require prospective agents to file their
5302 applications by electronic means and provide notices to the
5303 agents by electronic means.

5304 (b) An agent must keep his or her identification card
5305 visible at all times when on the property of a cannabis business
5306 establishment, including the cannabis business establishment for
5307 which he or she is an agent.

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5308 (c) The agent identification cards must contain all of the
5309 following:

5310 1. The name of the cardholder.

5311 2. The date of issuance and expiration date of the
5312 identification card.

5313 3. A random 10-digit alphanumeric identification number
5314 containing at least 4 numbers and at least 4 letters that is
5315 unique to the holder.

5316 4. A photograph of the cardholder.

5317 5. The legal name of the transporting organization
5318 employing the agent.

5319 (d) An agent identification card must be immediately
5320 returned to the transporting organization of the agent upon
5321 termination of his or her employment.

5322 (e) Any agent identification card lost by a transporting
5323 agent must be reported to the Department of Law Enforcement and
5324 the department immediately upon discovery of the loss.

5325 (f) An application for an agent identification card must be
5326 denied if the applicant is delinquent in filing any required tax
5327 returns or paying any amounts owed to this state.

5328 (7) BACKGROUND CHECKS.—

5329 (a) Through the Department of Law Enforcement, the
5330 department shall conduct a background check of the prospective
5331 principal officers, board members, and agents of a transporter
5332 applying for a license or identification card under this
5333 section. The Department of Law Enforcement may charge a fee as
5334 provided in s. 943.053. In order to carry out this provision,
5335 each transporting organization's prospective principal officer,
5336 board member, or agent shall submit a full set of fingerprints

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5337 to the Department of Law Enforcement for the purpose of
5338 obtaining a state and federal criminal records check. These
5339 fingerprints shall be checked against the fingerprint records
5340 now and hereafter, to the extent allowed by law, filed in the
5341 Department of Law Enforcement and Federal Bureau of
5342 Investigation criminal history records databases. The Department
5343 of Law Enforcement shall furnish, following positive
5344 identification, all conviction information to the department.

5345 (b) When applying for the initial license or identification
5346 card, the background checks for all prospective principal
5347 officers, board members, and agents shall be completed before
5348 submitting the application to the department.

5349 (8) RENEWAL OF LICENSES AND AGENT IDENTIFICATION CARDS.—

5350 (a) Licenses and identification cards issued under this
5351 section shall be renewed annually. A transporting organization
5352 must be provided written or electronic notice 90 days before the
5353 expiration of its current license that the license will expire.
5354 The department must grant a renewal within 45 days after
5355 submission of a renewal application if all of the following
5356 conditions are met:

5357 1. The transporting organization submits a completed
5358 renewal application and the required nonrefundable renewal fee
5359 as provided in s. 566.801 to be deposited into the Alcoholic
5360 Beverage, Marijuana, and Tobacco Trust Fund.

5361 2. The department has not suspended or revoked the license
5362 of the transporting organization for violating this chapter or
5363 rules adopted hereunder.

5364 3. The transporting organization has continued to operate
5365 in accordance with all plans submitted as part of its

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5366 application and approved by the department or any amendments
5367 thereto which have been approved by the department.

5368 4. The transporter has submitted an agent, employee,
5369 contracting, and subcontracting diversity report as required by
5370 the department.

5371 (b) If a transporting organization fails to renew its
5372 license before expiration, it must cease operations until its
5373 license is renewed.

5374 (c) If a transporting organization agent fails to renew his
5375 or her identification card before its expiration, he or she must
5376 cease working as an agent of the transporting organization until
5377 his or her identification card is renewed.

5378 (d) Any transporting organization that continues to operate
5379 or any transporting organization agent who continues to work as
5380 an agent after the applicable license or identification card has
5381 expired without renewal is subject to the penalties provided
5382 under subsection (5).

5383 (e) The department may not renew a license or an agent
5384 identification card if the applicant is delinquent in filing any
5385 required tax returns or paying any amounts owed to the state.

5386 566.4601 Cannabis testing facilities.-

5387 (1) Notwithstanding any other law, the following acts, when
5388 performed by a cannabis testing facility with a current, valid
5389 registration, or a person 21 years of age or older who is acting
5390 in his or her capacity as an owner, employee, or agent of a
5391 cannabis testing facility, are not unlawful and are not an
5392 offense under state law or a basis for seizure or forfeiture of
5393 assets under state law:

5394 (a) Possessing, repackaging, transporting, storing, or

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5395 displaying cannabis or cannabis-infused products.

5396 (b) Receiving or transporting cannabis or cannabis-infused
5397 products from a cannabis business establishment, a Florida
5398 College System institution licensed under the Florida College
5399 System Cannabis Vocational Pilot Program, or a person 21 years
5400 of age or older.

5401 (c) Returning or transporting cannabis or cannabis-infused
5402 products to a cannabis business establishment, a Florida College
5403 System institution licensed under the Florida College System
5404 Cannabis Vocational Training Pilot Program, or a person 21 years
5405 of age or older.

5406 (2) (a) A laboratory may not handle, test, or analyze
5407 cannabis unless approved by the department in accordance with
5408 this section.

5409 (b) A laboratory may not be approved to handle, test, or
5410 analyze cannabis unless the laboratory:

5411 1. Is accredited by a private laboratory accrediting
5412 organization;

5413 2. Is independent from all other persons involved in the
5414 cannabis industry in this state and no person with a direct or
5415 indirect interest in the laboratory has a direct or indirect
5416 financial, management, or other interest in a Florida
5417 cultivation center, craft grower, dispensary, infuser,
5418 transporter, qualified physician, or any other entity in this
5419 state that may benefit from the production, manufacture,
5420 dispensing, sale, purchase, or use of cannabis;

5421 3. Has employed at least one person to oversee and be
5422 responsible for the laboratory testing who has earned, from a
5423 college or university accredited by a national or regional

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5424 certifying authority, at least:

5425 a. A master's level degree in chemical or biological
5426 sciences and a minimum of 2 years' post-degree laboratory
5427 experience; or

5428 b. A bachelor's degree in chemical or biological sciences
5429 and a minimum of 4 years' post-degree laboratory experience; and

5430 4. Each independent testing laboratory that claims to be
5431 accredited provides the department with a copy of the most
5432 recent annual inspection report granting accreditation and every
5433 annual report thereafter.

5434 (3) Immediately before manufacturing or natural processing
5435 of any cannabis or cannabis-infused product or packaging
5436 cannabis for sale to a dispensary, each batch shall be made
5437 available by the cultivation center, craft grower, or infuser
5438 for an employee of an approved laboratory to select a random
5439 sample, which shall be tested by the approved laboratory for:

5440 (a) Microbiological contaminants.

5441 (b) Mycotoxins.

5442 (c) Pesticide active ingredients.

5443 (d) Residual solvent.

5444 (e) An active ingredient analysis.

5445 (4) The department may select a random sample that shall,
5446 for the purposes of conducting an active ingredient analysis, be
5447 tested by the department for verification of label information.

5448 (5) A laboratory shall immediately return or dispose of any
5449 cannabis upon the completion of any testing, use, or research.
5450 If cannabis is disposed of, it must be done in compliance with
5451 department rules.

5452 (6) If a sample of cannabis does not pass the

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5453 microbiological, mycotoxin, pesticide chemical residue, or
5454 solvent residue test, based on the standards established by the
5455 department, the following shall apply:

5456 (a) If the sample failed the pesticide chemical residue
5457 test, the entire batch from which the sample was taken shall, if
5458 applicable, be recalled as provided by department rule.

5459 (b) If the sample failed any other test, the batch may be
5460 used to make a carbon dioxide-based or solvent-based extract.
5461 After processing, the carbon dioxide-based or solvent-based
5462 extract must still pass all required tests.

5463 (7) The department shall establish standards for microbial,
5464 mycotoxin, pesticide chemical residue, solvent residue, or other
5465 standards for the presence of possible contaminants, in addition
5466 to labeling requirements for contents and potency.

5467 (8) The laboratory shall file with the department an
5468 electronic copy of each laboratory test result for any batch
5469 that does not pass the microbiological, mycotoxin, or pesticide
5470 chemical residue test at the same time that it transmits those
5471 results to the cultivation center. In addition, the laboratory
5472 shall maintain the laboratory test results for at least 5 years
5473 and make them available at the department's request.

5474 (9) Cultivation centers, craft growers, and infusers shall
5475 provide to a dispensing organization the laboratory test results
5476 for each batch of cannabis product purchased by the dispensing
5477 organization, if sampled. Each dispensary organization must have
5478 those laboratory results available upon request to purchasers.

5479 (10) The department may adopt rules related to testing in
5480 accordance with this section.

5481 566.4701 Enforcement and immunities.-

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5482 (1) Notwithstanding any other criminal penalties related to
5483 the unlawful possession of cannabis, the department may revoke,
5484 suspend, place on probation, reprimand, issue cease and desist
5485 orders, refuse to issue or renew a license, or take any other
5486 disciplinary or nondisciplinary action as each department may
5487 deem proper with regard to a cannabis business establishment or
5488 cannabis business establishment agent, including fines not to
5489 exceed:

5490 (a) By a cultivation center or cultivation center agent,
5491 \$50,000 for each violation of this chapter or rules adopted
5492 under this chapter.

5493 (b) By a dispensing organization or dispensing organization
5494 agent, \$10,000 for each violation of this chapter or rules
5495 adopted thereunder.

5496 (c) By a craft grower or craft grower agent, \$15,000 for
5497 each violation of this chapter or rules adopted thereunder.

5498 (d) By an infuser organization or infuser organization
5499 agent, \$10,000 for each violation of this chapter or rules
5500 adopted thereunder.

5501 (e) By a transporting organization or transporting
5502 organization agent, \$10,000 for each violation of this chapter
5503 or rules adopted thereunder.

5504 (2) The department shall consider licensee cooperation in
5505 any agency or other investigation in its determination of
5506 penalties imposed under this section.

5507 (3) The procedures for disciplining a cannabis business
5508 establishment or cannabis business establishment agent and for
5509 administrative hearings shall be determined by rule and shall
5510 provide for the review of final decisions under chapter 120.

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5511 (4) The Attorney General may also enforce a violation of s.
5512 566.4801 or s. 566.4805 as an unlawful practice under the
5513 Florida Deceptive and Unfair Trade Practices Act.

5514 (5) (a) A cultivation center, craft grower, infuser
5515 organization, or transporting organization is not subject to
5516 prosecution; search or inspection, except by the department, the
5517 Department of Health, or state or local law enforcement under
5518 this chapter; seizure; penalty in any manner, including, but not
5519 limited to, civil penalty; denial of any right or privilege; or
5520 disciplinary action by a business licensing board or entity for
5521 acting under this chapter and rules adopted thereunder to
5522 acquire, possess, cultivate, manufacture, process, deliver,
5523 transfer, transport, supply, or sell cannabis or cannabis
5524 paraphernalia under this chapter.

5525 (b) A licensed cultivation center agent, licensed craft
5526 grower agent, licensed infuser organization agent, or licensed
5527 transporting organization agent is not subject to prosecution;
5528 search; penalty in any manner, including, but not limited to,
5529 civil penalty; denial of any right or privilege; or disciplinary
5530 action by a business licensing board or entity for engaging in
5531 cannabis-related activities authorized under this chapter and
5532 rules adopted thereunder.

5533 (c) A dispensing organization is not subject to
5534 prosecution; search or inspection, except by the department or
5535 state or local law enforcement under this chapter; seizure;
5536 penalty in any manner, including, but not limited to, civil
5537 penalty; denial of any right or privilege; or disciplinary
5538 action by a business licensing board or entity for acting under
5539 this chapter and rules adopted thereunder to acquire, possess,

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5540 or dispense cannabis, cannabis-infused products, cannabis
5541 paraphernalia, or related supplies, and educational materials
5542 under this chapter.

5543 (d) A licensed dispensing organization agent is not subject
5544 to prosecution; search; or penalty in any manner, or denial of
5545 any right or privilege, including civil penalty or disciplinary
5546 action by a business licensing board or entity, for working for
5547 a dispensing organization under this chapter and rules adopted
5548 thereunder.

5549 (e) Any cannabis, cannabis-infused product, cannabis
5550 paraphernalia, legal property, or interest in legal property
5551 which is possessed, owned, or used in connection with the use of
5552 cannabis as allowed under this chapter, or acts incidental to
5553 that use, may not be seized or forfeited. This chapter does not
5554 prevent the seizure or forfeiture of cannabis exceeding the
5555 amounts allowed under this chapter, nor does it prevent seizure
5556 or forfeiture if the basis for the action is unrelated to the
5557 cannabis that is possessed, manufactured, transferred, or used
5558 under this chapter.

5559 (f) This chapter does not preclude local or state law
5560 enforcement agencies from searching a cultivation center, craft
5561 grower, infuser organization, transporting organization, or
5562 dispensing organization if there is probable cause to believe
5563 that the criminal laws of this state have been violated and the
5564 search is conducted in conformity with the State Constitution,
5565 the Constitution of the United States, and applicable law.

5566 (g) This chapter does not preclude the Attorney General or
5567 other authorized government agency from investigating or
5568 bringing a civil action against a cannabis business

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5569 establishment, or an agent thereof, for a violation of state law
5570 civil rights violations and violations of the Florida Deceptive
5571 and Unfair Trade Practices Act.

5572 (6) Any applicable standards, requirements, and rules
5573 regarding the health and safety, environmental protection,
5574 testing, security, food safety, and worker protections
5575 established by the state shall be the minimum standards for all
5576 licensees under this chapter statewide. Knowing violations of
5577 any state or local law, ordinance, or rule conferring worker
5578 protections or legal rights on the employees of a licensee may
5579 be grounds for disciplinary action under this chapter, in
5580 addition to penalties established elsewhere.

5581 566.4801 Advertising and promotions.-

5582 (1) A cannabis business establishment and any other person
5583 or entity may not engage in advertising that contains any
5584 statement or illustration that:

5585 (a) Is false or misleading;

5586 (b) Promotes overconsumption of cannabis or cannabis
5587 products;

5588 (c) Depicts the actual consumption of cannabis or cannabis
5589 products;

5590 (d) Depicts a person under 21 years of age consuming
5591 cannabis;

5592 (e) Makes any health, medicinal, or therapeutic claims
5593 about cannabis or cannabis-infused products;

5594 (f) Includes the image of a cannabis leaf or bud; or

5595 (g) Includes any image designed or likely to appeal to
5596 minors, including cartoons, toys, animals, or children, or any
5597 other likeness to images, characters, or phrases that is

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5598 designed in any manner to be appealing to or encourage
5599 consumption by persons under 21 years of age.

5600 (2) A cannabis business establishment or any other person
5601 or entity may not place or maintain, or cause to be placed or
5602 maintained, an advertisement of cannabis or a cannabis-infused
5603 product in any form or through any medium:

5604 (a) Within 1,000 feet of the perimeter of school grounds, a
5605 playground, a recreation center or facility, a child care
5606 center, a public park or public library, or a game arcade to
5607 which admission is not restricted to persons 21 years of age or
5608 older;

5609 (b) On or in a public transit vehicle or public transit
5610 shelter;

5611 (c) On or in publicly owned or publicly operated property;
5612 or

5613 (d) Which contains information that:

5614 1. Is false or misleading;

5615 2. Promotes excessive consumption;

5616 3. Depicts a person under 21 years of age consuming
5617 cannabis;

5618 4. Includes the image of a cannabis leaf; or

5619 5. Includes any image designed or likely to appeal to
5620 minors, including cartoons, toys, animals, or children, or any
5621 other likeness to images, characters, or phrases that are
5622 popularly used to advertise to children, or any imitation of
5623 candy packaging or labeling, or that promotes consumption of
5624 cannabis.

5625 (3) Subsections (1) and (2) do not apply to an educational
5626 message.

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5627 (4) A cannabis business establishment or any other person
5628 or entity may not encourage the sale of cannabis or cannabis
5629 products by giving away cannabis or cannabis products, by
5630 conducting games or competitions related to the consumption of
5631 cannabis or cannabis products, or by providing promotional
5632 materials or activities of a manner or type that would be
5633 appealing to children.

5634 566.4805 Cannabis product packaging and labeling.—

5635 (1) Each cannabis product produced for sale must be
5636 registered with the department on forms provided by the
5637 department. Each product registration must include a label and
5638 the required registration fee at the rate established by the
5639 department for a comparable medical cannabis product or as
5640 established by rule. The registration fee is for the name of the
5641 product offered for sale and one fee is sufficient for all
5642 package sizes.

5643 (2) All harvested cannabis intended for distribution to a
5644 cannabis enterprise must be packaged in a sealed, labeled
5645 container.

5646 (3) Any product containing cannabis must be packaged in a
5647 sealed, odor-proof, and child-resistant cannabis container
5648 consistent with current standards, including the Consumer
5649 Product Safety Commission standards referenced by the federal
5650 Poison Prevention Packaging Act.

5651 (4) All cannabis-infused products must be individually
5652 wrapped or packaged at the original point of preparation. The
5653 packaging of the cannabis-infused product must conform to the
5654 labeling requirements of the Florida Drug and Cosmetic Act, in
5655 addition to the other requirements set forth in this section.

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5656 (5) Each cannabis product must be labeled before sale and
5657 each label must be securely affixed to the package and must
5658 state all of the following in legible English and any other
5659 language required by the department:

5660 (a) The name and post office box of the registered
5661 cultivation center or craft grower where the item was
5662 manufactured;

5663 (b) The common or usual name of the item and the registered
5664 name of the cannabis product which was registered with the
5665 department under subsection (1);

5666 (c) A unique serial number that will match the product with
5667 a cultivation center or craft grower batch and lot number to
5668 facilitate any warnings or recalls the department, cultivation
5669 center, or craft grower deems appropriate;

5670 (d) The date of final testing and packaging, if sampled,
5671 and the identification of the independent testing laboratory;

5672 (e) The date of harvest and "use by" date;

5673 (f) The quantity, in ounces or grams, of cannabis contained
5674 in the product;

5675 (g) A pass or fail rating based on the laboratory's
5676 microbiological, mycotoxins, and pesticide and solvent residue
5677 analyses, if sampled; and

5678 (h)1. A list of the following, including the minimum and
5679 maximum percentage content by weight for sub-subparagraphs a.
5680 and b.:

5681 a. Delta-9-tetrahydrocannabinol (THC).

5682 b. Tetrahydrocannabinolic acid (THCA).

5683 c. Cannabidiol (CBD).

5684 d. Cannabidiolic acid (CBDA).

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5685 e. All other ingredients of the item, including any colors,
5686 artificial flavors, and preservatives, listed in descending
5687 order by predominance of weight shown with common or usual
5688 names.

5689 2. The acceptable tolerances for the minimum percentage
5690 printed on the label for any of sub-subparagraphs 1.a.-d. may
5691 not be below 85 percent or above 115 percent of the labeled
5692 amount.

5693 (6) Packaging for cannabis products may not contain
5694 information that:

5695 (a) Is false or misleading;

5696 (b) Promotes excessive consumption;

5697 (c) Depicts a person under 21 years of age consuming
5698 cannabis;

5699 (d) Includes the image of a cannabis leaf;

5700 (e) Includes any image designed or likely to appeal to
5701 minors, including cartoons, toys, animals, or children, or any
5702 other likeness to images, characters, or phrases that are
5703 popularly used to advertise to children, or any packaging or
5704 labeling that bears reasonable resemblance to any product
5705 available for consumption as a commercially available candy, or
5706 that promotes consumption of cannabis; or

5707 (f) Contains any seal, flag, crest, coat of arms, or other
5708 insignia likely to mislead the purchaser to believe that the
5709 product has been endorsed, made, or used by the state or any of
5710 its representatives except if authorized by this chapter.

5711 (7) Labeling for cannabis products produced by
5712 concentrating or extracting ingredients from the cannabis plant
5713 must contain the following information, as applicable:

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5714 (a) If solvents were used to create the concentrate or
5715 extract, a statement that discloses the type of extraction
5716 method, including any solvents or gases used to create the
5717 concentrate or extract.

5718 (b) Any other chemicals or compounds used to produce or
5719 which were added to the concentrate or extract.

5720 (8) All cannabis products must contain warning statements
5721 established for purchasers, of a size that is legible and
5722 readily visible to a consumer inspecting a package, which may
5723 not be covered or obscured in any way. The Department of Health
5724 shall define and update appropriate health warnings for packages
5725 including specific labeling or warning requirements for specific
5726 cannabis products.

5727 (9) Unless modified by rule to strengthen or respond to new
5728 evidence and science, the following warnings shall apply to all
5729 cannabis products: "This product contains cannabis and is
5730 intended for use by adults age 21 and older. Its use can impair
5731 cognition and may be habit forming. This product should not be
5732 used by pregnant or breastfeeding women. It is unlawful to sell
5733 or provide this item to any individual, and it may not be
5734 transported outside the State of Florida. It is illegal to
5735 operate a motor vehicle while under the influence of cannabis.
5736 Possession or use of this product may carry significant legal
5737 penalties in some jurisdictions and under federal law."

5738 (10) Warnings for each of the following product types must
5739 be present on labels if offered for sale to a purchaser:

5740 (a) Cannabis that may be smoked must contain a statement
5741 that "Smoking is hazardous to your health."

5742 (b) Cannabis-infused products, other than those intended

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5743 for topical application, must contain the following statement
5744 "CAUTION: This product contains cannabis and intoxication
5745 following use may be delayed by 2 or more hours. This product
5746 was produced in a facility that cultivates cannabis and that may
5747 also process common food allergens."

5748 (c) Cannabis-infused products intended for topical
5749 application must contain the statement "DO NOT EAT" in bold,
5750 capital letters.

5751 (11) Each cannabis-infused product intended for consumption
5752 must be individually packaged, must include the total milligram
5753 content of THC and CBD, and may not include more than a total of
5754 100 milligrams of THC per package. A package may contain
5755 multiple servings of 10 milligrams of THC if indicated by
5756 scoring, wrapping, or by other indicators designating individual
5757 serving sizes. The department may change by rule the total
5758 amount of THC allowed for each package or the total amount of
5759 THC allowed for each serving size.

5760 (12) An individual other than the purchaser may not alter
5761 or destroy any labeling affixed to the primary packaging of
5762 cannabis or cannabis-infused products.

5763 (13) For each commercial weighing and measuring device used
5764 at a facility, the cultivation center or craft grower must do
5765 all of the following:

5766 (a) Ensure that the commercial device is regularly
5767 inspected and approved as required under chapter 531.

5768 (b) Maintain documentation of the inspection of the
5769 commercial device.

5770 (c) Provide a copy of the inspection documentation for the
5771 commercial device to the department for review upon request.

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5772 (14) It is the responsibility of the department to ensure
5773 that packaging and labeling requirements, including product
5774 warnings, are enforced at all times for products provided to
5775 purchasers. Product registration requirements and container
5776 requirements may be modified by department rule.

5777 (15) The department may modify labeling requirements,
5778 including for warning labels, by rule.

5779 566.5701 Local ordinances.—Unless otherwise provided under
5780 this chapter or otherwise in accordance with state law:

5781 (1) A unit of local government may enact reasonable zoning
5782 ordinances or resolutions, not in conflict with this chapter or
5783 rules adopted pursuant to this chapter, regulating cannabis
5784 business establishments. A unit of local government, including a
5785 home rule unit or any nonhome rule county within the
5786 unincorporated territory of the county, may not prohibit home
5787 cultivation or unreasonably prohibit use of cannabis authorized
5788 by this chapter.

5789 (2) A unit of local government may enact ordinances or
5790 rules that are not in conflict with this chapter or with rules
5791 adopted pursuant to this chapter governing the time, place,
5792 manner, and number of cannabis business establishment
5793 operations, including minimum distance limitations between
5794 cannabis business establishments and locations it deems
5795 sensitive, such as colleges and universities, through the use of
5796 conditional use permits. A unit of local government may
5797 establish civil penalties for violations of an ordinance or
5798 rules governing the time, place, and manner of operation of a
5799 cannabis business establishment or a conditional use permit in
5800 the jurisdiction of the unit of local government. A unit of

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5801 local government may not unreasonably restrict the time, place,
5802 manner, and number of cannabis business establishment operations
5803 authorized by this chapter.

5804 (3) A unit of local government may regulate the on-premises
5805 consumption of cannabis at or in a cannabis business
5806 establishment within its jurisdiction in a manner consistent
5807 with this chapter. A cannabis business establishment or other
5808 entity authorized or permitted by a unit of local government to
5809 allow on-site consumption is not deemed a public place within
5810 the meaning of the Florida Clean Indoor Air Act.

5811 (4) A unit of local government, including a home rule unit
5812 or any nonhome rule county within the unincorporated territory
5813 of the county, may not regulate the activities described in
5814 subsection (1), subsection (2), or subsection (3) in a manner
5815 more restrictive than the regulation of those activities by the
5816 state under this chapter.

5817 (5) A unit of local government may enact ordinances to
5818 prohibit or significantly limit a cannabis business
5819 establishment's location.

5820 566.5801 Restricted cannabis zones.—

5821 (1) As used in this section, the term:

5822 (a) "Legal voter" means a person who meets all of the
5823 following criteria:

5824 1. Is duly registered to vote in a city with a population
5825 of over 500,000.

5826 2. Whose name appears on a voter list compiled by the
5827 county's supervisor of elections since the last preceding
5828 election, regardless of whether the election was a primary,
5829 general, or special election.

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5830 3. Who, at the relevant time, is a resident of the address
5831 at which he or she is registered to vote.

5832 4. Whose address, at the relevant time, is located in the
5833 precinct where such person seeks to circulate or sign a petition
5834 under this section.

5835 (b) "Petition" means the petition described in this
5836 section.

5837 (c) "Precinct" means the smallest constituent territory
5838 within a city with a population of over 500,000 in which
5839 electors vote as a unit at the same polling place in any
5840 election governed by the Florida Election Code.

5841 (d) "Relevant time" means any time that:

5842 1. A notice of intent is filed pursuant to subsection (3)
5843 to initiate the petition process under this section;

5844 2. The petition is circulated for signature in the
5845 applicable precinct; or

5846 3. The petition is signed by registered voters in the
5847 applicable precinct.

5848 (e) "Restricted cannabis zone" means a precinct within
5849 which home cultivation, one or more types of cannabis business
5850 establishments, or both, has been prohibited pursuant to an
5851 ordinance initiated by a petition under this section.

5852 (2) (a) The legal voters of any precinct within a city with
5853 a population of over 500,000 may petition their city
5854 commissioner, using a petition form made available online by the
5855 city clerk, to introduce an ordinance establishing the precinct
5856 as a restricted zone. Such petition must specify whether it
5857 seeks an ordinance to prohibit, within the precinct:

5858 1. Home cultivation;

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5859 2. One or more types of cannabis business establishments;
5860 or

5861 3. Home cultivation and one or more types of cannabis
5862 business establishments.

5863 (b) Upon receiving a petition containing the signatures of
5864 at least 25 percent of the registered voters of the precinct,
5865 and concluding that the petition is legally sufficient following
5866 the posting and review process in subsection (3), the city clerk
5867 shall notify the city commissioner of the district in which the
5868 precinct is located. Upon being notified, that commissioner must
5869 assess the relevant factors within the precinct, including, but
5870 not limited to, its geography, density, and character, the
5871 prevalence of residentially zoned property, current licensed
5872 cannabis business establishments in the precinct, the current
5873 amount of home cultivation in the precinct, and the prevailing
5874 viewpoint with regard to the issue raised in the petition. After
5875 making such an assessment, the commissioner may introduce an
5876 ordinance to the city's governing body creating a restricted
5877 cannabis zone in that precinct.

5878 (3) A person seeking to initiate the petition process
5879 described in this section must first submit to the city clerk
5880 notice of intent to do so on a form made available online by the
5881 city clerk. That notice must include a description of the
5882 potentially affected area and the scope of the restriction
5883 sought. The city clerk shall publicly post the submitted notice
5884 online. To be legally sufficient, a petition must contain the
5885 requisite number of valid signatures and all such signatures
5886 must be obtained within 90 days after the date that the city
5887 clerk publicly posts the notice of intent. Upon receipt, the

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5888 city clerk shall post the petition on the municipality's website
5889 for a 30-day comment period. The city clerk may take all
5890 necessary and appropriate steps to verify the legal sufficiency
5891 of a submitted petition. Following the petition review and
5892 comment period, the city clerk shall publicly post online the
5893 status of the petition as accepted or rejected, and if rejected,
5894 the reasons therefor. If the city clerk rejects a petition as
5895 legally insufficient, a minimum of 12 months must elapse from
5896 the time the city clerk posts the rejection notice before a new
5897 notice of intent for that same precinct may be submitted.

5898 (4) Notwithstanding any law to the contrary, the city may
5899 enact an ordinance creating a restricted cannabis zone. The
5900 ordinance must:

5901 (a) Identify the applicable precinct boundaries as of the
5902 date of the petition;

5903 (b) State whether the ordinance prohibits within the
5904 defined boundaries of the precinct, and in what combination one
5905 or more types of cannabis business establishments, or home
5906 cultivation;

5907 (c) Be in effect for 4 years, unless repealed earlier; and

5908 (d) Once in effect, be subject to renewal by ordinance at
5909 the expiration of the 4-year period without the need for another
5910 supporting petition.

5911 566.601 Defense of state law.—The Attorney General shall to
5912 the best of the abilities of the office and in good faith
5913 advocate to quash any federal subpoena for records involving
5914 marijuana establishments.

5915 566.602 Research.—Notwithstanding the provisions of this
5916 chapter regulating the distribution of marijuana, a scientific

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5917 or medical researcher who has previously published peer-reviewed
5918 research may purchase, possess, and securely store marijuana for
5919 purposes of conducting research. A scientific or medical
5920 researcher may administer and distribute marijuana to a
5921 participant in research who is at least 21 years of age after
5922 receiving informed consent from that participant.

5923 566.701 Construction.—

5924 (1) EMPLOYMENT POLICIES.—This chapter does not require an
5925 employer to allow or accommodate the use, consumption,
5926 possession, transfer, display, transportation, sale, or growing
5927 of marijuana in the workplace or affect the ability of employers
5928 to have policies restricting the use of marijuana by their
5929 employees.

5930 (2) OPERATING UNDER THE INFLUENCE.—This chapter does not
5931 exempt a person from the laws prohibiting operating under the
5932 influence under chapter 316 or chapter 327.

5933 (3) TRANSFER TO MINOR.—This chapter does not permit the
5934 transfer of marijuana, with or without remuneration, to a minor
5935 or to allow a minor to purchase, possess, use, transport, grow,
5936 or consume marijuana.

5937 (4) RESTRICTION ON USE OF PROPERTY.—This chapter does not
5938 prohibit a person, employer, school, hospital, detention
5939 facility, corporation, or other entity that occupies, owns, or
5940 controls real property from prohibiting or otherwise regulating
5941 the possession, consumption, use, display, transfer,
5942 distribution, sale, transportation, or growing of marijuana on
5943 or in that real property.

5944 (5) COMPASSIONATE USE OF LOW-THC CANNABIS.—This chapter
5945 does not apply to the compassionate use of low-THC cannabis

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5946 under s. 381.986.

5947 566.702 Rulemaking.—The division shall adopt any rules
5948 necessary to administer and enforce the provisions of this
5949 chapter.

5950 566.703 Good moral character.—Engaging in conduct allowed
5951 by this chapter may not be the basis for a finding of a lack of
5952 good moral character as that term is used in the Florida
5953 Statutes.

5954 566.704 Penalties for violations.—It is unlawful for any
5955 person to violate any provision of this chapter, and any person
5956 who violates any provision of this chapter for which no penalty
5957 has been provided commits a misdemeanor of the second degree,
5958 punishable as provided in s. 775.082 or s. 775.083. Any person
5959 who has been convicted of a violation of any provision of this
5960 chapter and is thereafter convicted of a second or subsequent
5961 violation commits a felony of the third degree, punishable as
5962 provided in s. 775.082, s. 775.083, or s. 775.084.

5963 566.805 Cannabis cultivation.—

5964 (1) ARREST; SEARCH AND SEIZURE WITHOUT WARRANT.—Any duly
5965 authorized employee of the department may arrest without warrant
5966 any person committing in his or her presence a violation of this
5967 section; may without a search warrant inspect all cannabis
5968 located in any place of business; may seize any cannabis in the
5969 possession of the retailer in violation of this chapter; and may
5970 seize any cannabis on which the tax imposed by this section has
5971 not been paid. The cannabis so seized is subject to confiscation
5972 and forfeiture as provided in subsections (2) and (3).

5973 (2) SEIZURE AND FORFEITURE.—After seizing any cannabis as
5974 provided in subsection (3), the department must hold a hearing

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5975 and determine whether the retailer was properly registered to
5976 sell the cannabis at the time of its seizure by the department.
5977 The department shall give at least 20 days' notice of the time
5978 and place of the hearing to the owner of the cannabis, if the
5979 owner is known, and also to the person in whose possession the
5980 cannabis was found, if that person is known and if the person in
5981 possession is not the owner of the cannabis. If neither the
5982 owner nor the person in possession of the cannabis is known, the
5983 department must publish the time and place of the hearing at
5984 least once each week for 3 consecutive weeks in a newspaper of
5985 general circulation in the county where the hearing is to be
5986 held. If, as a result of the hearing, the department determines
5987 that the retailer was not properly registered at the time the
5988 cannabis was seized, the department must enter an order
5989 declaring the cannabis confiscated and forfeited to the state,
5990 to be held by the department for disposal as provided in
5991 subsection (3). The department must give notice of the order to
5992 the owner of the cannabis, if the owner is known, and also to
5993 the person in whose possession the cannabis was found, if that
5994 person is known and if the person in possession is not the owner
5995 of the cannabis. If neither the owner nor the person in
5996 possession of the cannabis is known, the department must publish
5997 the order at least once each week for 3 consecutive weeks in a
5998 newspaper of general circulation in the county where the hearing
5999 was held in accordance with chapter 50.

6000 (3) SEARCH WARRANT; ISSUANCE AND RETURN; PROCESS;
6001 CONFISCATION OF CANNABIS; FORFEITURES.—

6002 (a) If a law enforcement officer of this state or any duly
6003 authorized officer or employee of the department has reason to

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6004 believe that any violation of this section or a rule adopted
6005 pursuant thereto has occurred and that the person violating this
6006 section or rule has in that person's possession any cannabis in
6007 violation of this section or a rule adopted pursuant thereto,
6008 that law enforcement officer or officer or employee of the
6009 department may file or cause to be filed his or her complaint in
6010 writing, verified by affidavit, with any court within whose
6011 jurisdiction the premises to be searched is situated, stating
6012 the facts upon which the belief is founded, the premises to be
6013 searched, and the property to be seized, and procure a search
6014 warrant and execute that warrant. Upon the execution of the
6015 search warrant, the law enforcement officer or officer or
6016 employee of the department executing the search warrant shall
6017 return the warrant to the court that issued the warrant,
6018 together with an inventory of the property taken under the
6019 warrant. The court must then issue process against the owner of
6020 the property if the owner is known; otherwise, process must be
6021 issued against the person in whose possession the property is
6022 found, if that person is known. In case of inability to serve
6023 process upon the owner or the person in possession of the
6024 property at the time of its seizure, notice of the proceedings
6025 before the court must be given in the same manner as required by
6026 the law governing cases of attachment. Upon the return of the
6027 process duly served or upon the posting or publishing of notice
6028 made, as applicable, the court or jury, if a jury is demanded,
6029 shall determine whether the property seized was held or
6030 possessed in violation of this section or a rule adopted
6031 pursuant thereto. If a violation is found, the court must enter
6032 a judgment confiscating the property and forfeiting it to the

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6033 state and ordering its delivery to the department. In addition,
6034 the court may tax and assess the costs of the proceedings.

6035 (b) If any cannabis has been declared forfeited to the
6036 state by the department, as provided in subsection (2) and this
6037 section, and if all proceedings for the judicial review of the
6038 department's decision have concluded, the department must, to
6039 the extent that its decision is sustained on review, destroy or
6040 maintain such cannabis or may use it in an undercover capacity.

6041 (c) The department may, before any destruction of cannabis,
6042 permit the true holder of trademark rights in the cannabis to
6043 inspect such cannabis in order to assist the department in any
6044 investigation regarding such cannabis.

6045 (4) CANNABIS RETAILERS; PURCHASE AND POSSESSION OF
6046 CANNABIS.—Cannabis retailers may purchase cannabis for resale
6047 only from cannabis business establishments as authorized by this
6048 chapter.

6049 Section 5. (1) On or before December 1, 2022, the
6050 Department of Business and Professional Regulation shall submit
6051 a report to the Governor, the President of the Senate, and the
6052 Speaker of the House of Representatives regarding the progress
6053 of the cannabis equity grant program. The report shall include,
6054 but is not limited to, the following information:

6055 (a) The number of cannabis equity applicants and general
6056 applicants who received grants under the program.

6057 (b) Any information collected by the program.

6058 (2) The department shall post the report on its website.

6059 Section 6. Paragraph (p) of subsection (1) of section
6060 500.03, Florida Statutes, is amended to read:

6061 500.03 Definitions; construction; applicability.—

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6062 (1) For the purpose of this chapter, the term:

6063 (p) "Food establishment" means a factory, food outlet, or
6064 other facility manufacturing, processing, packing, holding, or
6065 preparing food or selling food at wholesale or retail. The term
6066 does not include a business or activity ~~that is~~ regulated under
6067 s. 413.051, s. 500.80, chapter 509, or chapter 601. The term
6068 includes a retail marijuana store that sells food containing
6069 marijuana pursuant to chapter 566. The term includes tomato
6070 packinghouses and repackers but does not include any other
6071 establishments that pack fruits and vegetables in their raw or
6072 natural states, including those fruits or vegetables that are
6073 washed, colored, or otherwise treated in their unpeeled, natural
6074 form before they are marketed.

6075 Section 7. Section 500.105, Florida Statutes, is created to
6076 read:

6077 500.105 Retail marijuana store food products containing
6078 marijuana.—Food products containing marijuana which are prepared
6079 in a food establishment that holds a permit under s. 500.12, if
6080 required, and which are sold by a retail marijuana store
6081 licensed under chapter 566 are not considered adulterated under
6082 this chapter due to the presence of marijuana.

6083 Section 8. Subsection (1) of section 562.13, Florida
6084 Statutes, is amended to read:

6085 562.13 Employment of minors or certain other persons by
6086 certain vendors prohibited; exceptions.—

6087 (1) Unless otherwise provided in this section, it is
6088 unlawful for any vendor licensed under the Beverage Law or a
6089 licensee under chapter 566 to employ any person under 18 years
6090 of age.

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6091 Section 9. Subsection (1) of section 569.0073, Florida
6092 Statutes, is amended to read:

6093 569.0073 Special provisions; smoking pipes and smoking
6094 devices.—

6095 (1) It is unlawful for any person to offer for sale at
6096 retail any of the items listed in subsection (2) unless such
6097 person:

6098 (a) Has a retail tobacco products dealer permit under s.
6099 569.003 or is a marijuana establishment licensed under s.
6100 566.036. The provisions of this chapter apply to any person who
6101 ~~that~~ offers for retail sale any of the items listed in
6102 subsection (2); and

6103 (b)1. Derives at least 75 percent of its annual gross
6104 revenues from the retail sale of cigarettes, cigars, and other
6105 tobacco products or from marijuana products sold in compliance
6106 with chapter 566; or

6107 2. Derives no more than 25 percent of its annual gross
6108 revenues from the retail sale of the items listed in subsection
6109 (2).

6110 Section 10. Paragraph (c) of subsection (1) of section
6111 893.03, Florida Statutes, is amended to read:

6112 893.03 Standards and schedules.—The substances enumerated
6113 in this section are controlled by this chapter. The controlled
6114 substances listed or to be listed in Schedules I, II, III, IV,
6115 and V are included by whatever official, common, usual,
6116 chemical, trade name, or class designated. The provisions of
6117 this section shall not be construed to include within any of the
6118 schedules contained in this section any excluded drugs listed
6119 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded

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6120 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
6121 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
6122 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
6123 Anabolic Steroid Products."

6124 (1) SCHEDULE I.—A substance in Schedule I has a high
6125 potential for abuse and has no currently accepted medical use in
6126 treatment in the United States and in its use under medical
6127 supervision does not meet accepted safety standards. The
6128 following substances are controlled in Schedule I:

6129 (c) Unless specifically excepted or unless listed in
6130 another schedule, any material, compound, mixture, or
6131 preparation that contains any quantity of the following
6132 hallucinogenic substances or that contains any of their salts,
6133 isomers, including optical, positional, or geometric isomers,
6134 homologues, nitrogen-heterocyclic analogs, esters, ethers, and
6135 salts of isomers, homologues, nitrogen-heterocyclic analogs,
6136 esters, or ethers, if the existence of such salts, isomers, and
6137 salts of isomers is possible within the specific chemical
6138 designation or class description:

- 6139 1. Alpha-Ethyltryptamine.
- 6140 2. 4-Methylaminorex (2-Amino-4-methyl-5-phenyl-2-
6141 oxazoline).
- 6142 3. Aminorex (2-Amino-5-phenyl-2-oxazoline).
- 6143 4. DOB (4-Bromo-2,5-dimethoxyamphetamine).
- 6144 5. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).
- 6145 6. Bufotenine.
- 6146 ~~7. Cannabis.~~
- 6147 7.8. Cathinone.
- 6148 8.9. DET (Diethyltryptamine).

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6149 ~~9.10.~~ 2,5-Dimethoxyamphetamine.
 6150 ~~10.11.~~ DOET (4-Ethyl-2,5-Dimethoxyamphetamine).
 6151 ~~11.12.~~ DMT (Dimethyltryptamine).
 6152 ~~12.13.~~ PCE (N-Ethyl-1-phenylcyclohexylamine) (Ethylamine
 6153 analog of phencyclidine).
 6154 ~~13.14.~~ JB-318 (N-Ethyl-3-piperidyl benzilate).
 6155 ~~14.15.~~ N-Ethylamphetamine.
 6156 ~~15.16.~~ Fenethylamine.
 6157 ~~16.17.~~ 3,4-Methylenedioxy-N-hydroxyamphetamine.
 6158 ~~17.18.~~ Ibogaine.
 6159 ~~18.19.~~ LSD (Lysergic acid diethylamide).
 6160 ~~19.20.~~ Mescaline.
 6161 ~~20.21.~~ Methcathinone.
 6162 ~~21.22.~~ 5-Methoxy-3,4-methylenedioxyamphetamine.
 6163 ~~22.23.~~ PMA (4-Methoxyamphetamine).
 6164 ~~23.24.~~ PMMA (4-Methoxymethamphetamine).
 6165 ~~24.25.~~ DOM (4-Methyl-2,5-dimethoxyamphetamine).
 6166 ~~25.26.~~ MDEA (3,4-Methylenedioxy-N-ethylamphetamine).
 6167 ~~26.27.~~ MDA (3,4-Methylenedioxyamphetamine).
 6168 ~~27.28.~~ JB-336 (N-Methyl-3-piperidyl benzilate).
 6169 ~~28.29.~~ N,N-Dimethylamphetamine.
 6170 ~~29.30.~~ Parahexyl.
 6171 ~~30.31.~~ Peyote.
 6172 ~~31.32.~~ PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine)
 6173 (Pyrrolidine analog of phencyclidine).
 6174 ~~32.33.~~ Psilocybin.
 6175 ~~33.34.~~ Psilocyn.
 6176 ~~34.35.~~ *Salvia divinorum*, except for any drug product
 6177 approved by the United States Food and Drug Administration which

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6178 contains *Salvia divinorum* or its isomers, esters, ethers, salts,
6179 and salts of isomers, esters, and ethers, if the existence of
6180 such isomers, esters, ethers, and salts is possible within the
6181 specific chemical designation.

6182 ~~35.36.~~ Salvinorin A, except for any drug product approved
6183 by the United States Food and Drug Administration which contains
6184 Salvinorin A or its isomers, esters, ethers, salts, and salts of
6185 isomers, esters, and ethers, if the existence of such isomers,
6186 esters, ethers, and salts is possible within the specific
6187 chemical designation.

6188 ~~36.37.~~ Xylazine.

6189 ~~37.38.~~ TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine)
6190 (Thiophene analog of phencyclidine).

6191 ~~38.39.~~ 3,4,5-Trimethoxyamphetamine.

6192 ~~39.40.~~ Methylone (3,4-Methylenedioxymethcathinone).

6193 ~~40.41.~~ MDPV (3,4-Methylenedioxypyrovalerone).

6194 ~~41.42.~~ Methylmethcathinone.

6195 ~~42.43.~~ Methoxymethcathinone.

6196 ~~43.44.~~ Fluoromethcathinone.

6197 ~~44.45.~~ Methylethcathinone.

6198 ~~45.46.~~ CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-
6199 2-yl)phenol) and its dimethyloctyl (C8) homologue.

6200 ~~46.47.~~ HU-210 [(6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-
6201 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
6202 ol].

6203 ~~47.48.~~ JWH-018 (1-Pentyl-3-(1-naphthoyl)indole).

6204 ~~48.49.~~ JWH-073 (1-Butyl-3-(1-naphthoyl)indole).

6205 ~~49.50.~~ JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-
6206 naphthoyl)indole).

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6207 ~~50.51.~~ BZP (Benzylpiperazine).
6208 ~~51.52.~~ Fluorophenylpiperazine.
6209 ~~52.53.~~ Methylphenylpiperazine.
6210 ~~53.54.~~ Chlorophenylpiperazine.
6211 ~~54.55.~~ Methoxyphenylpiperazine.
6212 ~~55.56.~~ DBZP (1,4-Dibenzylpiperazine).
6213 ~~56.57.~~ TFMPP (Trifluoromethylphenylpiperazine).
6214 ~~57.58.~~ MBDB (Methylbenzodioxolylbutanamine) or (3,4-
6215 Methyleneoxy-N-methylbutanamine).
6216 ~~58.59.~~ 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).
6217 ~~59.60.~~ 5-Hydroxy-N-methyltryptamine.
6218 ~~60.61.~~ 5-MeO-MiPT (5-Methoxy-N-methyl-N-
6219 isopropyltryptamine).
6220 ~~61.62.~~ 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).
6221 ~~62.63.~~ Methyltryptamine.
6222 ~~63.64.~~ 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).
6223 ~~64.65.~~ 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).
6224 ~~65.66.~~ Tyramine (4-Hydroxyphenethylamine).
6225 ~~66.67.~~ 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).
6226 ~~67.68.~~ DiPT (N,N-Diisopropyltryptamine).
6227 ~~68.69.~~ DPT (N,N-Dipropyltryptamine).
6228 ~~69.70.~~ 4-Hydroxy-DiPT (4-Hydroxy-N,N-
6229 diisopropyltryptamine).
6230 ~~70.71.~~ 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).
6231 ~~71.72.~~ DOI (4-Iodo-2,5-dimethoxyamphetamine).
6232 ~~72.73.~~ DOC (4-Chloro-2,5-dimethoxyamphetamine).
6233 ~~73.74.~~ 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
6234 ~~74.75.~~ 2C-T-4 (4-Isopropylthio-2,5-
6235 dimethoxyphenethylamine).

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6236 ~~75.76.~~ 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).

6237 ~~76.77.~~ 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).

6238 ~~77.78.~~ 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).

6239 ~~78.79.~~ 2C-T-7 (4-(n)-Propylthio-2,5-

6240 dimethoxyphenethylamine).

6241 ~~79.80.~~ 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).

6242 ~~80.81.~~ Butylone (3,4-Methylenedioxy-alpha-

6243 methylaminobutyrophenone).

6244 ~~81.82.~~ Ethcathinone.

6245 ~~82.83.~~ Ethylone (3,4-Methylenedioxy-N-ethylcathinone).

6246 ~~83.84.~~ Naphyrone (Naphthylpyrovalerone).

6247 ~~84.85.~~ Dimethylone (3,4-Methylenedioxy-N,N-

6248 dimethylcathinone).

6249 ~~85.86.~~ 3,4-Methylenedioxy-N,N-diethylcathinone.

6250 ~~86.87.~~ 3,4-Methylenedioxy-propiofenone.

6251 ~~87.88.~~ 3,4-Methylenedioxy-alpha-bromopropiofenone.

6252 ~~88.89.~~ 3,4-Methylenedioxy-propiofenone-2-oxime.

6253 ~~89.90.~~ 3,4-Methylenedioxy-N-acetylcathinone.

6254 ~~90.91.~~ 3,4-Methylenedioxy-N-acetylmethcathinone.

6255 ~~91.92.~~ 3,4-Methylenedioxy-N-acetylethcathinone.

6256 ~~92.93.~~ Bromomethcathinone.

6257 ~~93.94.~~ Buphedrone (alpha-Methylamino-butyrophenone).

6258 ~~94.95.~~ Eutylone (3,4-Methylenedioxy-alpha-

6259 ethylaminobutyrophenone).

6260 ~~95.96.~~ Dimethylcathinone.

6261 ~~96.97.~~ Dimethylmethcathinone.

6262 ~~97.98.~~ Pentylone (3,4-Methylenedioxy-alpha-

6263 methylaminovalerophenone).

6264 ~~98.99.~~ MDPPP (3,4-Methylenedioxy-alpha-

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6265 pyrrolidinopropiophenone).

6266 ~~99.100.~~ MDPBP (3,4-Methylenedioxy-alpha-

6267 pyrrolidinobutyrophenone).

6268 ~~100.101.~~ MOPPP (Methoxy-alpha-pyrrolidinopropiophenone).

6269 ~~101.102.~~ MPHP (Methyl-alpha-pyrrolidinohexanophenone).

6270 ~~102.103.~~ BTCP (Benzothiophenylcyclohexylpiperidine) or BCP

6271 (Benocyclidine).

6272 ~~103.104.~~ F-MABP (Fluoromethylaminobutyrophenone).

6273 ~~104.105.~~ MeO-PBP (Methoxypyrrolidinobutyrophenone).

6274 ~~105.106.~~ Et-PBP (Ethylpyrrolidinobutyrophenone).

6275 ~~106.107.~~ 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).

6276 ~~107.108.~~ Me-EABP (Methylethylaminobutyrophenone).

6277 ~~108.109.~~ Etizolam.

6278 ~~109.110.~~ PPP (Pyrrolidinopropiophenone).

6279 ~~110.111.~~ PBP (Pyrrolidinobutyrophenone).

6280 ~~111.112.~~ PVP (Pyrrolidinovalerophenone) or

6281 (Pyrrolidinopentiophenone).

6282 ~~112.113.~~ MPPP (Methyl-alpha-pyrrolidinopropiophenone).

6283 ~~113.114.~~ JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl)indole).

6284 ~~114.115.~~ JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl)indole).

6285 ~~115.116.~~ JWH-019 (1-Hexyl-3-(1-naphthoyl)indole).

6286 ~~116.117.~~ JWH-020 (1-Heptyl-3-(1-naphthoyl)indole).

6287 ~~117.118.~~ JWH-072 (1-Propyl-3-(1-naphthoyl)indole).

6288 ~~118.119.~~ JWH-081 (1-Pentyl-3-(4-methoxy-1-

6289 naphthoyl)indole).

6290 ~~119.120.~~ JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).

6291 ~~120.121.~~ JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-

6292 methylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

6293 ~~121.122.~~ JWH-175 (1-Pentyl-3-(1-naphthylmethyl)indole).

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6294 ~~122.123.~~ JWH-201 (1-Pentyl-3-(4-
6295 methoxyphenylacetyl) indole) .
6296 ~~123.124.~~ JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl) indole) .
6297 ~~124.125.~~ JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl) indole) .
6298 ~~125.126.~~ JWH-250 (1-Pentyl-3-(2-
6299 methoxyphenylacetyl) indole) .
6300 ~~126.127.~~ JWH-251 (1-Pentyl-3-(2-methylphenylacetyl) indole) .
6301 ~~127.128.~~ JWH-302 (1-Pentyl-3-(3-
6302 methoxyphenylacetyl) indole) .
6303 ~~128.129.~~ JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole) .
6304 ~~129.130.~~ HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-
6305 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
6306 ol) .
6307 ~~130.131.~~ HU-308 ([(1R,2R,5R)-2-[2,6-Dimethoxy-4-(2-
6308 methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-
6309 enyl] methanol) .
6310 ~~131.132.~~ HU-331 (3-Hydroxy-2-[(1R,6R)-3-methyl-6-(1-
6311 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-
6312 1,4-dione) .
6313 ~~132.133.~~ CB-13 (4-Pentyloxy-1-(1-naphthoyl) naphthalene) .
6314 ~~133.134.~~ CB-25 (N-Cyclopropyl-11-(3-hydroxy-5-
6315 pentylphenoxy)-undecanamide) .
6316 ~~134.135.~~ CB-52 (N-Cyclopropyl-11-(2-hexyl-5-
6317 hydroxyphenoxy)-undecanamide) .
6318 ~~135.136.~~ CP 55,940 (2-[3-Hydroxy-6-propanol-cyclohexyl]-5-
6319 (2-methyloctan-2-yl)phenol) .
6320 ~~136.137.~~ AM-694 (1-(5-Fluoropentyl)-3-(2-
6321 iodobenzoyl) indole) .
6322 ~~137.138.~~ AM-2201 (1-(5-Fluoropentyl)-3-(1-

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6323 naphthoyl) indole).

6324 138.139. RCS-4 (1-Pentyl-3-(4-methoxybenzoyl) indole).

6325 139.140. RCS-8 (1-(2-Cyclohexylethyl)-3-(2-

6326 methoxyphenylacetyl) indole).

6327 140.141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-

6328 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-

6329 naphthalenylmethanone).

6330 141.142. WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-

6331 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-

6332 naphthalenylmethanone).

6333 142.143. Pentedrone (alpha-Methylaminovalerophenone).

6334 143.144. Fluoroamphetamine.

6335 144.145. Fluoromethamphetamine.

6336 145.146. Methoxetamine.

6337 146.147. Methiopropamine.

6338 147.148. Methylbuphedrone (Methyl-alpha-

6339 methylaminobutyrophenone).

6340 148.149. APB ((2-Aminopropyl)benzofuran).

6341 149.150. APDB ((2-Aminopropyl)-2,3-dihydrobenzofuran).

6342 150.151. UR-144 (1-Pentyl-3-(2,2,3,3-

6343 tetramethylcyclopropanoyl) indole).

6344 151.152. XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-

6345 tetramethylcyclopropanoyl) indole).

6346 152.153. Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-

6347 tetramethylcyclopropanoyl) indole).

6348 153.154. AKB48 (N-Adamant-1-yl 1-pentylindazole-3-

6349 carboxamide).

6350 154.155. AM-2233 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-

6351 iodobenzoyl) indole).

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- 6352 ~~155.156.~~ STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-
6353 3-carboxamide).
- 6354 ~~156.157.~~ URB-597 ((3'-(Aminocarbonyl)[1,1'-biphenyl]-3-yl)-
6355 cyclohexylcarbamate).
- 6356 ~~157.158.~~ URB-602 ([1,1'-Biphenyl]-3-yl-carbamic acid,
6357 cyclohexyl ester).
- 6358 ~~158.159.~~ URB-754 (6-Methyl-2-[(4-methylphenyl)amino]-1-
6359 benzoxazin-4-one).
- 6360 ~~159.160.~~ 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).
- 6361 ~~160.161.~~ 2C-H (2,5-Dimethoxyphenethylamine).
- 6362 ~~161.162.~~ 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).
- 6363 ~~162.163.~~ 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).
- 6364 ~~163.164.~~ 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-
6365 methoxybenzyl)]phenethylamine).
- 6366 ~~164.165.~~ MDMA (3,4-Methylenedioxymethamphetamine).
- 6367 ~~165.166.~~ PB-22 (8-Quinolinyll 1-pentylindole-3-carboxylate).
- 6368 ~~166.167.~~ Fluoro PB-22 (8-Quinolinyll 1-(fluoropentyl)indole-
6369 3-carboxylate).
- 6370 ~~167.168.~~ BB-22 (8-Quinolinyll 1-(cyclohexylmethyl)indole-3-
6371 carboxylate).
- 6372 ~~168.169.~~ Fluoro AKB48 (N-Adamant-1-yl 1-
6373 (fluoropentyl)indazole-3-carboxamide).
- 6374 ~~169.170.~~ AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
6375 pentylindazole-3-carboxamide).
- 6376 ~~170.171.~~ AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-
6377 1-(4-fluorobenzyl)indazole-3-carboxamide).
- 6378 ~~171.172.~~ ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
6379 yl)-1-pentylindazole-3-carboxamide).
- 6380 ~~172.173.~~ Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-

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6381 2-yl)-1-(fluoropentyl)indole-3-carboxamide).

6382 ~~173.174.~~ 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-

6383 methoxybenzyl)]phenethylamine).

6384 ~~174.175.~~ 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-

6385 methoxybenzyl)]phenethylamine).

6386 ~~175.176.~~ AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-

6387 1-(cyclohexylmethyl)indazole-3-carboxamide).

6388 ~~176.177.~~ FUB-PB-22 (8-Quinoliny 1-(4-fluorobenzyl)indole-

6389 3-carboxylate).

6390 ~~177.178.~~ Fluoro-NNEI (N-Naphthalen-1-yl 1-

6391 (fluoropentyl)indole-3-carboxamide).

6392 ~~178.179.~~ Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-

6393 yl)-1-(fluoropentyl)indazole-3-carboxamide).

6394 ~~179.180.~~ THJ-2201 (1-(5-Fluoropentyl)-3-(1-

6395 naphthoyl)indazole).

6396 ~~180.181.~~ AM-855 ((4aR,12bR)-8-Hexyl-2,5,5-trimethyl-

6397 1,4,4a,8,9,10,11,12b-octahydronaphtho[3,2-c]isochromen-12-ol).

6398 ~~181.182.~~ AM-905 ((6aR,9R,10aR)-3-[(E)-Hept-1-enyl]-9-

6399 (hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-

6400 hexahydrobenzo[c]chromen-1-ol).

6401 ~~182.183.~~ AM-906 ((6aR,9R,10aR)-3-[(Z)-Hept-1-enyl]-9-

6402 (hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-

6403 hexahydrobenzo[c]chromen-1-ol).

6404 ~~183.184.~~ AM-2389 ((6aR,9R,10aR)-3-(1-Hexyl-cyclobut-1-yl)-

6405 6a,7,8,9,10,10a-hexahydro-6,6-dimethyl-6H-dibenzo[b,d]pyran-1,9

6406 diol).

6407 ~~184.185.~~ HU-243 ((6aR,8S,9S,10aR)-9-(Hydroxymethyl)-6,6-

6408 dimethyl-3-(2-methyloctan-2-yl)-8,9-ditritio-7,8,10,10a-

6409 tetrahydro-6aH-benzo[c]chromen-1-ol).

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6410 ~~185.186.~~ HU-336 ((6aR,10aR)-6,6,9-Trimethyl-3-pentyl-
6411 6a,7,10,10a-tetrahydro-1H-benzo[c]chromene-1,4(6H)-dione).
6412 ~~186.187.~~ MAPB ((2-Methylaminopropyl)benzofuran).
6413 ~~187.188.~~ 5-IT (2-(1H-Indol-5-yl)-1-methyl-ethylamine).
6414 ~~188.189.~~ 6-IT (2-(1H-Indol-6-yl)-1-methyl-ethylamine).
6415 ~~189.190.~~ Synthetic Cannabinoids.—Unless specifically
6416 excepted or unless listed in another schedule or contained
6417 within a pharmaceutical product approved by the United States
6418 Food and Drug Administration, any material, compound, mixture,
6419 or preparation that contains any quantity of a synthetic
6420 cannabinoid found to be in any of the following chemical class
6421 descriptions, or homologues, nitrogen-heterocyclic analogs,
6422 isomers (including optical, positional, or geometric), esters,
6423 ethers, salts, and salts of homologues, nitrogen-heterocyclic
6424 analogs, isomers, esters, or ethers, whenever the existence of
6425 such homologues, nitrogen-heterocyclic analogs, isomers, esters,
6426 ethers, salts, and salts of isomers, esters, or ethers is
6427 possible within the specific chemical class or designation.
6428 Since nomenclature of these synthetically produced cannabinoids
6429 is not internationally standardized and may continually evolve,
6430 these structures or the compounds of these structures shall be
6431 included under this subparagraph, regardless of their specific
6432 numerical designation of atomic positions covered, if it can be
6433 determined through a recognized method of scientific testing or
6434 analysis that the substance contains properties that fit within
6435 one or more of the following categories:
6436 a. Tetrahydrocannabinols.—Any tetrahydrocannabinols
6437 naturally contained in a plant of the genus *Cannabis*, the
6438 synthetic equivalents of the substances contained in the plant

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6439 or in the resinous extracts of the genus *Cannabis*, or synthetic
6440 substances, derivatives, and their isomers with similar chemical
6441 structure and pharmacological activity, including, but not
6442 limited to, Delta 9 tetrahydrocannabinols and their optical
6443 isomers, Delta 8 tetrahydrocannabinols and their optical
6444 isomers, Delta 6a,10a tetrahydrocannabinols and their optical
6445 isomers, or any compound containing a tetrahydrobenzo[c]chromene
6446 structure with substitution at either or both the 3-position or
6447 9-position, with or without substitution at the 1-position with
6448 hydroxyl or alkoxy groups, including, but not limited to:

6449 (I) Tetrahydrocannabinol.

6450 (II) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-
6451 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
6452 ol).

6453 (III) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
6454 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
6455 ol).

6456 (IV) JWH-051 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-
6457 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

6458 (V) JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methylpentan-
6459 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

6460 (VI) JWH-057 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methyloctan-
6461 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

6462 (VII) JWH-359 ((6aR,10aR)-1-Methoxy-6,6,9-trimethyl-3-(2,3-
6463 dimethylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

6464 (VIII) AM-087 ((6aR,10aR)-3-(2-Methyl-6-bromohex-2-yl)-
6465 6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

6466 (IX) AM-411 ((6aR,10aR)-3-(1-Adamantyl)-6,6,9-trimethyl-
6467 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

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- 6468 (X) Parahexyl.
- 6469 b. Naphthoylindoles, Naphthoylindazoles,
- 6470 Naphthoylcarbazoles, Naphthylmethylindoles,
- 6471 Naphthylmethylindazoles, and Naphthylmethylcarbazoles.—Any
- 6472 compound containing a naphthoylindole, naphthoylindazole,
- 6473 naphthoylcarbazole, naphthylmethylindole,
- 6474 naphthylmethylindazole, or naphthylmethylcarbazole structure,
- 6475 with or without substitution on the indole, indazole, or
- 6476 carbazole ring to any extent, whether or not substituted on the
- 6477 naphthyl ring to any extent, including, but not limited to:
- 6478 (I) JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl)indole).
- 6479 (II) JWH-011 (1-(1-Methylhexyl)-2-methyl-3-(1-
- 6480 naphthoyl)indole).
- 6481 (III) JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl)indole).
- 6482 (IV) JWH-016 (1-Butyl-2-methyl-3-(1-naphthoyl)indole).
- 6483 (V) JWH-018 (1-Pentyl-3-(1-naphthoyl)indole).
- 6484 (VI) JWH-019 (1-Hexyl-3-(1-naphthoyl)indole).
- 6485 (VII) JWH-020 (1-Heptyl-3-(1-naphthoyl)indole).
- 6486 (VIII) JWH-022 (1-(4-Pentenyl)-3-(1-naphthoyl)indole).
- 6487 (IX) JWH-071 (1-Ethyl-3-(1-naphthoyl)indole).
- 6488 (X) JWH-072 (1-Propyl-3-(1-naphthoyl)indole).
- 6489 (XI) JWH-073 (1-Butyl-3-(1-naphthoyl)indole).
- 6490 (XII) JWH-080 (1-Butyl-3-(4-methoxy-1-naphthoyl)indole).
- 6491 (XIII) JWH-081 (1-Pentyl-3-(4-methoxy-1-naphthoyl)indole).
- 6492 (XIV) JWH-098 (1-Pentyl-2-methyl-3-(4-methoxy-1-
- 6493 naphthoyl)indole).
- 6494 (XV) JWH-116 (1-Pentyl-2-ethyl-3-(1-naphthoyl)indole).
- 6495 (XVI) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
- 6496 (XVII) JWH-149 (1-Pentyl-2-methyl-3-(4-methyl-1-

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6497 naphthoyl) indole).

6498 (XVIII) JWH-164 (1-Pentyl-3-(7-methoxy-1-naphthoyl) indole).

6499 (XIX) JWH-175 (1-Pentyl-3-(1-naphthylmethyl) indole).

6500 (XX) JWH-180 (1-Propyl-3-(4-propyl-1-naphthoyl) indole).

6501 (XXI) JWH-182 (1-Pentyl-3-(4-propyl-1-naphthoyl) indole).

6502 (XXII) JWH-184 (1-Pentyl-3-[(4-methyl)-1-

6503 naphthylmethyl] indole).

6504 (XXIII) JWH-193 (1-[2-(4-Morpholinyl) ethyl]-3-(4-methyl-1-

6505 naphthoyl) indole).

6506 (XXIV) JWH-198 (1-[2-(4-Morpholinyl) ethyl]-3-(4-methoxy-1-

6507 naphthoyl) indole).

6508 (XXV) JWH-200 (1-[2-(4-Morpholinyl) ethyl]-3-(1-

6509 naphthoyl) indole).

6510 (XXVI) JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl) indole).

6511 (XXVII) JWH-387 (1-Pentyl-3-(4-bromo-1-naphthoyl) indole).

6512 (XXVIII) JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole).

6513 (XXIX) JWH-412 (1-Pentyl-3-(4-fluoro-1-naphthoyl) indole).

6514 (XXX) JWH-424 (1-Pentyl-3-(8-bromo-1-naphthoyl) indole).

6515 (XXXI) AM-1220 (1-[(1-Methyl-2-piperidinyl) methyl]-3-(1-

6516 naphthoyl) indole).

6517 (XXXII) AM-1235 (1-(5-Fluoropentyl)-6-nitro-3-(1-

6518 naphthoyl) indole).

6519 (XXXIII) AM-2201 (1-(5-Fluoropentyl)-3-(1-

6520 naphthoyl) indole).

6521 (XXXIV) Chloro JWH-018 (1-(Chloropentyl)-3-(1-

6522 naphthoyl) indole).

6523 (XXXV) Bromo JWH-018 (1-(Bromopentyl)-3-(1-

6524 naphthoyl) indole).

6525 (XXXVI) AM-2232 (1-(4-Cyanobutyl)-3-(1-naphthoyl) indole).

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6526 (XXXVII) THJ-2201 (1-(5-Fluoropentyl)-3-(1-
6527 naphthoyl)indazole).

6528 (XXXVIII) MAM-2201 (1-(5-Fluoropentyl)-3-(4-methyl-1-
6529 naphthoyl)indole).

6530 (XXXIX) EAM-2201 (1-(5-Fluoropentyl)-3-(4-ethyl-1-
6531 naphthoyl)indole).

6532 (XL) EG-018 (9-Pentyl-3-(1-naphthoyl)carbazole).

6533 (XLI) EG-2201 (9-(5-Fluoropentyl)-3-(1-
6534 naphthoyl)carbazole).

6535 c. Naphthoylpyrroles.—Any compound containing a
6536 naphthoylpyrrole structure, with or without substitution on the
6537 pyrrole ring to any extent, whether or not substituted on the
6538 naphthyl ring to any extent, including, but not limited to:

6539 (I) JWH-030 (1-Pentyl-3-(1-naphthoyl)pyrrole).

6540 (II) JWH-031 (1-Hexyl-3-(1-naphthoyl)pyrrole).

6541 (III) JWH-145 (1-Pentyl-5-phenyl-3-(1-naphthoyl)pyrrole).

6542 (IV) JWH-146 (1-Heptyl-5-phenyl-3-(1-naphthoyl)pyrrole).

6543 (V) JWH-147 (1-Hexyl-5-phenyl-3-(1-naphthoyl)pyrrole).

6544 (VI) JWH-307 (1-Pentyl-5-(2-fluorophenyl)-3-(1-
6545 naphthoyl)pyrrole).

6546 (VII) JWH-309 (1-Pentyl-5-(1-naphthalenyl)-3-(1-
6547 naphthoyl)pyrrole).

6548 (VIII) JWH-368 (1-Pentyl-5-(3-fluorophenyl)-3-(1-
6549 naphthoyl)pyrrole).

6550 (IX) JWH-369 (1-Pentyl-5-(2-chlorophenyl)-3-(1-
6551 naphthoyl)pyrrole).

6552 (X) JWH-370 (1-Pentyl-5-(2-methylphenyl)-3-(1-
6553 naphthoyl)pyrrole).

6554 d. Naphthylmethylenindenes.—Any compound containing a

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6555 naphthylmethylenindene structure, with or without substitution
6556 at the 3-position of the indene ring to any extent, whether or
6557 not substituted on the naphthyl ring to any extent, including,
6558 but not limited to, JWH-176 (3-Pentyl-1-
6559 (naphthylmethylene)indene).

6560 e. Phenylacetylindoles and Phenylacetylindazoles.—Any
6561 compound containing a phenylacetylindole or phenylacetylindazole
6562 structure, with or without substitution on the indole or
6563 indazole ring to any extent, whether or not substituted on the
6564 phenyl ring to any extent, including, but not limited to:

- 6565 (I) JWH-167 (1-Pentyl-3-(phenylacetyl)indole).
6566 (II) JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl)indole).
6567 (III) JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole).
6568 (IV) JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole).
6569 (V) JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole).
6570 (VI) JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl)indole).
6571 (VII) Cannabipiperidiethanone.
6572 (VIII) RCS-8 (1-(2-Cyclohexylethyl)-3-(2-
6573 methoxyphenylacetyl)indole).

6574 f. Cyclohexylphenols.—Any compound containing a
6575 cyclohexylphenol structure, with or without substitution at the
6576 5-position of the phenolic ring to any extent, whether or not
6577 substituted on the cyclohexyl ring to any extent, including, but
6578 not limited to:

- 6579 (I) CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-2-
6580 yl)phenol).
6581 (II) Cannabicyclohexanol (CP 47,497 dimethyloctyl (C8)
6582 homologue).
6583 (III) CP-55,940 (2-(3-Hydroxy-6-propanol-cyclohexyl)-5-(2-

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6584 methyloctan-2-yl)phenol).

6585 g. Benzoylindoles and Benzoylindazoles.—Any compound
6586 containing a benzoylindole or benzoylindazole structure, with or
6587 without substitution on the indole or indazole ring to any
6588 extent, whether or not substituted on the phenyl ring to any
6589 extent, including, but not limited to:

6590 (I) AM-679 (1-Pentyl-3-(2-iodobenzoyl)indole).

6591 (II) AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole).

6592 (III) AM-1241 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-
6593 iodo-5-nitrobenzoyl)indole).

6594 (IV) Pravadoline (1-[2-(4-Morpholinyl)ethyl]-2-methyl-3-(4-
6595 methoxybenzoyl)indole).

6596 (V) AM-2233 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-
6597 iodobenzoyl)indole).

6598 (VI) RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole).

6599 (VII) RCS-4 C4 homologue (1-Butyl-3-(4-
6600 methoxybenzoyl)indole).

6601 (VIII) AM-630 (1-[2-(4-Morpholinyl)ethyl]-2-methyl-6-iodo-
6602 3-(4-methoxybenzoyl)indole).

6603 h. Tetramethylcyclopropanoylindoles and
6604 Tetramethylcyclopropanoylindazoles.—Any compound containing a
6605 tetramethylcyclopropanoylindole or
6606 tetramethylcyclopropanoylindazole structure, with or without
6607 substitution on the indole or indazole ring to any extent,
6608 whether or not substituted on the tetramethylcyclopropyl group
6609 to any extent, including, but not limited to:

6610 (I) UR-144 (1-Pentyl-3-(2,2,3,3-
6611 tetramethylcyclopropanoyl)indole).

6612 (II) XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-

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- 6613 tetramethylcyclopropanoyl)indole).
- 6614 (III) Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-
- 6615 tetramethylcyclopropanoyl)indole).
- 6616 (IV) A-796,260 (1-[2-(4-Morpholinyl)ethyl]-3-(2,2,3,3-
- 6617 tetramethylcyclopropanoyl)indole).
- 6618 (V) A-834,735 (1-[4-(Tetrahydropyranyl)methyl]-3-(2,2,3,3-
- 6619 tetramethylcyclopropanoyl)indole).
- 6620 (VI) M-144 (1-(5-Fluoropentyl)-2-methyl-3-(2,2,3,3-
- 6621 tetramethylcyclopropanoyl)indole).
- 6622 (VII) FUB-144 (1-(4-Fluorobenzyl)-3-(2,2,3,3-
- 6623 tetramethylcyclopropanoyl)indole).
- 6624 (VIII) FAB-144 (1-(5-Fluoropentyl)-3-(2,2,3,3-
- 6625 tetramethylcyclopropanoyl)indazole).
- 6626 (IX) XLR12 (1-(4,4,4-Trifluorobutyl)-3-(2,2,3,3-
- 6627 tetramethylcyclopropanoyl)indole).
- 6628 (X) AB-005 (1-[(1-Methyl-2-piperidinyl)methyl]-3-(2,2,3,3-
- 6629 tetramethylcyclopropanoyl)indole).
- 6630 i. Adamantoylindoles, Adamantoylindazoles, Adamantylindole
- 6631 carboxamides, and Adamantylindazole carboxamides.—Any compound
- 6632 containing an adamantoyl indole, adamantoyl indazole, adamantyl
- 6633 indole carboxamide, or adamantyl indazole carboxamide structure,
- 6634 with or without substitution on the indole or indazole ring to
- 6635 any extent, whether or not substituted on the adamantyl ring to
- 6636 any extent, including, but not limited to:
- 6637 (I) AKB48 (N-Adamant-1-yl 1-pentylindazole-3-carboxamide).
- 6638 (II) Fluoro AKB48 (N-Adamant-1-yl 1-(fluoropentyl)indazole-
- 6639 3-carboxamide).
- 6640 (III) STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-3-
- 6641 carboxamide).

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- 6642 (IV) AM-1248 (1-(1-Methylpiperidine)methyl-3-(1-
6643 adamantoyl)indole).
- 6644 (V) AB-001 (1-Pentyl-3-(1-adamantoyl)indole).
- 6645 (VI) APICA (N-Adamant-1-yl 1-pentylindole-3-carboxamide).
- 6646 (VII) Fluoro AB-001 (1-(Fluoropentyl)-3-(1-
6647 adamantoyl)indole).
- 6648 j. Quinoliny lindolecarboxylates,
6649 Quinoliny lindazolecarboxylates, Quinoliny lindolecarboxamides,
6650 and Quinoliny lindazolecarboxamides.—Any compound containing a
6651 quinoliny lindole carboxylate, quinoliny lindazole carboxylate,
6652 isoquinoliny lindole carboxylate, isoquinoliny lindazole
6653 carboxylate, quinoliny lindole carboxamide, quinoliny lindazole
6654 carboxamide, isoquinoliny lindole carboxamide, or
6655 isoquinoliny lindazole carboxamide structure, with or without
6656 substitution on the indole or indazole ring to any extent,
6657 whether or not substituted on the quinoline or isoquinoline ring
6658 to any extent, including, but not limited to:
- 6659 (I) PB-22 (8-Quinoliny 1-pentylindole-3-carboxylate).
- 6660 (II) Fluoro PB-22 (8-Quinoliny 1-(fluoropentyl)indole-3-
6661 carboxylate).
- 6662 (III) BB-22 (8-Quinoliny 1-(cyclohexylmethyl)indole-3-
6663 carboxylate).
- 6664 (IV) FUB-PB-22 (8-Quinoliny 1-(4-fluorobenzyl)indole-3-
6665 carboxylate).
- 6666 (V) NPB-22 (8-Quinoliny 1-pentylindazole-3-carboxylate).
- 6667 (VI) Fluoro NPB-22 (8-Quinoliny 1-(fluoropentyl)indazole-
6668 3-carboxylate).
- 6669 (VII) FUB-NPB-22 (8-Quinoliny 1-(4-fluorobenzyl)indazole-
6670 3-carboxylate).

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6671 (VIII) THJ (8-Quinoliny 1-pentylindazole-3-carboxamide).
6672 (IX) Fluoro THJ (8-Quinoliny 1-(fluoropentyl)indazole-3-
6673 carboxamide).
6674 k. Naphthylindolecarboxylates and
6675 Naphthylindazolecarboxylates.—Any compound containing a
6676 naphthylindole carboxylate or naphthylindazole carboxylate
6677 structure, with or without substitution on the indole or
6678 indazole ring to any extent, whether or not substituted on the
6679 naphthyl ring to any extent, including, but not limited to:
6680 (I) NM-2201 (1-Naphthalenyl 1-(5-fluoropentyl)indole-3-
6681 carboxylate).
6682 (II) SDB-005 (1-Naphthalenyl 1-pentylindazole-3-
6683 carboxylate).
6684 (III) Fluoro SDB-005 (1-Naphthalenyl 1-
6685 (fluoropentyl)indazole-3-carboxylate).
6686 (IV) FDU-PB-22 (1-Naphthalenyl 1-(4-fluorobenzyl)indole-3-
6687 carboxylate).
6688 (V) 3-CAF (2-Naphthalenyl 1-(2-fluorophenyl)indazole-3-
6689 carboxylate).
6690 1. Naphthylindole carboxamides and Naphthylindazole
6691 carboxamides.—Any compound containing a naphthylindole
6692 carboxamide or naphthylindazole carboxamide structure, with or
6693 without substitution on the indole or indazole ring to any
6694 extent, whether or not substituted on the naphthyl ring to any
6695 extent, including, but not limited to:
6696 (I) NNEI (N-Naphthalen-1-yl 1-pentylindole-3-carboxamide).
6697 (II) Fluoro-NNEI (N-Naphthalen-1-yl 1-(fluoropentyl)indole-
6698 3-carboxamide).
6699 (III) Chloro-NNEI (N-Naphthalen-1-yl 1-

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6700 (chloropentyl)indole-3-carboxamide).

6701 (IV) MN-18 (N-Naphthalen-1-yl 1-pentylindazole-3-
6702 carboxamide).

6703 (V) Fluoro MN-18 (N-Naphthalen-1-yl 1-
6704 (fluoropentyl)indazole-3-carboxamide).

6705 m. Alkylcarbonyl indole carboxamides, Alkylcarbonyl
6706 indazole carboxamides, Alkylcarbonyl indole carboxylates, and
6707 Alkylcarbonyl indazole carboxylates.—Any compound containing an
6708 alkylcarbonyl group, including 1-amino-3-methyl-1-oxobutan-2-yl,
6709 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-amino-1-oxo-3-
6710 phenylpropan-2-yl, 1-methoxy-1-oxo-3-phenylpropan-2-yl, with an
6711 indole carboxamide, indazole carboxamide, indole carboxylate, or
6712 indazole carboxylate, with or without substitution on the indole
6713 or indazole ring to any extent, whether or not substituted on
6714 the alkylcarbonyl group to any extent, including, but not
6715 limited to:

6716 (I) ADBICA, (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-
6717 pentylindole-3-carboxamide).

6718 (II) Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
6719 yl)-1-(fluoropentyl)indole-3-carboxamide).

6720 (III) Fluoro ABICA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
6721 (fluoropentyl)indole-3-carboxamide).

6722 (IV) AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
6723 pentylindazole-3-carboxamide).

6724 (V) Fluoro AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-
6725 1-(fluoropentyl)indazole-3-carboxamide).

6726 (VI) ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-
6727 1-pentylindazole-3-carboxamide).

6728 (VII) Fluoro ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-

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6729 oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).

6730 (VIII) AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-

6731 (4-fluorobenzyl)indazole-3-carboxamide).

6732 (IX) ADB-FUBINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-

6733 yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).

6734 (X) AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-

6735 (cyclohexylmethyl)indazole-3-carboxamide).

6736 (XI) MA-CHMINACA (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-

6737 (cyclohexylmethyl)indazole-3-carboxamide).

6738 (XII) MAB-CHMINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-

6739 yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).

6740 (XIII) AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-

6741 pentylindazole-3-carboxamide).

6742 (XIV) Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-

6743 (fluoropentyl)indazole-3-carboxamide).

6744 (XV) FUB-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(4-

6745 fluorobenzyl)indazole-3-carboxamide).

6746 (XVI) MDMB-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-

6747 2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).

6748 (XVII) MDMB-FUBINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-

6749 2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).

6750 (XVIII) MDMB-CHMICA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-

6751 2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide).

6752 (XIX) PX-1 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-

6753 fluoropentyl)indole-3-carboxamide).

6754 (XX) PX-2 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-

6755 fluoropentyl)indazole-3-carboxamide).

6756 (XXI) PX-3 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-

6757 (cyclohexylmethyl)indazole-3-carboxamide).

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6758 (XXII) PX-4 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(4-
6759 fluorobenzyl)indazole-3-carboxamide).

6760 (XXIII) MO-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-
6761 2-yl)-1-(cyclohexylmethyl)indazole-3-carboxylate).

6762 n. Cumylindolecarboxamides and Cumylindazolecarboxamides.—
6763 Any compound containing a N-(2-phenylpropan-2-yl) indole
6764 carboxamide or N-(2-phenylpropan-2-yl) indazole carboxamide
6765 structure, with or without substitution on the indole or
6766 indazole ring to any extent, whether or not substituted on the
6767 phenyl ring of the cumyl group to any extent, including, but not
6768 limited to:

6769 (I) CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-pentylindole-3-
6770 carboxamide).

6771 (II) Fluoro CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-
6772 (fluoropentyl)indole-3-carboxamide).

6773 o. Other Synthetic Cannabinoids.—Any material, compound,
6774 mixture, or preparation that contains any quantity of a
6775 Synthetic Cannabinoid, as described in sub-subparagraphs a.-n.:

6776 (I) With or without modification or replacement of a
6777 carbonyl, carboxamide, alkylene, alkyl, or carboxylate linkage
6778 between either two core rings, or linkage between a core ring
6779 and group structure, with or without the addition of a carbon or
6780 replacement of a carbon;

6781 (II) With or without replacement of a core ring or group
6782 structure, whether or not substituted on the ring or group
6783 structures to any extent; and

6784 (III) Is a cannabinoid receptor agonist, unless
6785 specifically excepted or unless listed in another schedule or
6786 contained within a pharmaceutical product approved by the United

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6787 States Food and Drug Administration.

6788 190.191. Substituted Cathinones.—Unless specifically
6789 excepted, listed in another schedule, or contained within a
6790 pharmaceutical product approved by the United States Food and
6791 Drug Administration, any material, compound, mixture, or
6792 preparation, including its salts, isomers, esters, or ethers,
6793 and salts of isomers, esters, or ethers, whenever the existence
6794 of such salts is possible within any of the following specific
6795 chemical designations:

6796 a. Any compound containing a 2-amino-1-phenyl-1-propanone
6797 structure;

6798 b. Any compound containing a 2-amino-1-naphthyl-1-propanone
6799 structure; or

6800 c. Any compound containing a 2-amino-1-thiophenyl-1-
6801 propanone structure,

6802

6803 whether or not the compound is further modified:

6804 (I) With or without substitution on the ring system to any
6805 extent with alkyl, alkylthio, thio, fused alkylendioxy, alkoxy,
6806 haloalkyl, hydroxyl, nitro, fused furan, fused benzofuran, fused
6807 dihydrofuran, fused tetrahydropyran, fused alkyl ring, or halide
6808 substituents;

6809 (II) With or without substitution at the 3-propanone
6810 position with an alkyl substituent or removal of the methyl
6811 group at the 3-propanone position;

6812 (III) With or without substitution at the 2-amino nitrogen
6813 atom with alkyl, dialkyl, acetyl, or benzyl groups, whether or
6814 not further substituted in the ring system; or

6815 (IV) With or without inclusion of the 2-amino nitrogen atom

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- 6816 in a cyclic structure, including, but not limited to:
- 6817 (A) Methcathinone.
- 6818 (B) Ethcathinone.
- 6819 (C) Methylone (3,4-Methylenedioxy-methcathinone).
- 6820 (D) 2,3-Methylenedioxy-methcathinone.
- 6821 (E) MDPV (3,4-Methylenedioxy-pyrovalerone).
- 6822 (F) Methylmethcathinone.
- 6823 (G) Methoxymethcathinone.
- 6824 (H) Fluoromethcathinone.
- 6825 (I) Methylethcathinone.
- 6826 (J) Butylone (3,4-Methylenedioxy-alpha-
- 6827 methylaminobutyrophenone).
- 6828 (K) Ethylone (3,4-Methylenedioxy-N-ethylcathinone).
- 6829 (L) BMDP (3,4-Methylenedioxy-N-benzylcathinone).
- 6830 (M) Naphyrone (Naphthylpyrovalerone).
- 6831 (N) Bromomethcathinone.
- 6832 (O) Buphedrone (alpha-Methylaminobutyrophenone).
- 6833 (P) Eutylone (3,4-Methylenedioxy-alpha-
- 6834 ethylaminobutyrophenone).
- 6835 (Q) Dimethylcathinone.
- 6836 (R) Dimethylmethcathinone.
- 6837 (S) Pentylone (3,4-Methylenedioxy-alpha-
- 6838 methylaminovalerophenone).
- 6839 (T) Pentedrone (alpha-Methylaminovalerophenone).
- 6840 (U) MDPPP (3,4-Methylenedioxy-alpha-
- 6841 pyrrolidinopropiophenone).
- 6842 (V) MDPBP (3,4-Methylenedioxy-alpha-
- 6843 pyrrolidinobutyrophenone).
- 6844 (W) MPPP (Methyl-alpha-pyrrolidinopropiophenone).

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6845 (X) PPP (Pyrrolidinopropiophenone).
 6846 (Y) PVP (Pyrrolidinovalerophenone) or
 6847 (Pyrrolidinopentiophenone).
 6848 (Z) MOPPP (Methoxy-alpha-pyrrolidinopropiophenone).
 6849 (AA) MPHP (Methyl-alpha-pyrrolidinohexanophenone).
 6850 (BB) F-MABP (Fluoromethylaminobutyrophenone).
 6851 (CC) Me-EABP (Methylethylaminobutyrophenone).
 6852 (DD) PBP (Pyrrolidinobutyrophenone).
 6853 (EE) MeO-PBP (Methoxypyrrolidinobutyrophenone).
 6854 (FF) Et-PBP (Ethylpyrrolidinobutyrophenone).
 6855 (GG) 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).
 6856 (HH) Dimethylone (3,4-Methylenedioxy-N,N-
 6857 dimethylcathinone).
 6858 (II) 3,4-Methylenedioxy-N,N-diethylcathinone.
 6859 (JJ) 3,4-Methylenedioxy-N-acetylcathinone.
 6860 (KK) 3,4-Methylenedioxy-N-acetylmethcathinone.
 6861 (LL) 3,4-Methylenedioxy-N-acetylethcathinone.
 6862 (MM) Methylbuphedrone (Methyl-alpha-
 6863 methylaminobutyrophenone).
 6864 (NN) Methyl-alpha-methylaminohexanophenone.
 6865 (OO) N-Ethyl-N-methylcathinone.
 6866 (PP) PHP (Pyrrolidinohexanophenone).
 6867 (QQ) PV8 (Pyrrolidinoheptanophenone).
 6868 (RR) Chloromethcathinone.
 6869 (SS) 4-Bromo-2,5-dimethoxy-alpha-aminoacetophenone.
 6870 191.192. Substituted Phenethylamines.—Unless specifically
 6871 excepted or unless listed in another schedule, or contained
 6872 within a pharmaceutical product approved by the United States
 6873 Food and Drug Administration, any material, compound, mixture,

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6874 or preparation, including its salts, isomers, esters, or ethers,
6875 and salts of isomers, esters, or ethers, whenever the existence
6876 of such salts is possible within any of the following specific
6877 chemical designations, any compound containing a phenethylamine
6878 structure, without a beta-keto group, and without a benzyl group
6879 attached to the amine group, whether or not the compound is
6880 further modified with or without substitution on the phenyl ring
6881 to any extent with alkyl, alkylthio, nitro, alkoxy, thio,
6882 halide, fused alkylenedioxy, fused furan, fused benzofuran,
6883 fused dihydrofuran, or fused tetrahydropyran substituents,
6884 whether or not further substituted on a ring to any extent, with
6885 or without substitution at the alpha or beta position by any
6886 alkyl substituent, with or without substitution at the nitrogen
6887 atom, and with or without inclusion of the 2-amino nitrogen atom
6888 in a cyclic structure, including, but not limited to:

- 6889 a. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).
- 6890 b. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 6891 c. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine).
- 6892 d. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 6893 e. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).
- 6894 f. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).
- 6895 g. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine).
- 6896 h. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- 6897 i. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).
- 6898 j. 2C-H (2,5-Dimethoxyphenethylamine).
- 6899 k. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).
- 6900 l. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).
- 6901 m. MDMA (3,4-Methylenedioxymethamphetamine).
- 6902 n. MBDB (Methylbenzodioxolylbutanamine) or (3,4-

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6903 Methylendioxy-N-methylbutanamine) .

6904 o. MDA (3,4-Methylendioxyamphetamine) .

6905 p. 2,5-Dimethoxyamphetamine .

6906 q. Fluoroamphetamine .

6907 r. Fluoromethamphetamine .

6908 s. MDEA (3,4-Methylendioxy-N-ethylamphetamine) .

6909 t. DOB (4-Bromo-2,5-dimethoxyamphetamine) .

6910 u. DOC (4-Chloro-2,5-dimethoxyamphetamine) .

6911 v. DOET (4-Ethyl-2,5-dimethoxyamphetamine) .

6912 w. DOI (4-Iodo-2,5-dimethoxyamphetamine) .

6913 x. DOM (4-Methyl-2,5-dimethoxyamphetamine) .

6914 y. PMA (4-Methoxyamphetamine) .

6915 z. N-Ethylamphetamine .

6916 aa. 3,4-Methylendioxy-N-hydroxyamphetamine .

6917 bb. 5-Methoxy-3,4-methylendioxyamphetamine .

6918 cc. PMMA (4-Methoxymethamphetamine) .

6919 dd. N,N-Dimethylamphetamine .

6920 ee. 3,4,5-Trimethoxyamphetamine .

6921 ff. 4-APB (4-(2-Aminopropyl)benzofuran) .

6922 gg. 5-APB (5-(2-Aminopropyl)benzofuran) .

6923 hh. 6-APB (6-(2-Aminopropyl)benzofuran) .

6924 ii. 7-APB (7-(2-Aminopropyl)benzofuran) .

6925 jj. 4-APDB (4-(2-Aminopropyl)-2,3-dihydrobenzofuran) .

6926 kk. 5-APDB (5-(2-Aminopropyl)-2,3-dihydrobenzofuran) .

6927 ll. 6-APDB (6-(2-Aminopropyl)-2,3-dihydrobenzofuran) .

6928 mm. 7-APDB (7-(2-Aminopropyl)-2,3-dihydrobenzofuran) .

6929 nn. 4-MAPB (4-(2-Methylaminopropyl)benzofuran) .

6930 oo. 5-MAPB (5-(2-Methylaminopropyl)benzofuran) .

6931 pp. 6-MAPB (6-(2-Methylaminopropyl)benzofuran) .

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6932 qq. 7-MAPB (7-(2-Methylaminopropyl)benzofuran).

6933 rr. 5-EAPB (5-(2-Ethylaminopropyl)benzofuran).

6934 ss. 5-MAPDB (5-(2-Methylaminopropyl)-2,3-

6935 dihydrobenzofuran),

6936

6937 which does not include phenethylamine, mescaline as described in

6938 subparagraph 19. ~~subparagraph 20.~~, substituted cathinones as

6939 described in subparagraph 190. ~~subparagraph 191.~~, N-Benzyl

6940 phenethylamine compounds as described in subparagraph 192.

6941 ~~subparagraph 193.~~, or methamphetamine as described in

6942 subparagraph (2) (c) 5.

6943 192.193. N-Benzyl Phenethylamine Compounds.—Unless

6944 specifically excepted or unless listed in another schedule, or

6945 contained within a pharmaceutical product approved by the United

6946 States Food and Drug Administration, any material, compound,

6947 mixture, or preparation, including its salts, isomers, esters,

6948 or ethers, and salts of isomers, esters, or ethers, whenever the

6949 existence of such salts is possible within any of the following

6950 specific chemical designations, any compound containing a

6951 phenethylamine structure without a beta-keto group, with

6952 substitution on the nitrogen atom of the amino group with a

6953 benzyl substituent, with or without substitution on the phenyl

6954 or benzyl ring to any extent with alkyl, alkoxy, thio,

6955 alkylthio, halide, fused alkylendioxy, fused furan, fused

6956 benzofuran, or fused tetrahydropyran substituents, whether or

6957 not further substituted on a ring to any extent, with or without

6958 substitution at the alpha position by any alkyl substituent,

6959 including, but not limited to:

6960 a. 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-

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6961 methoxybenzyl)]phenethylamine) .

6962 b. 25B-NBOH (4-Bromo-2,5-dimethoxy-[N-(2-

6963 hydroxybenzyl)]phenethylamine) .

6964 c. 25B-NBF (4-Bromo-2,5-dimethoxy-[N-(2-

6965 fluorobenzyl)]phenethylamine) .

6966 d. 25B-NBMD (4-Bromo-2,5-dimethoxy-[N-(2,3-

6967 methylenedioxybenzyl)]phenethylamine) .

6968 e. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-

6969 methoxybenzyl)]phenethylamine) .

6970 f. 25I-NBOH (4-Iodo-2,5-dimethoxy-[N-(2-

6971 hydroxybenzyl)]phenethylamine) .

6972 g. 25I-NBF (4-Iodo-2,5-dimethoxy-[N-(2-

6973 fluorobenzyl)]phenethylamine) .

6974 h. 25I-NBMD (4-Iodo-2,5-dimethoxy-[N-(2,3-

6975 methylenedioxybenzyl)]phenethylamine) .

6976 i. 25T2-NBOMe (4-Methylthio-2,5-dimethoxy-[N-(2-

6977 methoxybenzyl)]phenethylamine) .

6978 j. 25T4-NBOMe (4-Isopropylthio-2,5-dimethoxy-[N-(2-

6979 methoxybenzyl)]phenethylamine) .

6980 k. 25T7-NBOMe (4-(n)-Propylthio-2,5-dimethoxy-[N-(2-

6981 methoxybenzyl)]phenethylamine) .

6982 l. 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-

6983 methoxybenzyl)]phenethylamine) .

6984 m. 25C-NBOH (4-Chloro-2,5-dimethoxy-[N-(2-

6985 hydroxybenzyl)]phenethylamine) .

6986 n. 25C-NBF (4-Chloro-2,5-dimethoxy-[N-(2-

6987 fluorobenzyl)]phenethylamine) .

6988 o. 25C-NBMD (4-Chloro-2,5-dimethoxy-[N-(2,3-

6989 methylenedioxybenzyl)]phenethylamine) .

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6990 p. 25H-NBOMe (2,5-Dimethoxy-[N-(2-
6991 methoxybenzyl)]phenethylamine).

6992 q. 25H-NBOH (2,5-Dimethoxy-[N-(2-
6993 hydroxybenzyl)]phenethylamine).

6994 r. 25H-NBF (2,5-Dimethoxy-[N-(2-
6995 fluorobenzyl)]phenethylamine).

6996 s. 25D-NBOMe (4-Methyl-2,5-dimethoxy-[N-(2-
6997 methoxybenzyl)]phenethylamine),

6998

6999 which does not include substituted cathinones as described in
7000 subparagraph 190. ~~subparagraph 191.~~

7001 193.194. ~~194.~~ Substituted Tryptamines.—Unless specifically
7002 excepted or unless listed in another schedule, or contained
7003 within a pharmaceutical product approved by the United States
7004 Food and Drug Administration, any material, compound, mixture,
7005 or preparation containing a 2-(1H-indol-3-yl)ethanamine, for
7006 example tryptamine, structure with or without mono- or di-
7007 substitution of the amine nitrogen with alkyl or alkenyl groups,
7008 or by inclusion of the amino nitrogen atom in a cyclic
7009 structure, whether or not substituted at the alpha position with
7010 an alkyl group, whether or not substituted on the indole ring to
7011 any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy
7012 groups, including, but not limited to:

7013 a. Alpha-Ethyltryptamine.

7014 b. Bufotenine.

7015 c. DET (Diethyltryptamine).

7016 d. DMT (Dimethyltryptamine).

7017 e. MET (N-Methyl-N-ethyltryptamine).

7018 f. DALT (N,N-Diallyltryptamine).

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- 7019 g. EiPT (N-Ethyl-N-isopropyltryptamine).
- 7020 h. MiPT (N-Methyl-N-isopropyltryptamine).
- 7021 i. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).
- 7022 j. 5-Hydroxy-N-methyltryptamine.
- 7023 k. 5-MeO-MiPT (5-Methoxy-N-methyl-N-isopropyltryptamine).
- 7024 l. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).
- 7025 m. Methyltryptamine.
- 7026 n. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).
- 7027 o. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).
- 7028 p. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).
- 7029 q. DiPT (N,N-Diisopropyltryptamine).
- 7030 r. DPT (N,N-Dipropyltryptamine).
- 7031 s. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).
- 7032 t. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).
- 7033 u. 4-AcO-DMT (4-Acetoxy-N,N-dimethyltryptamine).
- 7034 v. 4-AcO-DiPT (4-Acetoxy-N,N-diisopropyltryptamine).
- 7035 w. 4-Hydroxy-DET (4-Hydroxy-N,N-diethyltryptamine).
- 7036 x. 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-ethyltryptamine).
- 7037 y. 4-Hydroxy-MiPT (4-Hydroxy-N-methyl-N-
- 7038 isopropyltryptamine).
- 7039 z. Methyl-alpha-ethyltryptamine.
- 7040 aa. Bromo-DALT (Bromo-N,N-diallyltryptamine),
- 7041
- 7042 which does not include tryptamine, psilocyn as described in
- 7043 subparagraph 33. ~~subparagraph 34.~~, or psilocybin as described in
- 7044 subparagraph 32. ~~subparagraph 33.~~
- 7045 194.195. Substituted Phenylcyclohexylamines.—Unless
- 7046 specifically excepted or unless listed in another schedule, or
- 7047 contained within a pharmaceutical product approved by the United

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7048 States Food and Drug Administration, any material, compound,
7049 mixture, or preparation containing a phenylcyclohexylamine
7050 structure, with or without any substitution on the phenyl ring,
7051 any substitution on the cyclohexyl ring, any replacement of the
7052 phenyl ring with a thiophenyl or benzothiophenyl ring, with or
7053 without substitution on the amine with alkyl, dialkyl, or alkoxy
7054 substituents, inclusion of the nitrogen in a cyclic structure,
7055 or any combination of the above, including, but not limited to:

- 7056 a. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP
7057 (Benocyclidine).
- 7058 b. PCE (N-Ethyl-1-phenylcyclohexylamine) (Ethylamine analog
7059 of phencyclidine).
- 7060 c. PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine) (Pyrrolidine
7061 analog of phencyclidine).
- 7062 d. PCPr (Phenylcyclohexylpropylamine).
- 7063 e. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine) (Thiophene
7064 analog of phencyclidine).
- 7065 f. PCEEA (Phenylcyclohexyl(ethoxyethylamine)).
- 7066 g. PCMPA (Phenylcyclohexyl(methoxypropylamine)).
- 7067 h. Methoxetamine.
- 7068 i. 3-Methoxy-PCE ((3-Methoxyphenyl)cyclohexylethylamine).
- 7069 j. Bromo-PCP ((Bromophenyl)cyclohexylpiperidine).
- 7070 k. Chloro-PCP ((Chlorophenyl)cyclohexylpiperidine).
- 7071 l. Fluoro-PCP ((Fluorophenyl)cyclohexylpiperidine).
- 7072 m. Hydroxy-PCP ((Hydroxyphenyl)cyclohexylpiperidine).
- 7073 n. Methoxy-PCP ((Methoxyphenyl)cyclohexylpiperidine).
- 7074 o. Methyl-PCP ((Methylphenyl)cyclohexylpiperidine).
- 7075 p. Nitro-PCP ((Nitrophenyl)cyclohexylpiperidine).
- 7076 q. Oxo-PCP ((Oxophenyl)cyclohexylpiperidine).

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7077 r. Amino-PCP ((Aminophenyl)cyclohexylpiperidine).
 7078 195.196. W-15, 4-chloro-N-[1-(2-phenylethyl)-2-
 7079 piperidinylidene]-benzenesulfonamide.
 7080 196.197. W-18, 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-
 7081 piperidinylidene]-benzenesulfonamide.
 7082 197.198. AH-7921, 3,4-dichloro-N-[[1-
 7083 (dimethylamino)cyclohexyl]methyl]-benzamide.
 7084 198.199. U47700, trans-3,4-dichloro-N-[2-
 7085 (dimethylamino)cyclohexyl]-N-methyl-benzamide.
 7086 199.200. MT-45, 1-cyclohexyl-4-(1,2-diphenylethyl)-
 7087 piperazine, dihydrochloride.

7088
 7089 Section 11. Subsections (3), (6), and (9) of section
 7090 893.13, Florida Statutes, are amended, and a new subsection (10)
 7091 is added to that section, to read:

7092 893.13 Prohibited acts; penalties.—

7093 ~~(3) A person who delivers, without consideration, 20 grams~~
 7094 ~~or less of cannabis, as defined in this chapter, commits a~~
 7095 ~~misdemeanor of the first degree, punishable as provided in s.~~
 7096 ~~775.082 or s. 775.083. As used in this subsection, the term~~
 7097 ~~"cannabis" does not include the resin extracted from the plants~~
 7098 ~~of the genus Cannabis or any compound manufacture, salt,~~
 7099 ~~derivative, mixture, or preparation of such resin.~~

7100 (5) (a) (6) (a) A person may not be in actual or constructive
 7101 possession of a controlled substance unless such controlled
 7102 substance was lawfully obtained from a practitioner or pursuant
 7103 to a valid prescription or order of a practitioner while acting
 7104 in the course of his or her professional practice or to be in
 7105 actual or constructive possession of a controlled substance

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7106 except as otherwise authorized by this chapter. A person who
7107 violates this provision commits a felony of the third degree,
7108 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

7109 ~~(b) If the offense is the possession of 20 grams or less of~~
7110 ~~cannabis, as defined in this chapter, the person commits a~~
7111 ~~misdemeanor of the first degree, punishable as provided in s.~~
7112 ~~775.082 or s. 775.083. As used in this subsection, the term~~
7113 ~~"cannabis" does not include the resin extracted from the plants~~
7114 ~~of the genus Cannabis, or any compound manufacture, salt,~~
7115 ~~derivative, mixture, or preparation of such resin.~~

7116 (b) ~~(e)~~ Except as provided in this chapter, a person may not
7117 possess more than 10 grams of any substance named or described
7118 in s. 893.03(1)(a), (1)(b), or (2)(b), or any combination
7119 thereof, or any mixture containing any such substance. A person
7120 who violates this paragraph commits a felony of the first
7121 degree, punishable as provided in s. 775.082, s. 775.083, or s.
7122 775.084.

7123 (c) ~~(d)~~ If the offense is possession of a controlled
7124 substance named or described in s. 893.03(5), the person commits
7125 a misdemeanor of the second degree, punishable as provided in s.
7126 775.082 or s. 775.083.

7127 ~~(e) Notwithstanding any provision to the contrary of the~~
7128 ~~laws of this state relating to arrest, a law enforcement officer~~
7129 ~~may arrest without warrant any person who the officer has~~
7130 ~~probable cause to believe is violating the provisions of this~~
7131 ~~chapter relating to possession of cannabis.~~

7132 (8) ~~(9)~~ The provisions of Subsections (1)-(7) ~~(1)-(8)~~ are
7133 not applicable to the delivery to, or actual or constructive
7134 possession for medical or scientific use or purpose only of

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7135 controlled substances by, persons included in any of the
7136 following classes, or the agents or employees of such persons,
7137 for use in the usual course of their business or profession or
7138 in the performance of their official duties:

7139 (a) Pharmacists.

7140 (b) Practitioners.

7141 (c) Persons who procure controlled substances in good faith
7142 and in the course of professional practice only, by or under the
7143 supervision of pharmacists or practitioners employed by them, or
7144 for the purpose of lawful research, teaching, or testing, and
7145 not for resale.

7146 (d) Hospitals that procure controlled substances for lawful
7147 administration by practitioners, but only for use by or in the
7148 particular hospital.

7149 (e) Officers or employees of state, federal, or local
7150 governments acting in their official capacity only, or informers
7151 acting under their jurisdiction.

7152 (f) Common carriers.

7153 (g) Manufacturers, wholesalers, and distributors.

7154 (h) Law enforcement officers for bona fide law enforcement
7155 purposes in the course of an active criminal investigation.

7156 (10) Subsections (1)-(7) are not applicable to conduct
7157 authorized under chapter 566.

7158 Section 12. Subsection (1) of section 893.135, Florida
7159 Statutes, is amended to read:

7160 893.135 Trafficking; mandatory sentences; suspension or
7161 reduction of sentences; conspiracy to engage in trafficking.-

7162 (1) Except as authorized in this chapter, or in chapter
7163 499, or chapter 566 and notwithstanding ~~the provisions of s.~~

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7164 893.13:

7165 ~~(a) Any person who knowingly sells, purchases,~~
7166 ~~manufactures, delivers, or brings into this state, or who is~~
7167 ~~knowingly in actual or constructive possession of, in excess of~~
7168 ~~25 pounds of cannabis, or 300 or more cannabis plants, commits a~~
7169 ~~felony of the first degree, which felony shall be known as~~
7170 ~~"trafficking in cannabis," punishable as provided in s. 775.082,~~
7171 ~~s. 775.083, or s. 775.084. If the quantity of cannabis involved:~~

7172 ~~1. Is in excess of 25 pounds, but less than 2,000 pounds,~~
7173 ~~or is 300 or more cannabis plants, but not more than 2,000~~
7174 ~~cannabis plants, such person shall be sentenced to a mandatory~~
7175 ~~minimum term of imprisonment of 3 years, and the defendant shall~~
7176 ~~be ordered to pay a fine of \$25,000.~~

7177 ~~2. Is 2,000 pounds or more, but less than 10,000 pounds, or~~
7178 ~~is 2,000 or more cannabis plants, but not more than 10,000~~
7179 ~~cannabis plants, such person shall be sentenced to a mandatory~~
7180 ~~minimum term of imprisonment of 7 years, and the defendant shall~~
7181 ~~be ordered to pay a fine of \$50,000.~~

7182 ~~3. Is 10,000 pounds or more, or is 10,000 or more cannabis~~
7183 ~~plants, such person shall be sentenced to a mandatory minimum~~
7184 ~~term of imprisonment of 15 calendar years and pay a fine of~~
7185 ~~\$200,000.~~

7186
7187 ~~For the purpose of this paragraph, a plant, including, but not~~
7188 ~~limited to, a seedling or cutting, is a "cannabis plant" if it~~
7189 ~~has some readily observable evidence of root formation, such as~~
7190 ~~root hairs. To determine if a piece or part of a cannabis plant~~
7191 ~~severed from the cannabis plant is itself a cannabis plant, the~~
7192 ~~severed piece or part must have some readily observable evidence~~

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7193 ~~of root formation, such as root hairs. Callous tissue is not~~
7194 ~~readily observable evidence of root formation. The viability and~~
7195 ~~sex of a plant and the fact that the plant may or may not be a~~
7196 ~~dead harvested plant are not relevant in determining if the~~
7197 ~~plant is a "cannabis plant" or in the charging of an offense~~
7198 ~~under this paragraph. Upon conviction, the court shall impose~~
7199 ~~the longest term of imprisonment provided for in this paragraph.~~

7200 (a)1.~~(b)1.~~ Any person who knowingly sells, purchases,
7201 manufactures, delivers, or brings into this state, or who is
7202 knowingly in actual or constructive possession of, 28 grams or
7203 more of cocaine, as described in s. 893.03(2)(a)4., or of any
7204 mixture containing cocaine, but less than 150 kilograms of
7205 cocaine or any such mixture, commits a felony of the first
7206 degree, which felony shall be known as "trafficking in cocaine,"
7207 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
7208 If the quantity involved:

7209 a. Is 28 grams or more, but less than 200 grams, such
7210 person shall be sentenced to a mandatory minimum term of
7211 imprisonment of 3 years, and the defendant shall be ordered to
7212 pay a fine of \$50,000.

7213 b. Is 200 grams or more, but less than 400 grams, such
7214 person shall be sentenced to a mandatory minimum term of
7215 imprisonment of 7 years, and the defendant shall be ordered to
7216 pay a fine of \$100,000.

7217 c. Is 400 grams or more, but less than 150 kilograms, such
7218 person shall be sentenced to a mandatory minimum term of
7219 imprisonment of 15 calendar years and pay a fine of \$250,000.

7220 2. Any person who knowingly sells, purchases, manufactures,
7221 delivers, or brings into this state, or who is knowingly in

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7222 actual or constructive possession of, 150 kilograms or more of
7223 cocaine, as described in s. 893.03(2)(a)4., commits the first
7224 degree felony of trafficking in cocaine. A person who has been
7225 convicted of the first degree felony of trafficking in cocaine
7226 under this subparagraph shall be punished by life imprisonment
7227 and is ineligible for any form of discretionary early release
7228 except pardon or executive clemency or conditional medical
7229 release under s. 947.149. However, if the court determines that,
7230 in addition to committing any act specified in this paragraph:

7231 a. The person intentionally killed an individual or
7232 counseled, commanded, induced, procured, or caused the
7233 intentional killing of an individual and such killing was the
7234 result; or

7235 b. The person's conduct in committing that act led to a
7236 natural, though not inevitable, lethal result,

7237
7238 such person commits the capital felony of trafficking in
7239 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
7240 person sentenced for a capital felony under this paragraph shall
7241 also be sentenced to pay the maximum fine provided under
7242 subparagraph 1.

7243 3. Any person who knowingly brings into this state 300
7244 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
7245 and who knows that the probable result of such importation would
7246 be the death of any person, commits capital importation of
7247 cocaine, a capital felony punishable as provided in ss. 775.082
7248 and 921.142. Any person sentenced for a capital felony under
7249 this paragraph shall also be sentenced to pay the maximum fine
7250 provided under subparagraph 1.

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7251 (b)1.~~(e)1.~~ A person who knowingly sells, purchases,
7252 manufactures, delivers, or brings into this state, or who is
7253 knowingly in actual or constructive possession of, 4 grams or
7254 more of any morphine, opium, hydromorphone, or any salt,
7255 derivative, isomer, or salt of an isomer thereof, including
7256 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
7257 (3)(c)4., or 4 grams or more of any mixture containing any such
7258 substance, but less than 30 kilograms of such substance or
7259 mixture, commits a felony of the first degree, which felony
7260 shall be known as "trafficking in illegal drugs," punishable as
7261 provided in s. 775.082, s. 775.083, or s. 775.084. If the
7262 quantity involved:

7263 a. Is 4 grams or more, but less than 14 grams, such person
7264 shall be sentenced to a mandatory minimum term of imprisonment
7265 of 3 years and shall be ordered to pay a fine of \$50,000.

7266 b. Is 14 grams or more, but less than 28 grams, such person
7267 shall be sentenced to a mandatory minimum term of imprisonment
7268 of 15 years and shall be ordered to pay a fine of \$100,000.

7269 c. Is 28 grams or more, but less than 30 kilograms, such
7270 person shall be sentenced to a mandatory minimum term of
7271 imprisonment of 25 years and shall be ordered to pay a fine of
7272 \$500,000.

7273 2. A person who knowingly sells, purchases, manufactures,
7274 delivers, or brings into this state, or who is knowingly in
7275 actual or constructive possession of, 28 grams or more of
7276 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
7277 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28
7278 grams or more of any mixture containing any such substance,
7279 commits a felony of the first degree, which felony shall be

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7280 known as "trafficking in hydrocodone," punishable as provided in
7281 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

7282 a. Is 28 grams or more, but less than 50 grams, such person
7283 shall be sentenced to a mandatory minimum term of imprisonment
7284 of 3 years and shall be ordered to pay a fine of \$50,000.

7285 b. Is 50 grams or more, but less than 100 grams, such
7286 person shall be sentenced to a mandatory minimum term of
7287 imprisonment of 7 years and shall be ordered to pay a fine of
7288 \$100,000.

7289 c. Is 100 grams or more, but less than 300 grams, such
7290 person shall be sentenced to a mandatory minimum term of
7291 imprisonment of 15 years and shall be ordered to pay a fine of
7292 \$500,000.

7293 d. Is 300 grams or more, but less than 30 kilograms, such
7294 person shall be sentenced to a mandatory minimum term of
7295 imprisonment of 25 years and shall be ordered to pay a fine of
7296 \$750,000.

7297 3. A person who knowingly sells, purchases, manufactures,
7298 delivers, or brings into this state, or who is knowingly in
7299 actual or constructive possession of, 7 grams or more of
7300 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
7301 thereof, or 7 grams or more of any mixture containing any such
7302 substance, commits a felony of the first degree, which felony
7303 shall be known as "trafficking in oxycodone," punishable as
7304 provided in s. 775.082, s. 775.083, or s. 775.084. If the
7305 quantity involved:

7306 a. Is 7 grams or more, but less than 14 grams, such person
7307 shall be sentenced to a mandatory minimum term of imprisonment
7308 of 3 years and shall be ordered to pay a fine of \$50,000.

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7309 b. Is 14 grams or more, but less than 25 grams, such person
7310 shall be sentenced to a mandatory minimum term of imprisonment
7311 of 7 years and shall be ordered to pay a fine of \$100,000.

7312 c. Is 25 grams or more, but less than 100 grams, such
7313 person shall be sentenced to a mandatory minimum term of
7314 imprisonment of 15 years and shall be ordered to pay a fine of
7315 \$500,000.

7316 d. Is 100 grams or more, but less than 30 kilograms, such
7317 person shall be sentenced to a mandatory minimum term of
7318 imprisonment of 25 years and shall be ordered to pay a fine of
7319 \$750,000.

7320 4.a. A person who knowingly sells, purchases, manufactures,
7321 delivers, or brings into this state, or who is knowingly in
7322 actual or constructive possession of, 4 grams or more of:

7323 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

7324 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

7325 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

7326 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

7327 (V) A fentanyl derivative, as described in s.

7328 893.03(1)(a)62.;

7329 (VI) A controlled substance analog, as described in s.

7330 893.0356, of any substance described in sub-sub-subparagraphs

7331 (I)-(V); or

7332 (VII) A mixture containing any substance described in sub-
7333 sub-subparagraphs (I)-(VI),

7334
7335 commits a felony of the first degree, which felony shall be
7336 known as "trafficking in fentanyl," punishable as provided in s.
7337 775.082, s. 775.083, or s. 775.084.

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7338 b. If the quantity involved under sub-subparagraph a.:

7339 (I) Is 4 grams or more, but less than 14 grams, such person

7340 shall be sentenced to a mandatory minimum term of imprisonment

7341 of 3 years, and shall be ordered to pay a fine of \$50,000.

7342 (II) Is 14 grams or more, but less than 28 grams, such

7343 person shall be sentenced to a mandatory minimum term of

7344 imprisonment of 15 years, and shall be ordered to pay a fine of

7345 \$100,000.

7346 (III) Is 28 grams or more, such person shall be sentenced

7347 to a mandatory minimum term of imprisonment of 25 years, and

7348 shall be ordered to pay a fine of \$500,000.

7349 5. A person who knowingly sells, purchases, manufactures,

7350 delivers, or brings into this state, or who is knowingly in

7351 actual or constructive possession of, 30 kilograms or more of

7352 any morphine, opium, oxycodone, hydrocodone, codeine,

7353 hydromorphone, or any salt, derivative, isomer, or salt of an

7354 isomer thereof, including heroin, as described in s.

7355 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or

7356 more of any mixture containing any such substance, commits the

7357 first degree felony of trafficking in illegal drugs. A person

7358 who has been convicted of the first degree felony of trafficking

7359 in illegal drugs under this subparagraph shall be punished by

7360 life imprisonment and is ineligible for any form of

7361 discretionary early release except pardon or executive clemency

7362 or conditional medical release under s. 947.149. However, if the

7363 court determines that, in addition to committing any act

7364 specified in this paragraph:

7365 a. The person intentionally killed an individual or

7366 counseled, commanded, induced, procured, or caused the

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7367 intentional killing of an individual and such killing was the
7368 result; or

7369 b. The person's conduct in committing that act led to a
7370 natural, though not inevitable, lethal result,

7371
7372 such person commits the capital felony of trafficking in illegal
7373 drugs, punishable as provided in ss. 775.082 and 921.142. A
7374 person sentenced for a capital felony under this paragraph shall
7375 also be sentenced to pay the maximum fine provided under
7376 subparagraph 1.

7377 6. A person who knowingly brings into this state 60
7378 kilograms or more of any morphine, opium, oxycodone,
7379 hydrocodone, codeine, hydromorphone, or any salt, derivative,
7380 isomer, or salt of an isomer thereof, including heroin, as
7381 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
7382 60 kilograms or more of any mixture containing any such
7383 substance, and who knows that the probable result of such
7384 importation would be the death of a person, commits capital
7385 importation of illegal drugs, a capital felony punishable as
7386 provided in ss. 775.082 and 921.142. A person sentenced for a
7387 capital felony under this paragraph shall also be sentenced to
7388 pay the maximum fine provided under subparagraph 1.

7389 (c)1.~~(d)1.~~ Any person who knowingly sells, purchases,
7390 manufactures, delivers, or brings into this state, or who is
7391 knowingly in actual or constructive possession of, 28 grams or
7392 more of phencyclidine, as described in s. 893.03(2)(b)23., a
7393 substituted phenylcyclohexylamine, as described in s.
7394 893.03(1)(c)194. ~~s. 893.03(1)(c)195.~~, or a substance described
7395 in s. 893.03(1)(c)12., 31., 37., 102., or 145. ~~s.~~

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7396 ~~893.03(1)(e)13., 32., 38., 103., or 146.,~~ or of any mixture
7397 containing phencyclidine, as described in s. 893.03(2)(b)23., a
7398 substituted phenylcyclohexylamine, as described in s.
7399 893.03(1)(c)194. ~~s. 893.03(1)(e)195.,~~ or a substance described
7400 in s. 893.03(1)(c)12., 31., 37., 102., or 145. ~~s.~~
7401 ~~893.03(1)(e)13., 32., 38., 103., or 146.,~~ commits a felony of
7402 the first degree, which felony shall be known as "trafficking in
7403 phencyclidine," punishable as provided in s. 775.082, s.
7404 775.083, or s. 775.084. If the quantity involved:
7405 a. Is 28 grams or more, but less than 200 grams, such
7406 person shall be sentenced to a mandatory minimum term of
7407 imprisonment of 3 years, and the defendant shall be ordered to
7408 pay a fine of \$50,000.
7409 b. Is 200 grams or more, but less than 400 grams, such
7410 person shall be sentenced to a mandatory minimum term of
7411 imprisonment of 7 years, and the defendant shall be ordered to
7412 pay a fine of \$100,000.
7413 c. Is 400 grams or more, such person shall be sentenced to
7414 a mandatory minimum term of imprisonment of 15 calendar years
7415 and pay a fine of \$250,000.
7416 2. Any person who knowingly brings into this state 800
7417 grams or more of phencyclidine, as described in s.
7418 893.03(2)(b)23., a substituted phenylcyclohexylamine, as
7419 described in s. 893.03(1)(c)194. ~~s. 893.03(1)(e)195.,~~ or a
7420 substance described in s. 893.03(1)(c)12., 31., 37., 102., or
7421 145. ~~s. 893.03(1)(e)13., 32., 38., 103., or 146.,~~ or of any
7422 mixture containing phencyclidine, as described in s.
7423 893.03(2)(b)23., a substituted phenylcyclohexylamine, as
7424 described in s. 893.03(1)(c)194. ~~s. 893.03(1)(e)195.,~~ or a

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7425 substance described in s. 893.03(1)(c)12., 31., 37., 102., or
7426 145. ~~s. 893.03(1)(c)13., 32., 38., 103., or 146.,~~ and who knows
7427 that the probable result of such importation would be the death
7428 of any person commits capital importation of phencyclidine, a
7429 capital felony punishable as provided in ss. 775.082 and
7430 921.142. Any person sentenced for a capital felony under this
7431 paragraph shall also be sentenced to pay the maximum fine
7432 provided under subparagraph 1.

7433 (d)1. ~~(e)1.~~ Any person who knowingly sells, purchases,
7434 manufactures, delivers, or brings into this state, or who is
7435 knowingly in actual or constructive possession of, 200 grams or
7436 more of methaqualone or of any mixture containing methaqualone,
7437 as described in s. 893.03(1)(d), commits a felony of the first
7438 degree, which felony shall be known as "trafficking in
7439 methaqualone," punishable as provided in s. 775.082, s. 775.083,
7440 or s. 775.084. If the quantity involved:

7441 a. Is 200 grams or more, but less than 5 kilograms, such
7442 person shall be sentenced to a mandatory minimum term of
7443 imprisonment of 3 years, and the defendant shall be ordered to
7444 pay a fine of \$50,000.

7445 b. Is 5 kilograms or more, but less than 25 kilograms, such
7446 person shall be sentenced to a mandatory minimum term of
7447 imprisonment of 7 years, and the defendant shall be ordered to
7448 pay a fine of \$100,000.

7449 c. Is 25 kilograms or more, such person shall be sentenced
7450 to a mandatory minimum term of imprisonment of 15 calendar years
7451 and pay a fine of \$250,000.

7452 2. Any person who knowingly brings into this state 50
7453 kilograms or more of methaqualone or of any mixture containing

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7454 methaqualone, as described in s. 893.03(1)(d), and who knows
7455 that the probable result of such importation would be the death
7456 of any person commits capital importation of methaqualone, a
7457 capital felony punishable as provided in ss. 775.082 and
7458 921.142. Any person sentenced for a capital felony under this
7459 paragraph shall also be sentenced to pay the maximum fine
7460 provided under subparagraph 1.

7461 (e)1.~~(f)1.~~ Any person who knowingly sells, purchases,
7462 manufactures, delivers, or brings into this state, or who is
7463 knowingly in actual or constructive possession of, 14 grams or
7464 more of amphetamine, as described in s. 893.03(2)(c)2., or
7465 methamphetamine, as described in s. 893.03(2)(c)5., or of any
7466 mixture containing amphetamine or methamphetamine, or
7467 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine
7468 in conjunction with other chemicals and equipment utilized in
7469 the manufacture of amphetamine or methamphetamine, commits a
7470 felony of the first degree, which felony shall be known as
7471 "trafficking in amphetamine," punishable as provided in s.
7472 775.082, s. 775.083, or s. 775.084. If the quantity involved:

7473 a. Is 14 grams or more, but less than 28 grams, such person
7474 shall be sentenced to a mandatory minimum term of imprisonment
7475 of 3 years, and the defendant shall be ordered to pay a fine of
7476 \$50,000.

7477 b. Is 28 grams or more, but less than 200 grams, such
7478 person shall be sentenced to a mandatory minimum term of
7479 imprisonment of 7 years, and the defendant shall be ordered to
7480 pay a fine of \$100,000.

7481 c. Is 200 grams or more, such person shall be sentenced to
7482 a mandatory minimum term of imprisonment of 15 calendar years

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7483 and pay a fine of \$250,000.

7484 2. Any person who knowingly manufactures or brings into
7485 this state 400 grams or more of amphetamine, as described in s.
7486 893.03(2)(c)2., or methamphetamine, as described in s.
7487 893.03(2)(c)5., or of any mixture containing amphetamine or
7488 methamphetamine, or phenylacetone, phenylacetic acid,
7489 pseudoephedrine, or ephedrine in conjunction with other
7490 chemicals and equipment used in the manufacture of amphetamine
7491 or methamphetamine, and who knows that the probable result of
7492 such manufacture or importation would be the death of any person
7493 commits capital manufacture or importation of amphetamine, a
7494 capital felony punishable as provided in ss. 775.082 and
7495 921.142. Any person sentenced for a capital felony under this
7496 paragraph shall also be sentenced to pay the maximum fine
7497 provided under subparagraph 1.

7498 (f)1.~~(g)1.~~ Any person who knowingly sells, purchases,
7499 manufactures, delivers, or brings into this state, or who is
7500 knowingly in actual or constructive possession of, 4 grams or
7501 more of flunitrazepam or any mixture containing flunitrazepam as
7502 described in s. 893.03(1)(a) commits a felony of the first
7503 degree, which felony shall be known as "trafficking in
7504 flunitrazepam," punishable as provided in s. 775.082, s.
7505 775.083, or s. 775.084. If the quantity involved:

7506 a. Is 4 grams or more but less than 14 grams, such person
7507 shall be sentenced to a mandatory minimum term of imprisonment
7508 of 3 years, and the defendant shall be ordered to pay a fine of
7509 \$50,000.

7510 b. Is 14 grams or more but less than 28 grams, such person
7511 shall be sentenced to a mandatory minimum term of imprisonment

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7512 of 7 years, and the defendant shall be ordered to pay a fine of
7513 \$100,000.

7514 c. Is 28 grams or more but less than 30 kilograms, such
7515 person shall be sentenced to a mandatory minimum term of
7516 imprisonment of 25 calendar years and pay a fine of \$500,000.

7517 2. Any person who knowingly sells, purchases, manufactures,
7518 delivers, or brings into this state or who is knowingly in
7519 actual or constructive possession of 30 kilograms or more of
7520 flunitrazepam or any mixture containing flunitrazepam as
7521 described in s. 893.03(1)(a) commits the first degree felony of
7522 trafficking in flunitrazepam. A person who has been convicted of
7523 the first degree felony of trafficking in flunitrazepam under
7524 this subparagraph shall be punished by life imprisonment and is
7525 ineligible for any form of discretionary early release except
7526 pardon or executive clemency or conditional medical release
7527 under s. 947.149. However, if the court determines that, in
7528 addition to committing any act specified in this paragraph:

7529 a. The person intentionally killed an individual or
7530 counseled, commanded, induced, procured, or caused the
7531 intentional killing of an individual and such killing was the
7532 result; or

7533 b. The person's conduct in committing that act led to a
7534 natural, though not inevitable, lethal result,

7535
7536 such person commits the capital felony of trafficking in
7537 flunitrazepam, punishable as provided in ss. 775.082 and
7538 921.142. Any person sentenced for a capital felony under this
7539 paragraph shall also be sentenced to pay the maximum fine
7540 provided under subparagraph 1.

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7541 (g)1.~~(h)1.~~ Any person who knowingly sells, purchases,
7542 manufactures, delivers, or brings into this state, or who is
7543 knowingly in actual or constructive possession of, 1 kilogram or
7544 more of gamma-hydroxybutyric acid (GHB), as described in s.
7545 893.03(1)(d), or any mixture containing gamma-hydroxybutyric
7546 acid (GHB), commits a felony of the first degree, which felony
7547 shall be known as "trafficking in gamma-hydroxybutyric acid
7548 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.
7549 775.084. If the quantity involved:

7550 a. Is 1 kilogram or more but less than 5 kilograms, such
7551 person shall be sentenced to a mandatory minimum term of
7552 imprisonment of 3 years, and the defendant shall be ordered to
7553 pay a fine of \$50,000.

7554 b. Is 5 kilograms or more but less than 10 kilograms, such
7555 person shall be sentenced to a mandatory minimum term of
7556 imprisonment of 7 years, and the defendant shall be ordered to
7557 pay a fine of \$100,000.

7558 c. Is 10 kilograms or more, such person shall be sentenced
7559 to a mandatory minimum term of imprisonment of 15 calendar years
7560 and pay a fine of \$250,000.

7561 2. Any person who knowingly manufactures or brings into
7562 this state 150 kilograms or more of gamma-hydroxybutyric acid
7563 (GHB), as described in s. 893.03(1)(d), or any mixture
7564 containing gamma-hydroxybutyric acid (GHB), and who knows that
7565 the probable result of such manufacture or importation would be
7566 the death of any person commits capital manufacture or
7567 importation of gamma-hydroxybutyric acid (GHB), a capital felony
7568 punishable as provided in ss. 775.082 and 921.142. Any person
7569 sentenced for a capital felony under this paragraph shall also

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7570 be sentenced to pay the maximum fine provided under subparagraph
7571 1.

7572 (h)1.~~(i)1.~~ Any person who knowingly sells, purchases,
7573 manufactures, delivers, or brings into this state, or who is
7574 knowingly in actual or constructive possession of, 1 kilogram or
7575 more of gamma-butyrolactone (GBL), as described in s.
7576 893.03(1)(d), or any mixture containing gamma-butyrolactone
7577 (GBL), commits a felony of the first degree, which felony shall
7578 be known as "trafficking in gamma-butyrolactone (GBL),"
7579 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
7580 If the quantity involved:

7581 a. Is 1 kilogram or more but less than 5 kilograms, such
7582 person shall be sentenced to a mandatory minimum term of
7583 imprisonment of 3 years, and the defendant shall be ordered to
7584 pay a fine of \$50,000.

7585 b. Is 5 kilograms or more but less than 10 kilograms, such
7586 person shall be sentenced to a mandatory minimum term of
7587 imprisonment of 7 years, and the defendant shall be ordered to
7588 pay a fine of \$100,000.

7589 c. Is 10 kilograms or more, such person shall be sentenced
7590 to a mandatory minimum term of imprisonment of 15 calendar years
7591 and pay a fine of \$250,000.

7592 2. Any person who knowingly manufactures or brings into the
7593 state 150 kilograms or more of gamma-butyrolactone (GBL), as
7594 described in s. 893.03(1)(d), or any mixture containing gamma-
7595 butyrolactone (GBL), and who knows that the probable result of
7596 such manufacture or importation would be the death of any person
7597 commits capital manufacture or importation of gamma-
7598 butyrolactone (GBL), a capital felony punishable as provided in

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7599 ss. 775.082 and 921.142. Any person sentenced for a capital
7600 felony under this paragraph shall also be sentenced to pay the
7601 maximum fine provided under subparagraph 1.

7602 (i)1.~~(j)1.~~ Any person who knowingly sells, purchases,
7603 manufactures, delivers, or brings into this state, or who is
7604 knowingly in actual or constructive possession of, 1 kilogram or
7605 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of
7606 any mixture containing 1,4-Butanediol, commits a felony of the
7607 first degree, which felony shall be known as "trafficking in
7608 1,4-Butanediol," punishable as provided in s. 775.082, s.
7609 775.083, or s. 775.084. If the quantity involved:

7610 a. Is 1 kilogram or more, but less than 5 kilograms, such
7611 person shall be sentenced to a mandatory minimum term of
7612 imprisonment of 3 years, and the defendant shall be ordered to
7613 pay a fine of \$50,000.

7614 b. Is 5 kilograms or more, but less than 10 kilograms, such
7615 person shall be sentenced to a mandatory minimum term of
7616 imprisonment of 7 years, and the defendant shall be ordered to
7617 pay a fine of \$100,000.

7618 c. Is 10 kilograms or more, such person shall be sentenced
7619 to a mandatory minimum term of imprisonment of 15 calendar years
7620 and pay a fine of \$500,000.

7621 2. Any person who knowingly manufactures or brings into
7622 this state 150 kilograms or more of 1,4-Butanediol as described
7623 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,
7624 and who knows that the probable result of such manufacture or
7625 importation would be the death of any person commits capital
7626 manufacture or importation of 1,4-Butanediol, a capital felony
7627 punishable as provided in ss. 775.082 and 921.142. Any person

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7628 sentenced for a capital felony under this paragraph shall also
 7629 be sentenced to pay the maximum fine provided under subparagraph
 7630 1.

7631 (j)1.~~(k)1.~~ A person who knowingly sells, purchases,
 7632 manufactures, delivers, or brings into this state, or who is
 7633 knowingly in actual or constructive possession of, 10 grams or
 7634 more of a:

7635 a. Substance described in s. 893.03(1)(c)4., 5., 9., 10.,
 7636 14., 16., 20.-26., 28., 38., 39.-44., 57., 71.-79., 80.-85.,
 7637 89.-101., 103.-107., 109.-112., 142.-144., 147.-149., 159.-162.,
 7638 164., or 186.-188. ~~s. 893.03(1)(c)4., 5., 10., 11., 15., 17.,~~
 7639 ~~21.-27., 29., 39., 40.-45., 58., 72.-80., 81.-86., 90.-102.,~~
 7640 ~~104.-108., 110.-113., 143.-145., 148.-150., 160.-163., 165., or~~
 7641 ~~187.-189.,~~ a substituted cathinone, as described in s.
 7642 893.03(1)(c)190. ~~s. 893.03(1)(e)191.,~~ or substituted
 7643 phenethylamine, as described in s. 893.03(1)(c)191. ~~s.~~
 7644 ~~893.03(1)(e)192.;~~

7645 b. Mixture containing any substance described in sub-
 7646 subparagraph a.; or

7647 c. Salt, isomer, ester, or ether or salt of an isomer,
 7648 ester, or ether of a substance described in sub-subparagraph a.,

7649
 7650 commits a felony of the first degree, which felony shall be
 7651 known as "trafficking in phenethylamines," punishable as
 7652 provided in s. 775.082, s. 775.083, or s. 775.084.

7653 2. If the quantity involved under subparagraph 1.:

7654 a. Is 10 grams or more, but less than 200 grams, such
 7655 person shall be sentenced to a mandatory minimum term of
 7656 imprisonment of 3 years and shall be ordered to pay a fine of

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7657 \$50,000.

7658 b. Is 200 grams or more, but less than 400 grams, such
7659 person shall be sentenced to a mandatory minimum term of
7660 imprisonment of 7 years and shall be ordered to pay a fine of
7661 \$100,000.

7662 c. Is 400 grams or more, such person shall be sentenced to
7663 a mandatory minimum term of imprisonment of 15 years and shall
7664 be ordered to pay a fine of \$250,000.

7665 3. A person who knowingly manufactures or brings into this
7666 state 30 kilograms or more of a substance described in sub-
7667 subparagraph 1.a., a mixture described in sub-subparagraph 1.b.,
7668 or a salt, isomer, ester, or ether or a salt of an isomer,
7669 ester, or ether described in sub-subparagraph 1.c., and who
7670 knows that the probable result of such manufacture or
7671 importation would be the death of any person commits capital
7672 manufacture or importation of phenethylamines, a capital felony
7673 punishable as provided in ss. 775.082 and 921.142. A person
7674 sentenced for a capital felony under this paragraph shall also
7675 be sentenced to pay the maximum fine under subparagraph 2.

7676 (k)1.(1)1. Any person who knowingly sells, purchases,
7677 manufactures, delivers, or brings into this state, or who is
7678 knowingly in actual or constructive possession of, 1 gram or
7679 more of lysergic acid diethylamide (LSD) as described in s.
7680 893.03(1)(c), or of any mixture containing lysergic acid
7681 diethylamide (LSD), commits a felony of the first degree, which
7682 felony shall be known as "trafficking in lysergic acid
7683 diethylamide (LSD)," punishable as provided in s. 775.082, s.
7684 775.083, or s. 775.084. If the quantity involved:

7685 a. Is 1 gram or more, but less than 5 grams, such person

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7686 shall be sentenced to a mandatory minimum term of imprisonment
7687 of 3 years, and the defendant shall be ordered to pay a fine of
7688 \$50,000.

7689 b. Is 5 grams or more, but less than 7 grams, such person
7690 shall be sentenced to a mandatory minimum term of imprisonment
7691 of 7 years, and the defendant shall be ordered to pay a fine of
7692 \$100,000.

7693 c. Is 7 grams or more, such person shall be sentenced to a
7694 mandatory minimum term of imprisonment of 15 calendar years and
7695 pay a fine of \$500,000.

7696 2. Any person who knowingly manufactures or brings into
7697 this state 7 grams or more of lysergic acid diethylamide (LSD)
7698 as described in s. 893.03(1)(c), or any mixture containing
7699 lysergic acid diethylamide (LSD), and who knows that the
7700 probable result of such manufacture or importation would be the
7701 death of any person commits capital manufacture or importation
7702 of lysergic acid diethylamide (LSD), a capital felony punishable
7703 as provided in ss. 775.082 and 921.142. Any person sentenced for
7704 a capital felony under this paragraph shall also be sentenced to
7705 pay the maximum fine provided under subparagraph 1.

7706 (1)1.(m)1. A person who knowingly sells, purchases,
7707 manufactures, delivers, or brings into this state, or who is
7708 knowingly in actual or constructive possession of, 280 grams or
7709 more of a:

7710 a. Substance described in s. 893.03(1)(c)29., 45.-49.,
7711 113.-141., 150.-155., 165.-172., or 175.-185. s.
7712 893.03(1)(c)30., 46.-50., 114.-142., 151.-156., 166.-173., or
7713 176.-186. or a synthetic cannabinoid, as described in s.
7714 893.03(1)(c)189. s. 893.03(1)(c)190.; or

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7715 b. Mixture containing any substance described in sub-
7716 subparagraph a.,
7717
7718 commits a felony of the first degree, which felony shall be
7719 known as "trafficking in synthetic cannabinoids," punishable as
7720 provided in s. 775.082, s. 775.083, or s. 775.084.

7721 2. If the quantity involved under subparagraph 1.:

7722 a. Is 280 grams or more, but less than 500 grams, such
7723 person shall be sentenced to a mandatory minimum term of
7724 imprisonment of 3 years, and the defendant shall be ordered to
7725 pay a fine of \$50,000.

7726 b. Is 500 grams or more, but less than 1,000 grams, such
7727 person shall be sentenced to a mandatory minimum term of
7728 imprisonment of 7 years, and the defendant shall be ordered to
7729 pay a fine of \$100,000.

7730 c. Is 1,000 grams or more, but less than 30 kilograms, such
7731 person shall be sentenced to a mandatory minimum term of
7732 imprisonment of 15 years, and the defendant shall be ordered to
7733 pay a fine of \$200,000.

7734 d. Is 30 kilograms or more, such person shall be sentenced
7735 to a mandatory minimum term of imprisonment of 25 years, and the
7736 defendant shall be ordered to pay a fine of \$750,000.

7737 (m)1.~~(n)1.~~ A person who knowingly sells, purchases,
7738 manufactures, delivers, or brings into this state, or who is
7739 knowingly in actual or constructive possession of, 14 grams or
7740 more of:

7741 a. A substance described in s. 893.03(1)(c)163., 173., or
7742 174. ~~s. 893.03(1)(c)164., 174., or 175.,~~ a n-benzyl
7743 phenethylamine compound, as described in s. 893.03(1)(c)192. ~~s.~~

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7744 ~~893.03(1)(c)193.~~; or

7745 b. A mixture containing any substance described in sub-
7746 subparagraph a.,

7747
7748 commits a felony of the first degree, which felony shall be
7749 known as "trafficking in n-benzyl phenethylamines," punishable
7750 as provided in s. 775.082, s. 775.083, or s. 775.084.

7751 2. If the quantity involved under subparagraph 1.:

7752 a. Is 14 grams or more, but less than 100 grams, such
7753 person shall be sentenced to a mandatory minimum term of
7754 imprisonment of 3 years, and the defendant shall be ordered to
7755 pay a fine of \$50,000.

7756 b. Is 100 grams or more, but less than 200 grams, such
7757 person shall be sentenced to a mandatory minimum term of
7758 imprisonment of 7 years, and the defendant shall be ordered to
7759 pay a fine of \$100,000.

7760 c. Is 200 grams or more, such person shall be sentenced to
7761 a mandatory minimum term of imprisonment of 15 years, and the
7762 defendant shall be ordered to pay a fine of \$500,000.

7763 3. A person who knowingly manufactures or brings into this
7764 state 400 grams or more of a substance described in sub-
7765 subparagraph 1.a. or a mixture described in sub-subparagraph
7766 1.b., and who knows that the probable result of such manufacture
7767 or importation would be the death of any person commits capital
7768 manufacture or importation of a n-benzyl phenethylamine
7769 compound, a capital felony punishable as provided in ss. 775.082
7770 and 921.142. A person sentenced for a capital felony under this
7771 paragraph shall also be sentenced to pay the maximum fine under
7772 subparagraph 2.

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7773 Section 13. Section 893.13501, Florida Statutes, is created
7774 to read:

7775 893.13501 Retroactive effect of amendments to ss. 893.03,
7776 893.13, and 893.135.-

7777 (1) It is the intent of the Legislature to retroactively
7778 apply changes to ss. 893.03, 893.13, and 893.135 made by this
7779 act which are applicable to offenders who committed offenses on
7780 or after the effective date of those provisions as originally
7781 enacted. A person who committed an offense and is currently in
7782 the custody of the Department of Corrections or subject to any
7783 form of supervision shall be resentenced as provided in
7784 subsection (2).

7785 (2) Sentence review under this section must occur in the
7786 following manner:

7787 (a) The Department of Corrections shall notify the person
7788 described in subsection (1) of his or her eligibility to request
7789 a sentence review hearing.

7790 (b) The person seeking sentence review under this section
7791 may submit an application to the court of original jurisdiction
7792 requesting that a sentence review hearing be held. The
7793 sentencing court retains original jurisdiction for the duration
7794 of the sentence for this purpose.

7795 (c) A person who is eligible for a sentence review hearing
7796 under this section is entitled to be represented by counsel. The
7797 court must appoint a public defender to represent the person if
7798 he or she cannot afford an attorney.

7799 (d) Upon receiving an application from the eligible person,
7800 the court of original sentencing jurisdiction shall hold a
7801 sentence review hearing to determine if the eligible person

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7802 meets the criteria for resentencing or release under this
7803 section.

7804 1. If the person has no further charges remaining, the
7805 person must be released immediately.

7806 2. If the court determines at the sentence review hearing
7807 that the eligible person meets the criteria in this section for
7808 resentencing, the court must resentence the person as provided
7809 in this section; however, the new sentence may not exceed the
7810 person's original sentence with credit for time served.

7811 3. If the court determines that such person does not meet
7812 the criteria for resentencing under this section, the court must
7813 provide written reasons why such person does not meet such
7814 criteria.

7815 (e) A person sentenced or resented pursuant to this
7816 section is eligible to receive any gain-time pursuant to s.
7817 944.275 which he or she was previously ineligible to receive due
7818 to the original offense that is now subject to resentencing.

7819 (3) This section does not apply to any offense that had
7820 violence or a threat of violence as an element of the offense.

7821 Section 14. Section 943.0586, Florida Statutes, is created
7822 to read:

7823 943.0586 Cannabis offense expunction and sealing.—

7824 (1) DEFINITIONS.—As used in this section, the term:

7825 (a) "Cannabis" has the same meaning as provided in s.
7826 893.02.

7827 (b) "Expunction" has the same meaning as in s. 943.045 and
7828 the same effect as in s. 943.0585.

7829 (c) "Former s. 893.13, Florida Statutes 2022," is a
7830 reference to s. 893.13 as it existed at any time before January

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7831 1, 2023.

7832 (2) ELIGIBILITY.—Notwithstanding any other law, a person is
7833 eligible to petition a court to expunge or seal a criminal
7834 history record for the conviction of a violation of former s.
7835 893.13, Florida Statutes 2022, and, if:

7836 (a)1. The person has a conviction for possession of 30
7837 grams or less of cannabis; and

7838 2. The person is no longer under court supervision related
7839 to the disposition of arrest or alleged criminal activity to
7840 which the petition to expunge pertains,

7841
7842 the record is eligible for sealing.

7843 (b)1. The person has a conviction for possession of 500
7844 grams or less of cannabis; and

7845 2. The person is no longer under court supervision related
7846 to the disposition of arrest or alleged criminal activity to
7847 which the petition to expunge pertains,

7848
7849 the record is eligible for expunction.

7850 (3) CERTIFICATE OF ELIGIBILITY.—Before having a record
7851 sealed under this section or petitioning a court to expunge a
7852 criminal history record under this section, a person must apply
7853 to the department for a certificate of eligibility for
7854 expunction. The department shall adopt rules to establish
7855 procedures for applying for and issuing a certificate of
7856 eligibility for expunction.

7857 (a) The department must issue a certificate of eligibility
7858 for expunction to a person who is the subject of a criminal
7859 history record under this section if that person:

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7860 1. Satisfies the eligibility criteria in paragraph (2) (a)
7861 or paragraph (2) (b);

7862 2. Has submitted to the department a written certified
7863 statement from the applicable state attorney or statewide
7864 prosecutor which confirms the criminal history record complies
7865 with the criteria in paragraph (2) (a) or paragraph (2) (b); and

7866 3. Has submitted to the department a certified copy of the
7867 disposition of the charge to which the petition to expunge or
7868 seal pertains.

7869 (b) A certificate of eligibility for expunction is valid
7870 for 12 months after the date of issuance stamped by the
7871 department on the certificate. After that time, the petitioner
7872 must reapply to the department for a new certificate of
7873 eligibility. The petitioner's status and the law in effect at
7874 the time of the renewal application determine the petitioner's
7875 eligibility.

7876 (4) SEALING.—Upon determining that a person meets the
7877 criteria in paragraph (2) (a), the department may have his or her
7878 record sealed without a court hearing. The department shall seal
7879 the record as provided in s. 943.0595(3) and shall provide the
7880 person with a certificate of eligibility and a notification
7881 indicating that the record has been sealed. Sealing of a
7882 criminal history record under this subsection has the same
7883 effect, and the department may disclose such a record in the
7884 same manner, as a record sealed under s. 943.059.

7885 (5) PETITION FOR EXPUNCTION.—Each petition to expunge a
7886 criminal history record meeting the criteria for expunction
7887 under paragraph (2) (b) must be accompanied by both of the
7888 following:

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7889 (a) A valid certificate of eligibility issued by the
7890 department.

7891 (b) The petitioner's sworn statement that he or she:

7892 1. Satisfies the eligibility requirements for expunction in
7893 subsection (2); and

7894 2. Is eligible for expunction to the best of his or her
7895 knowledge.

7896 (6) PENALTIES.—A person who knowingly provides false
7897 information on his or her sworn statement submitted with a
7898 petition to expunge commits a felony of the third degree,
7899 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

7900 (7) COURT AUTHORITY.—

7901 (a) The courts of this state have jurisdiction over their
7902 own procedures, including the maintenance, expunction, and
7903 correction of judicial records containing criminal history
7904 information to the extent that such procedures are not
7905 inconsistent with the conditions, responsibilities, and duties
7906 established by this section.

7907 (b) A court of competent jurisdiction shall order a
7908 criminal justice agency to expunge the criminal history record
7909 of a person who complies with this section. The court may not
7910 order a criminal justice agency to expunge a criminal history
7911 record under this section until the person seeking to expunge a
7912 criminal history record has applied for and received a
7913 certificate of eligibility under subsection (3).

7914 (c) Expunction granted under this section does not prevent
7915 the person who receives such relief from petitioning for the
7916 expunction or sealing of a later criminal history record as
7917 provided for in ss. 943.0583, 943.0585, and 943.059, if the

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7918 person is otherwise eligible under those sections.

7919 (8) PROCESSING OF A PETITION OR AN ORDER.—

7920 (a) In judicial proceedings under this section, a copy of
7921 the completed petition to expunge must be served upon the
7922 appropriate state attorney or the statewide prosecutor and upon
7923 the arresting agency; however, it is not necessary to make any
7924 agency other than the state a party to the proceeding. The
7925 appropriate state attorney or the statewide prosecutor and the
7926 arresting agency may respond to the court regarding the
7927 completed petition to expunge.

7928 (b) If relief is granted by the court, the clerk of the
7929 court must certify copies of the order to the appropriate state
7930 attorney or the statewide prosecutor and the arresting agency.
7931 The arresting agency shall forward the order to any other agency
7932 to which the arresting agency disseminated the criminal history
7933 record information to which the order pertains. The department
7934 shall forward the order to expunge to the Federal Bureau of
7935 Investigation. The clerk of the court shall certify a copy of
7936 the order to any other agency that the records of the court
7937 reflect has received the criminal history record from the court.

7938 (c) The department or any other criminal justice agency is
7939 not required to act on an order to expunge entered by a court if
7940 such order does not meet the requirements of this section. Upon
7941 receipt of such an order, the department shall notify the
7942 issuing court, the appropriate state attorney or the statewide
7943 prosecutor, the petitioner or the petitioner's attorney, and the
7944 arresting agency of the reason for noncompliance. The
7945 appropriate state attorney or the statewide prosecutor shall
7946 take action within 60 days to correct the record and petition

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7947 the court to void the order. A cause of action, including
7948 contempt of court, may not arise against any criminal justice
7949 agency for failure to comply with an order to expunge if the
7950 petitioner for such order failed to obtain the certificate of
7951 eligibility as required by this section or such order does not
7952 otherwise meet the requirements of this section.

7953 (9) EFFECT OF CANNABIS OFFENSE EXPUNCTION ORDER.—

7954 (a) A person who is the subject of a criminal history
7955 record that is expunged under this section may lawfully deny or
7956 fail to acknowledge the arrests and convictions covered by the
7957 expunged record, except if the person who is the subject of the
7958 record:

- 7959 1. Is a candidate for employment with a criminal justice
7960 agency;
7961 2. Is a defendant in a criminal prosecution;
7962 3. Concurrently or subsequently petitions for relief under
7963 this section, s. 943.0583, s. 943.0585, or s. 943.059;
7964 4. Is a candidate for admission to The Florida Bar;
7965 5. Is seeking to be employed or licensed by or to contract
7966 with the Department of Children and Families, the Division of
7967 Vocational Rehabilitation within the Department of Education,
7968 the Agency for Health Care Administration, the Agency for
7969 Persons with Disabilities, the Department of Health, the
7970 Department of Elderly Affairs, or the Department of Juvenile
7971 Justice or to be employed or used by such contractor or licensee
7972 in a sensitive position having direct contact with children,
7973 persons with disabilities, or the elderly;
7974 6. Is seeking to be employed or licensed by the Department
7975 of Education, any district school board, any university

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7976 laboratory school, any charter school, any private or parochial
7977 school, or any local governmental entity that licenses child
7978 care facilities;

7979 7. Is seeking to be licensed by the Division of Insurance
7980 Agent and Agency Services within the Department of Financial
7981 Services; or

7982 8. Is seeking to be appointed as a guardian pursuant to s.
7983 744.3125.

7984 (b) A person who has been granted an expunction under this
7985 section and is authorized under paragraph (a) to lawfully deny
7986 or fail to acknowledge the arrests and convictions covered by an
7987 expunged record may not be held under any law of this state to
7988 have committed perjury or to be otherwise liable for giving a
7989 false statement by reason of his or her failure to recite or
7990 acknowledge an expunged criminal history record.

7991 Section 15. Paragraph (a) of subsection (3) of section
7992 943.0595, Florida Statutes, is amended to read:

7993 943.0595 Automatic sealing of criminal history records.—

7994 (3) PROCESS FOR AND EFFECT OF AUTOMATIC SEALING.—

7995 (a) 1. Upon the disposition of a criminal case resulting in
7996 a criminal history record eligible for automatic sealing under
7997 paragraph (2) (a), the clerk of the court shall transmit a
7998 certified copy of the disposition of the criminal history record
7999 to the department. 7

8000 2. The department ~~which~~ shall immediately seal the criminal
8001 history record upon receipt of the certified copy under
8002 subparagraph 1. or if the department determines, upon a request
8003 made under s. 943.0586, that a record is eligible for sealing
8004 under s. 943.0586(2) (a).

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8005 Section 16. Florida College System Cannabis Vocational
8006 Pilot Program.—

8007 (1) DEFINITIONS.—In this section, the term:

8008 (a) "Board" means the State Board of Education.

8009 (b) "Career in Cannabis Certificate" or "certificate" means
8010 the certification awarded to a community college student who
8011 completes a prescribed course of study in cannabis and cannabis
8012 industry-related classes and curriculum at a Florida College
8013 System institution awarded a program license.

8014 (c) "Florida College System institution" has the same
8015 meaning as provided in s. 1000.21, Florida Statutes.

8016 (d) "Department" means the Department of Business and
8017 Professional Regulation.

8018 (e) "Licensee" means a Florida College System institution
8019 awarded a program license under this section.

8020 (f) "Program" means the Florida College System Cannabis
8021 Vocational Pilot Program.

8022 (g) "Program license" means a Florida College System
8023 Cannabis Vocational Pilot Program license issued to a Florida
8024 College System institution under this section.

8025 (2) ADMINISTRATION.—

8026 (a) The department shall establish and administer the
8027 program in coordination with the board. The department may issue
8028 up to eight program licenses by September 1, 2023.

8029 (b) Beginning with the 2024-2025 academic year, Florida
8030 College System institutions awarded program licenses may offer
8031 qualifying students a Career in Cannabis Certificate, which
8032 includes courses that allow participating students to work with,
8033 study, and grow live cannabis plants to prepare students for a

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8034 career in the legal cannabis industry and that instruct
8035 participating students on the best business practices,
8036 professional responsibilities, and compliance with laws and
8037 rules governing the cannabis industry.

8038 (c) The board may adopt rules to implement this section.

8039 (d) Notwithstanding any other provision of this section,
8040 students must be at least 18 years of age in order to enroll in
8041 a licensee's Career in Cannabis Certificate's prescribed course
8042 of study.

8043 (3) ISSUANCE OF LICENSES.—

8044 (a) The department shall adopt rules regulating the
8045 selection criteria for applicants for a program license by
8046 January 1, 2023. The department shall make the application for a
8047 program license available no later than February 1, 2023, and
8048 must require applicants to submit their completed applications
8049 by July 1, 2023.

8050 (b) The department shall develop by rule a system to score
8051 program applicants and administratively rank applications based
8052 on the clarity, organization, and quality of an applicant's
8053 responses to required information. Applicants shall be awarded
8054 points that are based on or that meet the following categories:

8055 1. Geographic diversity of the applicants.

8056 2. Experience and credentials of the applicant's faculty.

8057 3. At least five program licenses must be awarded to
8058 Florida College System institutions where, for the preceding 4
8059 years, more than 50 percent of the student population consisted
8060 of low-income individuals.

8061 4. Security plan, including a requirement that all cannabis
8062 plants be in an enclosed, locked facility.

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- 8063 5. Curriculum plan, including processing and testing
8064 curriculum for the Career in Cannabis Certificate.
- 8065 6. Career advising and placement plan for participating
8066 students.
- 8067 7. Any other criteria the department may set by rule.
- 8068 (4) PROGRAM REQUIREMENTS AND PROHIBITIONS.—
- 8069 (a) Licensees may not have more than 50 flowering cannabis
8070 plants at any one time.
- 8071 (b) The agent-in-charge shall keep a vault log of the
8072 licensee's enclosed, locked facility or facilities, including,
8073 but not limited to, each person entering the site location, the
8074 time of entrance, the time of exit, and any other information
8075 the department may set by rule.
- 8076 (c) Cannabis may not be removed from the licensee's
8077 facility except for the limited purpose of shipping a sample to
8078 a laboratory registered under chapter 566, Florida Statutes.
- 8079 (d) The licensee must limit keys, access cards, and access
8080 codes to the licensee's enclosed, locked facility or facilities
8081 to cannabis curriculum faculty and college security personnel
8082 with a bona fide need to access the facility for emergency
8083 purposes.
- 8084 (e) A transporting organization may transport cannabis
8085 produced pursuant to this section to a laboratory registered
8086 under chapter 566, Florida Statutes. All other cannabis produced
8087 by the licensee which was not shipped to a registered laboratory
8088 must be destroyed within 5 weeks after being harvested.
- 8089 (f) Licensees shall subscribe to the department's cannabis
8090 plant monitoring system.
- 8091 (g) Licensees shall maintain a weekly inventory system.

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8092 (h) A student participating in the cannabis curriculum
8093 necessary to obtain a certificate may not be in the licensee's
8094 facility unless a faculty agent-in-charge is also physically
8095 present in the facility.

8096 (i) Licensees shall conduct post-certificate follow-up
8097 surveys and record a participating student's job placement in
8098 the cannabis industry within 1 year after the student obtains
8099 the certificate.

8100 (j) The board shall report annually to the department on
8101 the race, ethnicity, and gender of all students participating in
8102 the cannabis curriculum and which of those students obtain a
8103 certificate.

8104 (5) FACULTY.—

8105 (a) All faculty members must maintain registration as an
8106 agent-in-charge and have a valid agent identification card under
8107 subsection (8) before teaching or participating in the
8108 licensee's cannabis curriculum that involves instruction offered
8109 in the enclosed, locked facility or facilities.

8110 (b) All faculty members receiving an agent-in-charge
8111 registration or agent identification card must successfully pass
8112 a background check required by s. 566.3018, Florida Statutes,
8113 before participating in a licensee's cannabis curriculum that
8114 involves instruction offered in the enclosed, locked facility.

8115 (6) ENFORCEMENT.—

8116 (a) The department has the authority to suspend a faculty
8117 agent-in-charge or revoke an agent identification card for any
8118 violation found under this section.

8119 (b) The department has the authority to suspend or revoke
8120 any program license for any violation found under this section.

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8121 (c) The board shall revoke the Florida College System
8122 institution's authority to offer the certificate if the
8123 institution has its license revoked by the department.

8124 (7) INSPECTION RIGHTS.—

8125 (a) A licensee's enclosed, locked facilities are subject to
8126 random inspections by the department and the Department of Law
8127 Enforcement.

8128 (b) This section does not give the department or the
8129 Department of Law Enforcement a right of inspection or access to
8130 any location on the licensee's premises beyond the facilities
8131 licensed under this section.

8132 (8) FACULTY IDENTIFICATION CARD.—

8133 (a) The department shall do all of the following:

8134 1. Establish by rule the information required in an initial
8135 application or renewal application for an agent identification
8136 card submitted under this section and the nonrefundable fee to
8137 accompany the initial application or renewal application.

8138 2. Verify the information contained in an initial
8139 application or renewal application for an agent identification
8140 card submitted under this section, and approve or deny an
8141 application within 30 days after receiving a completed initial
8142 application or renewal application and all supporting
8143 documentation required by rule.

8144 3. Issue an agent identification card to a qualifying agent
8145 within 15 business days after approving the initial application
8146 or renewal application.

8147 4. Enter the license number of the Florida College System
8148 institution where the agent is employed.

8149 5. Allow for an electronic initial application and renewal

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8150 application process and provide confirmation by electronic or
8151 other methods that an application has been submitted. Each
8152 department may by rule require prospective agents to file their
8153 applications by electronic means and to provide notices to the
8154 agents by electronic means.

8155 (b) An agent must keep his or her identification card
8156 visible at all times when in the enclosed, locked facility or
8157 facilities for which he or she is an agent.

8158 (c) The agent identification cards must contain all of the
8159 following:

8160 1. The name of the cardholder.

8161 2. The date of issuance and expiration date of the
8162 identification card.

8163 3. A random 10-digit alphanumeric identification number
8164 containing at least four numbers and at least four letters which
8165 is unique to the holder.

8166 4. A photograph of the cardholder.

8167 5. The legal name of the Florida College System institution
8168 employing the agent.

8169 (d) An agent, upon termination of his or her employment,
8170 must immediately return his or her agent identification card to
8171 the Florida College System institution.

8172 (e) An agent must, upon discovery of the loss of his or her
8173 agent identification card, immediately report the loss to the
8174 Department of Law Enforcement and the department.

8175 (9) STUDY.—By December 31, 2028, the board must issue a
8176 report to the Governor, the President of the Senate, and the
8177 Speaker of the House of Representatives which includes all of
8178 the following:

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8179 (a) The number of security incidents or infractions
8180 reported by each licensee and any action taken.

8181 (b) For Florida College System institutions participating
8182 in the program, statistics based on race, ethnicity, and gender
8183 for all of the following:

8184 1. Students enrolled in Career in Cannabis Certificate
8185 classes.

8186 2. Successful completion rates for the certificate by
8187 Florida College System institution students.

8188 3. Postgraduate job placement of students who obtained a
8189 certificate, including both cannabis business establishment jobs
8190 and noncannabis business establishment jobs.

8191 4. Any other relevant information.

8192 (10) REPEAL.—This section is repealed July 1, 2029.

8193 Section 17. Subsections (9), (10), and (16) of section
8194 210.01, Florida Statutes, are amended to read:

8195 210.01 Definitions.—When used in this part the following
8196 words shall have the meaning herein indicated:

8197 (9) "Agent" means any person authorized by the Division of
8198 Alcoholic Beverages, Marijuana, and Tobacco to purchase and
8199 affix adhesive stamps under this part.

8200 (10) "Division" means the Division of Alcoholic Beverages,
8201 Marijuana, and Tobacco of the Department of Business and
8202 Professional Regulation.

8203 (16) "Manufacturer's representative" means a person who
8204 represents a manufacturer of cigarettes but who has no place of
8205 business in this state where cigarettes are stored. A
8206 manufacturer's representative is required to obtain any
8207 cigarettes required by her or him through a wholesale dealer in

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8208 this state and to make such reports as may be required by the
8209 Division of Alcoholic Beverages, Marijuana, and Tobacco of the
8210 Department of Business and Professional Regulation.

8211 Section 18. Section 210.10, Florida Statutes, is amended to
8212 read:

8213 210.10 General powers of the Division of Alcoholic
8214 Beverages, Marijuana, and Tobacco.—The Division of Alcoholic
8215 Beverages, Marijuana, and Tobacco has authority to adopt rules
8216 pursuant to ss. 120.536(1) and 120.54 to implement the
8217 provisions of this part. All cigarette permits issued hereunder
8218 must ~~shall~~ have printed thereon a notice to the effect that such
8219 permit is issued subject to the provisions of this part and such
8220 rules. The division shall provide upon request without charge to
8221 any applicant for a permit a copy of this part and the rules
8222 prescribed by it pursuant hereto.

8223 Section 19. Section 210.13, Florida Statutes, is amended to
8224 read:

8225 210.13 Determination of tax on failure to file a return.—If
8226 a dealer or other person required to remit the tax under this
8227 part fails to file any return required under this part or,
8228 having filed an incorrect or insufficient return, fails to file
8229 a correct or sufficient return, as the case may require, within
8230 10 days after the giving of notice to the dealer or other person
8231 by the Division of Alcoholic Beverages, Marijuana, and Tobacco
8232 that such return or corrected or sufficient return is required,
8233 the division must ~~shall~~ determine the amount of tax due by such
8234 dealer or other person any time within 3 years after the making
8235 of the earliest sale included in such determination and give
8236 written notice of such determination to such dealer or other

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8237 person. Such a determination must ~~shall~~ finally and irrevocably
8238 fix the tax unless the dealer or other person against whom it is
8239 assessed, within 30 days after the giving of notice of such
8240 determination, applies to the division for a hearing. Judicial
8241 review may ~~shall~~ not be granted unless the amount of tax stated
8242 in the decision, with penalties thereon, if any, is first
8243 deposited with the division, and an undertaking or bond filed in
8244 the court in which such cause may be pending in such amount and
8245 with such sureties as the court shall approve, conditioned that
8246 if such proceeding be dismissed or the decision of the division
8247 confirmed, the applicant for review will pay all costs and
8248 charges which may accrue against the applicant in the
8249 prosecution of the proceeding. At the option of the applicant,
8250 such undertaking or bond may be in an additional sum sufficient
8251 to cover the tax, penalties, costs, and charges aforesaid, in
8252 which event the applicant is ~~shall~~ not ~~be~~ required to pay such
8253 tax and penalties precedent to the granting of such review by
8254 such court.

8255 Section 20. Section 210.151, Florida Statutes, is amended
8256 to read:

8257 210.151 Initial temporary cigarette permits.—When a person
8258 has filed a completed application which does not on its face
8259 disclose any reason for denying a cigarette permit under s.
8260 210.15, the Division of Alcoholic Beverages, Marijuana, and
8261 Tobacco of the Department of Business and Professional
8262 Regulation shall issue a temporary initial permit of the same
8263 type and series for which the application has been submitted,
8264 which is valid for all purposes under this chapter.

8265 (1) A temporary initial permit shall be valid for up to 90

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8266 days and may be extended by the division for up to an additional
8267 90 days for good cause. The division may at any time during such
8268 period grant or deny the permit applied for, notwithstanding s.
8269 120.60.

8270 (2) A temporary initial permit expires and may not be
8271 continued or extended beyond the date the division denies the
8272 permit applied for; beyond 14 days after the date the division
8273 approves the permit applied for; beyond the date the applicant
8274 pays the permit fee and the division issues the permit applied
8275 for; or beyond the date the temporary permit otherwise expires
8276 by law, whichever date occurs first.

8277 (3) Each applicant seeking a temporary initial cigarette
8278 permit shall pay to the division for such permit a fee of \$100.

8279 (4) Any fee or penalty collected under the provisions of
8280 this section shall be deposited into the Alcoholic Beverage,
8281 Marijuana, and Tobacco Trust Fund.

8282 Section 21. Subsection (1) of section 210.16, Florida
8283 Statutes, is amended to read:

8284 210.16 Revocation or suspension of permit.—

8285 (1) The Division of Alcoholic Beverages, Marijuana, and
8286 Tobacco is given full power and authority to revoke the permit
8287 of any person receiving a permit to engage in business under
8288 this part or chapter 569 for violation of any of the provisions
8289 of this part or chapter 569.

8290 Section 22. Subsection (2) of section 210.1605, Florida
8291 Statutes, is amended to read:

8292 210.1605 Renewal of permit.—

8293 (2) Any fee or penalty collected under the provisions of
8294 this section must ~~shall~~ be deposited into the Alcoholic

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8295 Beverage, Marijuana, and Tobacco Trust Fund.

8296 Section 23. Subsection (2) of section 210.20, Florida
8297 Statutes, is amended to read:

8298 210.20 Employees and assistants; distribution of funds.—

8299 (2) As collections are received by the division from such
8300 cigarette taxes, it shall pay the same into a trust fund in the
8301 State Treasury designated "Cigarette Tax Collection Trust Fund"
8302 which shall be paid and distributed as follows:

8303 (a) The division shall from month to month certify to the
8304 Chief Financial Officer the amount derived from the cigarette
8305 tax imposed by s. 210.02, less the service charges provided for
8306 in s. 215.20 and less 0.9 percent of the amount derived from the
8307 cigarette tax imposed by s. 210.02, which shall be deposited
8308 into the Alcoholic Beverage, Marijuana, and Tobacco Trust Fund,
8309 specifying the amounts to be transferred from the Cigarette Tax
8310 Collection Trust Fund and credited on the basis of 2.9 percent
8311 of the net collections to the Revenue Sharing Trust Fund for
8312 Counties and 29.3 percent of the net collections for the funding
8313 of indigent health care to the Public Medical Assistance Trust
8314 Fund.

8315 ~~(b) Beginning July 1, 2004, and continuing through June 30,~~
8316 ~~2013, the division shall from month to month certify to the~~
8317 ~~Chief Financial Officer the amount derived from the cigarette~~
8318 ~~tax imposed by s. 210.02, less the service charges provided for~~
8319 ~~in s. 215.20 and less 0.9 percent of the amount derived from the~~
8320 ~~cigarette tax imposed by s. 210.02, which shall be deposited~~
8321 ~~into the Alcoholic Beverage and Tobacco Trust Fund, specifying~~
8322 ~~an amount equal to 1.47 percent of the net collections, and that~~
8323 ~~amount shall be paid to the Board of Directors of the H. Lee~~

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8324 ~~Moffitt Cancer Center and Research Institute, established under~~
8325 ~~s. 1004.43, by warrant drawn by the Chief Financial Officer.~~
8326 ~~Beginning July 1, 2014, and continuing through June 30, 2021,~~
8327 ~~the division shall from month to month certify to the Chief~~
8328 ~~Financial Officer the amount derived from the cigarette tax~~
8329 ~~imposed by s. 210.02, less the service charges provided for in~~
8330 ~~s. 215.20 and less 0.9 percent of the amount derived from the~~
8331 ~~cigarette tax imposed by s. 210.02, which shall be deposited~~
8332 ~~into the Alcoholic Beverage and Tobacco Trust Fund, specifying~~
8333 ~~an amount equal to 4.04 percent of the net collections, and that~~
8334 ~~amount shall be paid to the Board of Directors of the H. Lee~~
8335 ~~Moffitt Cancer Center and Research Institute, established under~~
8336 ~~s. 1004.43, by warrant drawn by the Chief Financial Officer.~~
8337 Beginning July 1, 2021, and continuing through June 30, 2024,
8338 the division shall from month to month certify to the Chief
8339 Financial Officer the amount derived from the cigarette tax
8340 imposed by s. 210.02, less the service charges provided for in
8341 s. 215.20 and less 0.9 percent of the amount derived from the
8342 cigarette tax imposed by s. 210.02, which shall be deposited
8343 into the Alcoholic Beverage, Marijuana, and Tobacco Trust Fund,
8344 specifying an amount equal to 7 percent of the net collections,
8345 and that amount shall be paid to the Board of Directors of the
8346 H. Lee Moffitt Cancer Center and Research Institute, established
8347 under s. 1004.43, by warrant drawn by the Chief Financial
8348 Officer. Beginning July 1, 2024, and continuing through June 30,
8349 2054, the division shall from month to month certify to the
8350 Chief Financial Officer the amount derived from the cigarette
8351 tax imposed by s. 210.02, less the service charges provided for
8352 in s. 215.20 and less 0.9 percent of the amount derived from the

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8353 cigarette tax imposed by s. 210.02, which shall be deposited
8354 into the Alcoholic Beverage, Marijuana, and Tobacco Trust Fund,
8355 specifying an amount equal to 10 percent of the net collections,
8356 and that amount shall be paid to the Board of Directors of the
8357 H. Lee Moffitt Cancer Center and Research Institute, established
8358 under s. 1004.43, by warrant drawn by the Chief Financial
8359 Officer. These funds are appropriated monthly out of the
8360 Cigarette Tax Collection Trust Fund, to be used for lawful
8361 purposes, including constructing, furnishing, equipping,
8362 financing, operating, and maintaining cancer research and
8363 clinical and related facilities; furnishing, equipping,
8364 operating, and maintaining other properties owned or leased by
8365 the H. Lee Moffitt Cancer Center and Research Institute; and
8366 paying costs incurred in connection with purchasing, financing,
8367 operating, and maintaining such equipment, facilities, and
8368 properties. In fiscal years 2004-2005 and thereafter, the
8369 appropriation to the H. Lee Moffitt Cancer Center and Research
8370 Institute authorized by this paragraph may ~~shall~~ not be less
8371 than the amount that would have been paid to the H. Lee Moffitt
8372 Cancer Center and Research Institute in fiscal year 2001-2002,
8373 had this paragraph been in effect.

8374 (c) Beginning July 1, 2017, and continuing through June 30,
8375 2033, the division shall from month to month certify to the
8376 Chief Financial Officer the amount derived from the cigarette
8377 tax imposed by s. 210.02, less the service charges provided for
8378 in s. 215.20 and less 0.9 percent of the amount derived from the
8379 cigarette tax imposed by s. 210.02, which shall be deposited
8380 into the Alcoholic Beverage, Marijuana, and Tobacco Trust Fund,
8381 specifying an amount equal to 1 percent of the net collections,

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8382 not to exceed \$3 million annually, and that amount shall be
8383 deposited into the Biomedical Research Trust Fund in the
8384 Department of Health. These funds are appropriated annually from
8385 the Biomedical Research Trust Fund for the advancement of cures
8386 for cancers afflicting pediatric populations through basic or
8387 applied research, including, but not limited to, clinical trials
8388 and nontoxic drug discovery. These funds are not included in the
8389 calculation for the distribution of funds pursuant to s.
8390 381.915; however, these funds must ~~shall~~ be distributed to
8391 cancer centers participating in the Florida Consortium of
8392 National Cancer Institute Centers Program in the same proportion
8393 as is allocated to each cancer center in accordance with s.
8394 381.915 and are in addition to any funds distributed pursuant to
8395 that section.

8396 Section 24. Subsection (4) of section 210.25, Florida
8397 Statutes, is amended to read:

8398 210.25 Definitions.—As used in this part:

8399 (4) "Division" means the Division of Alcoholic Beverages,
8400 Marijuana, and Tobacco of the Department of Business and
8401 Professional Regulation.

8402 Section 25. Section 210.405, Florida Statutes, is amended
8403 to read:

8404 210.405 Initial temporary permits for other tobacco
8405 products.—When a person has filed a completed application which
8406 does not on its face disclose any reason for denying a permit
8407 for other tobacco products under s. 210.40, the Division of
8408 Alcoholic Beverages, Marijuana, and Tobacco of the Department of
8409 Business and Professional Regulation shall issue a temporary
8410 initial permit of the same type and series for which the

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8411 application has been submitted, which is valid for all purposes
8412 under this chapter.

8413 (1) A temporary initial permit shall be valid for up to 90
8414 days and may be extended by the division for up to an additional
8415 90 days for good cause. The division may at any time during such
8416 period grant or deny the permit applied for, notwithstanding s.
8417 120.60.

8418 (2) A temporary initial permit expires and may not be
8419 continued or extended beyond the date the division denies the
8420 permit applied for; beyond 14 days after the date the division
8421 approves the permit applied for; beyond the date the applicant
8422 pays the permit fee and the division issues the permit applied
8423 for; or beyond the date the temporary permit otherwise expires
8424 by law, whichever date occurs first.

8425 (3) Each applicant seeking a temporary initial permit for
8426 other tobacco products shall pay to the division for such permit
8427 a fee of \$25.

8428 (4) Any fee or penalty collected under the provisions of
8429 this section shall be deposited into the Alcoholic Beverage,
8430 Marijuana, and Tobacco Trust Fund.

8431 Section 26. Subsection (2) of section 210.51, Florida
8432 Statutes, is amended to read:

8433 210.51 Renewal of permit.—

8434 (2) Any fee or penalty collected under the provisions of
8435 this section shall be deposited into the Alcoholic Beverage,
8436 Marijuana, and Tobacco Trust Fund.

8437 Section 27. Paragraphs (c) and (s) of subsection (8) of
8438 section 213.053, Florida Statutes, are amended to read:

8439 213.053 Confidentiality and information sharing.—

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8440 (8) Notwithstanding any other provision of this section,
8441 the department may provide:

8442 (c) Information relative to chapter 212 and chapters 561
8443 through 568 to the Division of Alcoholic Beverages, Marijuana,
8444 and Tobacco of the Department of Business and Professional
8445 Regulation in the conduct of its official duties.

8446 (s) Information relative to ss. 211.0251, 212.1831,
8447 220.1875, 561.1211, 624.51055, and 1002.395 to the Department of
8448 Education and the Division of Alcoholic Beverages, Marijuana,
8449 and Tobacco in the conduct of official business.

8450
8451 Disclosure of information under this subsection is ~~shall be~~
8452 pursuant to a written agreement between the executive director
8453 and the agency. Such agencies, governmental or nongovernmental,
8454 are ~~shall be~~ bound by the same requirements of confidentiality
8455 as the Department of Revenue. Breach of confidentiality is a
8456 misdemeanor of the first degree, punishable as provided by s.
8457 775.082 or s. 775.083.

8458 Section 28. Paragraph (a) of subsection (2) of section
8459 282.709, Florida Statutes, is amended to read:

8460 282.709 State agency law enforcement radio system and
8461 interoperability network.—

8462 (2) The Joint Task Force on State Agency Law Enforcement
8463 Communications is created adjunct to the department to advise
8464 the department of member-agency needs relating to the planning,
8465 designing, and establishment of the statewide communication
8466 system.

8467 (a) The Joint Task Force on State Agency Law Enforcement
8468 Communications shall consist of the following members:

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8469 1. A representative of the Division of Alcoholic Beverages,
8470 Marijuana, and Tobacco of the Department of Business and
8471 Professional Regulation who shall be appointed by the secretary
8472 of the department.

8473 2. A representative of the Division of Florida Highway
8474 Patrol of the Department of Highway Safety and Motor Vehicles
8475 who shall be appointed by the executive director of the
8476 department.

8477 3. A representative of the Department of Law Enforcement
8478 who shall be appointed by the executive director of the
8479 department.

8480 4. A representative of the Fish and Wildlife Conservation
8481 Commission who shall be appointed by the executive director of
8482 the commission.

8483 5. A representative of the Division of Law Enforcement of
8484 the Department of Environmental Protection who shall be
8485 appointed by the secretary of the department.

8486 6. A representative of the Department of Corrections who
8487 shall be appointed by the secretary of the department.

8488 7. A representative of the Department of Financial Services
8489 who shall be appointed by the Chief Financial Officer.

8490 8. A representative of the Department of Agriculture and
8491 Consumer Services who shall be appointed by the Commissioner of
8492 Agriculture.

8493 9. A representative of the Florida Sheriffs Association who
8494 shall be appointed by the president of the Florida Sheriffs
8495 Association.

8496 Section 29. Paragraph (d) of subsection (1) of section
8497 322.212, Florida Statutes, is amended to read:

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8498 322.212 Unauthorized possession of, and other unlawful acts
8499 in relation to, driver license or identification card.—

8500 (1) It is unlawful for any person to:

8501 (d) Knowingly sell, manufacture, or deliver, or knowingly
8502 offer to sell, manufacture, or deliver, a blank, forged, stolen,
8503 fictitious, counterfeit, or unlawfully issued driver license or
8504 identification card, or an instrument in the similitude of a
8505 driver license or identification card, unless that person is
8506 authorized to do so by the department. A violation of this
8507 section may be investigated by any law enforcement agency,
8508 including the Division of Alcoholic Beverages, Marijuana, and
8509 Tobacco.

8510
8511 The term "driver license" includes a driver license issued by
8512 the department or its agents or a driver license issued by any
8513 state or jurisdiction that issues licenses recognized in this
8514 state for the operation of a motor vehicle. The term
8515 "identification card" includes any identification card issued by
8516 the department or its agents or any identification card issued
8517 by any state or jurisdiction that issues identification cards
8518 recognized in this state for the purpose of indicating a
8519 person's true name and age. This subsection does not prohibit a
8520 person from possessing or displaying another person's driver
8521 license or identification card for a lawful purpose.

8522 Section 30. Subsections (1) and (3) of section 386.207,
8523 Florida Statutes, are amended to read:

8524 386.207 Administration; enforcement; civil penalties.—

8525 (1) The department or the Division of Hotels and
8526 Restaurants or the Division of Alcoholic Beverages, Marijuana,

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8527 and Tobacco of the Department of Business and Professional
8528 Regulation shall enforce this part based upon each department's
8529 specific areas of regulatory authority and to implement such
8530 enforcement shall adopt, in consultation with the State Fire
8531 Marshal, rules specifying procedures to be followed by
8532 enforcement personnel in investigating complaints and notifying
8533 alleged violators and rules specifying procedures by which
8534 appeals may be taken by aggrieved parties.

8535 (3) The department or the Division of Hotels and
8536 Restaurants or the Division of Alcoholic Beverages, Marijuana,
8537 and Tobacco of the Department of Business and Professional
8538 Regulation, upon notification of observed violations of this
8539 part, shall issue to the proprietor or other person in charge of
8540 such enclosed indoor workplace a notice to comply with this
8541 part. If the person fails to comply within 30 days after receipt
8542 of the notice, the department or the Division of Hotels and
8543 Restaurants or the Division of Alcoholic Beverages, Marijuana,
8544 and Tobacco of the Department of Business and Professional
8545 Regulation shall assess against the person a civil penalty of
8546 not less than \$250 and not more than \$750 for the first
8547 violation and not less than \$500 and not more than \$2,000 for
8548 each subsequent violation. The imposition of the fine must be in
8549 accordance with chapter 120. If a person refuses to comply with
8550 this part, after having been assessed such penalty, the
8551 department or the Division of Hotels and Restaurants or the
8552 Division of Alcoholic Beverages, Marijuana, and Tobacco of the
8553 Department of Business and Professional Regulation may file a
8554 complaint in the circuit court of the county in which the
8555 enclosed indoor workplace is located to require compliance.

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8556 Section 31. Paragraph (b) of subsection (1) of section
8557 402.62, Florida Statutes, is amended to read:

8558 402.62 Strong Families Tax Credit.—

8559 (1) DEFINITIONS.—As used in this section, the term:

8560 (b) “Division” means the Division of Alcoholic Beverages,
8561 Marijuana, and Tobacco of the Department of Business and
8562 Professional Regulation.

8563 Section 32. Subsections (3), (5), and (6) of section
8564 403.708, Florida Statutes, are amended to read:

8565 403.708 Prohibition; penalty.—

8566 (3) The Division of Alcoholic Beverages, Marijuana, and
8567 Tobacco of the Department of Business and Professional
8568 Regulation may impose a fine of not more than \$100 on any person
8569 currently licensed pursuant to s. 561.14 for each violation of
8570 subsection (2). If the violation is of a continuing nature, each
8571 day during which such violation occurs constitutes a separate
8572 offense and is subject to a separate fine.

8573 (5) Fifty percent of each fine collected pursuant to
8574 subsections (3) and (4) shall be deposited into the Solid Waste
8575 Management Trust Fund. The balance of fines collected pursuant
8576 to subsection (3) shall be deposited into the Alcoholic
8577 Beverage, Marijuana, and Tobacco Trust Fund for the use of the
8578 division for inspection and enforcement of this section. The
8579 balance of fines collected pursuant to subsection (4) shall be
8580 deposited into the General Inspection Trust Fund for the use of
8581 the Department of Agriculture and Consumer Services for
8582 inspection and enforcement of this section.

8583 (6) The Division of Alcoholic Beverages, Marijuana, and
8584 Tobacco and the Department of Agriculture and Consumer Services

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8585 shall coordinate their responsibilities under this section to
8586 ensure that inspections and enforcement are accomplished in an
8587 efficient, cost-effective manner.

8588 Section 33. Subsection (2) of section 455.116, Florida
8589 Statutes, is amended to read:

8590 455.116 Regulation trust funds.—The following trust funds
8591 shall be placed in the department:

8592 (2) Alcoholic Beverage, Marijuana, and Tobacco Trust Fund.

8593 Section 34. Paragraph (a) of subsection (2) and paragraph
8594 (a) of subsection (3) of section 456.0635, Florida Statutes, are
8595 amended to read:

8596 456.0635 Health care fraud; disqualification for license,
8597 certificate, or registration.—

8598 (2) Each board within the jurisdiction of the department,
8599 or the department if there is no board, shall refuse to admit a
8600 candidate to any examination and refuse to issue a license,
8601 certificate, or registration to any applicant if the candidate
8602 or applicant or any principal, officer, agent, managing
8603 employee, or affiliated person of the candidate or applicant:

8604 (a) Has been convicted of, or entered a plea of guilty or
8605 nolo contendere to, regardless of adjudication, a felony under
8606 chapter 409, chapter 817, or chapter 893, or a similar felony
8607 offense committed in another state or jurisdiction, unless the
8608 candidate or applicant has successfully completed a pretrial
8609 diversion or drug court program for that felony and provides
8610 proof that the plea has been withdrawn or the charges have been
8611 dismissed. Any such conviction or plea excludes ~~shall exclude~~
8612 the applicant or candidate from licensure, examination,
8613 certification, or registration unless the sentence and any

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8614 subsequent period of probation for such conviction or plea
8615 ended:

8616 1. For felonies of the first or second degree, more than 15
8617 years before the date of application.

8618 2. For felonies of the third degree, more than 10 years
8619 before the date of application, except for felonies of the third
8620 degree under s. 893.13(5)(a) ~~s. 893.13(6)(a)~~.

8621 3. For felonies of the third degree under s. 893.13(5)(a)
8622 ~~s. 893.13(6)(a)~~, more than 5 years before the date of
8623 application;

8624

8625 This subsection does not apply to an applicant for initial
8626 licensure, certification, or registration who was arrested or
8627 charged with a felony specified in paragraph (a) or paragraph
8628 (b) before July 1, 2009.

8629 (3) The department must ~~shall~~ refuse to renew a license,
8630 certificate, or registration of any applicant if the applicant
8631 or any principal, officer, agent, managing employee, or
8632 affiliated person of the applicant:

8633 (a) Has been convicted of, or entered a plea of guilty or
8634 nolo contendere to, regardless of adjudication, a felony under
8635 chapter 409, chapter 817, or chapter 893, or a similar felony
8636 offense committed in another state or jurisdiction, unless the
8637 applicant is currently enrolled in a pretrial diversion or drug
8638 court program that allows the withdrawal of the plea for that
8639 felony upon successful completion of that program. Any such
8640 conviction or plea excludes the applicant from licensure renewal
8641 unless the sentence and any subsequent period of probation for
8642 such conviction or plea ended:

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8643 1. For felonies of the first or second degree, more than 15
8644 years before the date of application.

8645 2. For felonies of the third degree, more than 10 years
8646 before the date of application, except for felonies of the third
8647 degree under s. 893.13(5)(a) ~~s. 893.13(6)(a)~~.

8648 3. For felonies of the third degree under s. 893.13(5)(a)
8649 ~~s. 893.13(6)(a)~~, more than 5 years before the date of
8650 application.

8651

8652 This subsection does not apply to an applicant for renewal of
8653 licensure, certification, or registration who was arrested or
8654 charged with a felony specified in paragraph (a) or paragraph
8655 (b) before July 1, 2009.

8656 Section 35. Subsections (1) and (11) of section 561.01,
8657 Florida Statutes, are amended to read:

8658 561.01 Definitions.—As used in the Beverage Law:

8659 (1) "Division" means the Division of Alcoholic Beverages,
8660 Marijuana, and Tobacco of the Department of Business and
8661 Professional Regulation.

8662 (11) "Licensed premises" means not only rooms where
8663 alcoholic beverages are stored or sold by the licensee, but also
8664 all other rooms in the building which are so closely connected
8665 therewith as to admit of free passage from drink parlor to other
8666 rooms over which the licensee has some dominion or control and
8667 shall also include all of the area embraced within the sketch,
8668 appearing on or attached to the application for the license
8669 involved and designated as such on said sketch, in addition to
8670 that included or designated by general law. The area embraced
8671 within the sketch may include a sidewalk or other outside area

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8672 which is contiguous to the licensed premises. When the sketch
8673 includes a sidewalk or other outside area, written approval from
8674 the county or municipality attesting to compliance with local
8675 ordinances must be submitted to the division to authorize
8676 inclusion of sidewalks and outside areas in licensed premises.
8677 The division may approve applications for temporary expansion of
8678 the licensed premises to include a sidewalk or other outside
8679 area for special events upon the payment of a \$100 application
8680 fee, stipulation of the timeframe for the special event, and
8681 submission of a sketch outlining the expanded premises and
8682 accompanied by written approval from the county or municipality
8683 as required in this subsection. All moneys collected from the
8684 fees assessed under this subsection shall be deposited into the
8685 Alcoholic Beverage, Marijuana, and Tobacco Trust Fund.

8686 Section 36. Section 561.02, Florida Statutes, is amended to
8687 read:

8688 561.02 Creation and duties of Division of Alcoholic
8689 Beverages, Marijuana, and Tobacco.—There is created within the
8690 Department of Business and Professional Regulation the Division
8691 of Alcoholic Beverages, Marijuana, and Tobacco, which shall
8692 supervise the conduct, management, and operation of the
8693 manufacturing, packaging, distribution, and sale within the
8694 state of all alcoholic beverages and shall enforce the
8695 provisions of the Beverage Law and the tobacco law and rules and
8696 regulations of the division in connection therewith. It is the
8697 express legislative intent that the state retain primary
8698 regulatory authority over the activities of licensees under the
8699 Beverage Law within the power of the state and the Division of
8700 Alcoholic Beverages, Marijuana, and Tobacco of the Department of

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8701 Business and Professional Regulation. However, none of the
8702 provisions of the Beverage Law shall apply to ethyl alcohol
8703 intended for use or used for the following purposes:

8704 (1) Scientific, chemical, mechanical, industrial, or
8705 medicinal purposes;

8706 (2) Patented, patent, proprietary, medicinal,
8707 pharmaceutical, antiseptic, toilet, scientific, chemical,
8708 mechanical or industrial preparations, or products unfit for
8709 beverage purposes;

8710 (3) Flavoring extracts and syrups, unfit for beverage
8711 purposes.

8712 Section 37. Paragraph (a) of subsection (1) and subsections
8713 (2) and (3) of section 561.121, Florida Statutes, are amended to
8714 read:

8715 561.121 Deposit of revenue.—

8716 (1) All state funds collected pursuant to ss. 563.05,
8717 564.06, 565.02(9), and 565.12 shall be paid into the State
8718 Treasury and disbursed in the following manner:

8719 (a) Two percent of monthly collections of the excise taxes
8720 on alcoholic beverages established in ss. 563.05, 564.06, and
8721 565.12 and the tax on alcoholic beverages, cigarettes, and other
8722 tobacco products established in s. 565.02(9) shall be deposited
8723 into the Alcoholic Beverage, Marijuana, and Tobacco Trust Fund
8724 to meet the division's appropriation for the state fiscal year.

8725 (2) The unencumbered balance in the Alcoholic Beverage,
8726 Marijuana, and Tobacco Trust Fund at the close of each fiscal
8727 year may not exceed \$2 million. These funds shall be held in
8728 reserve for use in the event that trust fund revenues are unable
8729 to meet the division's appropriation for the next fiscal year.

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8730 In the event of a revenue shortfall, these funds shall be spent
8731 pursuant to subsection (3). Notwithstanding subsection (1), if
8732 the unencumbered balance on June 30 in any fiscal year is less
8733 than \$2 million, the department is authorized to retain the
8734 difference between the June 30 unencumbered balance in the trust
8735 fund and \$2 million from the July collections of state funds
8736 collected pursuant to ss. 563.05, 564.06, and 565.12 and the tax
8737 on alcoholic beverages, cigarettes, and other tobacco products
8738 established in s. 565.02(9). Any unencumbered funds in excess of
8739 reserve funds shall be transferred unallocated to the General
8740 Revenue Fund by August 31 of the next fiscal year.

8741 (3) Funds deposited into the Alcoholic Beverage, Marijuana,
8742 and Tobacco Trust Fund pursuant to subsection (1) shall be used
8743 for administration and enforcement of chapters 210, 561, 562,
8744 563, 564, 565, 567, 568, and 569.

8745 Section 38. Subsection (6) of section 561.14, Florida
8746 Statutes, is amended to read:

8747 561.14 License and registration classification.—Licenses
8748 and registrations referred to in the Beverage Law shall be
8749 classified as follows:

8750 (6) Bottle clubs. It is the finding of the Legislature that
8751 bottle clubs are susceptible to a distinct and separate
8752 classification under the Beverage Law for purposes of regulating
8753 establishments permitting the consumption of alcoholic
8754 beverages. Any person operating a bottle club must be licensed
8755 pursuant to this chapter and may not hold any other alcoholic
8756 beverage license for such premises while licensed as a bottle
8757 club. Nothing in this subsection shall be construed to permit
8758 the purchase at wholesale or retail of alcoholic beverages for

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8759 supplying or reselling to the patrons pursuant to a license
8760 issued under this chapter. Any such business shall be subject to
8761 all general, special, and local laws regulating vendors of
8762 alcoholic beverages. Bottle club licenses shall be issued at a
8763 fee of \$500 annually and shall be renewed in accordance with the
8764 schedule set out in ss. 561.26 and 561.27. This subsection shall
8765 include bottle clubs in existence on January 1, 1991. The
8766 Division of Alcoholic Beverages, Marijuana, and Tobacco is
8767 hereby authorized to adopt rules to carry out the purposes of
8768 this section.

8769 Section 39. Paragraph (a) of subsection (2) and paragraph
8770 (b) of subsection (12) of section 561.20, Florida Statutes, are
8771 amended to read:

8772 561.20 Limitation upon number of licenses issued.—

8773 (2) (a) The limitation of the number of licenses as provided
8774 in this section does not prohibit the issuance of a special
8775 license to:

8776 1. Any bona fide hotel, motel, or motor court of not fewer
8777 than 80 guest rooms in any county having a population of less
8778 than 50,000 residents, and of not fewer than 100 guest rooms in
8779 any county having a population of 50,000 residents or greater;
8780 or any bona fide hotel or motel located in a historic structure,
8781 as defined in s. 561.01(20), with fewer than 100 guest rooms
8782 which derives at least 51 percent of its gross revenue from the
8783 rental of hotel or motel rooms, which is licensed as a public
8784 lodging establishment by the Division of Hotels and Restaurants;
8785 provided, however, that a bona fide hotel or motel with no fewer
8786 than 10 and no more than 25 guest rooms which is a historic
8787 structure, as defined in s. 561.01(20), in a municipality that

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8788 on the effective date of this act has a population, according to
8789 the University of Florida's Bureau of Economic and Business
8790 Research Estimates of Population for 1998, of no fewer than
8791 25,000 and no more than 35,000 residents and that is within a
8792 constitutionally chartered county may be issued a special
8793 license. This special license shall allow the sale and
8794 consumption of alcoholic beverages only on the licensed premises
8795 of the hotel or motel. In addition, the hotel or motel must
8796 derive at least 60 percent of its gross revenue from the rental
8797 of hotel or motel rooms and the sale of food and nonalcoholic
8798 beverages; provided that this subparagraph shall supersede local
8799 laws requiring a greater number of hotel rooms;

8800 2. Any condominium accommodation of which no fewer than 100
8801 condominium units are wholly rentable to transients and which is
8802 licensed under chapter 509, except that the license shall be
8803 issued only to the person or corporation that operates the hotel
8804 or motel operation and not to the association of condominium
8805 owners;

8806 3. Any condominium accommodation of which no fewer than 50
8807 condominium units are wholly rentable to transients, which is
8808 licensed under chapter 509, and which is located in any county
8809 having home rule under s. 10 or s. 11, Art. VIII of the State
8810 Constitution of 1885, as amended, and incorporated by reference
8811 in s. 6(e), Art. VIII of the State Constitution, except that the
8812 license shall be issued only to the person or corporation that
8813 operates the hotel or motel operation and not to the association
8814 of condominium owners;

8815 4. A food service establishment that has 2,500 square feet
8816 of service area, is equipped to serve meals to 150 persons at

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8817 one time, and derives at least 51 percent of its gross food and
8818 beverage revenue from the sale of food and nonalcoholic
8819 beverages during the first 120-day operating period and the
8820 first 12-month operating period thereafter. Subsequent audit
8821 timeframes must be based upon the audit percentage established
8822 by the most recent audit and conducted on a staggered scale as
8823 follows: level 1, 51 percent to 60 percent, every year; level 2,
8824 61 percent to 75 percent, every 2 years; level 3, 76 percent to
8825 90 percent, every 3 years; and level 4, 91 percent to 100
8826 percent, every 4 years. A licensee under this subparagraph may
8827 sell or deliver alcoholic beverages in a sealed container for
8828 off-premises consumption if the sale or delivery is accompanied
8829 by the sale of food within the same order. Such authorized sale
8830 or delivery includes wine-based and liquor-based beverages
8831 prepared by the licensee or its employee and packaged in a
8832 container sealed by the licensee or its employee. This
8833 subparagraph may not be construed to authorize public food
8834 service establishments licensed under this subparagraph to sell
8835 a bottle of distilled spirits sealed by a manufacturer. Any sale
8836 or delivery of malt beverages must comply with the container
8837 size, labeling, and filling requirements imposed under s.
8838 563.06. Any delivery of an alcoholic beverage under this
8839 subparagraph must comply with s. 561.57. An alcoholic beverage
8840 drink prepared by the vendor and sold or delivered for
8841 consumption off the premises must be placed in a container
8842 securely sealed by the licensee or its employees with an
8843 unbroken seal that prevents the beverage from being immediately
8844 consumed before removal from the premises. Such alcoholic
8845 beverage also must be placed in a bag or other container that is

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8846 secured in such a manner that it is visibly apparent if the
8847 container has been subsequently opened or tampered with, and a
8848 dated receipt for the alcoholic beverage and food must be
8849 provided by the licensee and attached to the bag or container.
8850 If transported in a motor vehicle, an alcoholic beverage that is
8851 not in a container sealed by the manufacturer must be placed in
8852 a locked compartment, a locked trunk, or the area behind the
8853 last upright seat of a motor vehicle. It is a violation of the
8854 prohibition in s. 562.11 to allow any person under the age of 21
8855 to deliver alcoholic beverages on behalf of a vendor. The vendor
8856 or the agent or employee of the vendor must verify the age of
8857 the person making the delivery of the alcoholic beverage before
8858 allowing any person to take possession of an alcoholic beverage
8859 for the purpose of making a delivery on behalf of a vendor under
8860 this section. A food service establishment granted a special
8861 license on or after January 1, 1958, pursuant to general or
8862 special law may not operate as a package store and may not sell
8863 intoxicating beverages under such license after the hours of
8864 serving or consumption of food have elapsed. Failure by a
8865 licensee to meet the required percentage of food and
8866 nonalcoholic beverage gross revenues during the covered
8867 operating period shall result in revocation of the license or
8868 denial of the pending license application. A licensee whose
8869 license is revoked or an applicant whose pending application is
8870 denied, or any person required to qualify on the special license
8871 application, is ineligible to have any interest in a subsequent
8872 application for such a license for a period of 120 days after
8873 the date of the final denial or revocation;

8874 5. Any caterer, deriving at least 51 percent of its gross

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8875 food and beverage revenue from the sale of food and nonalcoholic
8876 beverages at each catered event, licensed by the Division of
8877 Hotels and Restaurants under chapter 509. This subparagraph does
8878 not apply to a culinary education program, as defined in s.
8879 381.0072(2), which is licensed as a public food service
8880 establishment by the Division of Hotels and Restaurants and
8881 provides catering services. Notwithstanding any law to the
8882 contrary, a licensee under this subparagraph shall sell or serve
8883 alcoholic beverages only for consumption on the premises of a
8884 catered event at which the licensee is also providing prepared
8885 food, and shall prominently display its license at any catered
8886 event at which the caterer is selling or serving alcoholic
8887 beverages. A licensee under this subparagraph shall purchase all
8888 alcoholic beverages it sells or serves at a catered event from a
8889 vendor licensed under s. 563.02(1), s. 564.02(1), or licensed
8890 under s. 565.02(1) subject to the limitation imposed in
8891 subsection (1), as appropriate. A licensee under this
8892 subparagraph may not store any alcoholic beverages to be sold or
8893 served at a catered event. Any alcoholic beverages purchased by
8894 a licensee under this subparagraph for a catered event that are
8895 not used at that event must remain with the customer; provided
8896 that if the vendor accepts unopened alcoholic beverages, the
8897 licensee may return such alcoholic beverages to the vendor for a
8898 credit or reimbursement. Regardless of the county or counties in
8899 which the licensee operates, a licensee under this subparagraph
8900 shall pay the annual state license tax set forth in s.
8901 565.02(1)(b). A licensee under this subparagraph must maintain
8902 for a period of 3 years all records and receipts for each
8903 catered event, including all contracts, customers' names, event

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8904 locations, event dates, food purchases and sales, alcoholic
8905 beverage purchases and sales, nonalcoholic beverage purchases
8906 and sales, and any other records required by the department by
8907 rule to demonstrate compliance with the requirements of this
8908 subparagraph. Notwithstanding any law to the contrary, any
8909 vendor licensed under s. 565.02(1) subject to the limitation
8910 imposed in subsection (1), may, without any additional licensure
8911 under this subparagraph, serve or sell alcoholic beverages for
8912 consumption on the premises of a catered event at which prepared
8913 food is provided by a caterer licensed under chapter 509. If a
8914 licensee under this subparagraph also possesses any other
8915 license under the Beverage Law, the license issued under this
8916 subparagraph may not authorize the holder to conduct activities
8917 on the premises to which the other license or licenses apply
8918 that would otherwise be prohibited by the terms of that license
8919 or the Beverage Law. This section does not permit the licensee
8920 to conduct activities that are otherwise prohibited by the
8921 Beverage Law or local law. The Division of Alcoholic Beverages,
8922 Marijuana, and Tobacco is hereby authorized to adopt rules to
8923 administer the license created in this subparagraph, to include
8924 rules governing licensure, recordkeeping, and enforcement. The
8925 first \$300,000 in fees collected by the division each fiscal
8926 year pursuant to this subparagraph shall be deposited in the
8927 Department of Children and Families' Operations and Maintenance
8928 Trust Fund to be used only for alcohol and drug abuse education,
8929 treatment, and prevention programs. The remainder of the fees
8930 collected shall be deposited into the Hotel and Restaurant Trust
8931 Fund created pursuant to s. 509.072; or
8932 6. A culinary education program as defined in s.

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8933 381.0072(2) which is licensed as a public food service
8934 establishment by the Division of Hotels and Restaurants.

8935 a. This special license shall allow the sale and
8936 consumption of alcoholic beverages on the licensed premises of
8937 the culinary education program. The culinary education program
8938 shall specify designated areas in the facility where the
8939 alcoholic beverages may be consumed at the time of application.
8940 Alcoholic beverages sold for consumption on the premises may be
8941 consumed only in areas designated under s. 561.01(11) and may
8942 not be removed from the designated area. Such license shall be
8943 applicable only in and for designated areas used by the culinary
8944 education program.

8945 b. If the culinary education program provides catering
8946 services, this special license shall also allow the sale and
8947 consumption of alcoholic beverages on the premises of a catered
8948 event at which the licensee is also providing prepared food. A
8949 culinary education program that provides catering services is
8950 not required to derive at least 51 percent of its gross revenue
8951 from the sale of food and nonalcoholic beverages.
8952 Notwithstanding any law to the contrary, a licensee that
8953 provides catering services under this sub-subparagraph shall
8954 prominently display its beverage license at any catered event at
8955 which the caterer is selling or serving alcoholic beverages.
8956 Regardless of the county or counties in which the licensee
8957 operates, a licensee under this sub-subparagraph shall pay the
8958 annual state license tax set forth in s. 565.02(1)(b). A
8959 licensee under this sub-subparagraph must maintain for a period
8960 of 3 years all records required by the department by rule to
8961 demonstrate compliance with the requirements of this sub-

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8962 subparagraph.

8963 c. If a licensee under this subparagraph also possesses any
8964 other license under the Beverage Law, the license issued under
8965 this subparagraph does not authorize the holder to conduct
8966 activities on the premises to which the other license or
8967 licenses apply that would otherwise be prohibited by the terms
8968 of that license or the Beverage Law. This subparagraph does not
8969 permit the licensee to conduct activities that are otherwise
8970 prohibited by the Beverage Law or local law. Any culinary
8971 education program that holds a license to sell alcoholic
8972 beverages shall comply with the age requirements set forth in
8973 ss. 562.11(4), 562.111(2), and 562.13.

8974 d. The Division of Alcoholic Beverages, Marijuana, and
8975 Tobacco may adopt rules to administer the license created in
8976 this subparagraph, to include rules governing licensure,
8977 recordkeeping, and enforcement.

8978 e. A license issued pursuant to this subparagraph does not
8979 permit the licensee to sell alcoholic beverages by the package
8980 for off-premises consumption.

8981
8982 However, any license heretofore issued to any such hotel, motel,
8983 motor court, or restaurant or hereafter issued to any such
8984 hotel, motel, or motor court, including a condominium
8985 accommodation, under the general law may not be moved to a new
8986 location, such license being valid only on the premises of such
8987 hotel, motel, motor court, or restaurant. Licenses issued to
8988 hotels, motels, motor courts, or restaurants under the general
8989 law and held by such hotels, motels, motor courts, or
8990 restaurants on May 24, 1947, shall be counted in the quota

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8991 limitation contained in subsection (1). Any license issued for
8992 any hotel, motel, or motor court under this law shall be issued
8993 only to the owner of the hotel, motel, or motor court or, in the
8994 event the hotel, motel, or motor court is leased, to the lessee
8995 of the hotel, motel, or motor court; and the license shall
8996 remain in the name of the owner or lessee so long as the license
8997 is in existence. Any special license now in existence heretofore
8998 issued under this law cannot be renewed except in the name of
8999 the owner of the hotel, motel, motor court, or restaurant or, in
9000 the event the hotel, motel, motor court, or restaurant is
9001 leased, in the name of the lessee of the hotel, motel, motor
9002 court, or restaurant in which the license is located and must
9003 remain in the name of the owner or lessee so long as the license
9004 is in existence. Any license issued under this section shall be
9005 marked "Special," and nothing herein provided shall limit,
9006 restrict, or prevent the issuance of a special license for any
9007 restaurant or motel which shall hereafter meet the requirements
9008 of the law existing immediately before the effective date of
9009 this act, if construction of such restaurant has commenced
9010 before the effective date of this act and is completed within 30
9011 days thereafter, or if an application is on file for such
9012 special license at the time this act takes effect; and any such
9013 licenses issued under this proviso may be annually renewed as
9014 now provided by law. Nothing herein prevents an application for
9015 transfer of a license to a bona fide purchaser of any hotel,
9016 motel, motor court, or restaurant by the purchaser of such
9017 facility or the transfer of such license pursuant to law.

9018 (12)

9019 (b) A special license shall be issued under this subsection

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9020 upon filing an application at the district office and paying a
9021 \$25 fee. Such fee shall be deposited in the Alcoholic Beverages,
9022 Marijuana, and Tobacco Trust Fund.

9023 Section 40. Paragraph (b) of subsection (1) of section
9024 561.221, Florida Statutes, is amended to read:

9025 561.221 Licensing of manufacturers and distributors as
9026 vendors and of vendors as manufacturers; conditions and
9027 limitations.-

9028 (1)

9029 (b) The Division of Alcoholic Beverages, Marijuana, and
9030 Tobacco shall issue permits to a certified Florida Farm Winery
9031 to conduct tasting and sales of wine produced by certified
9032 Florida Farm Wineries at Florida fairs, trade shows,
9033 expositions, and festivals. The certified Florida Farm Winery
9034 shall pay all entry fees and shall have a winery representative
9035 present during the event. The permit is limited to the length of
9036 the event.

9037 Section 41. Paragraph (b) of subsection (4) of section
9038 561.32, Florida Statutes, is amended to read:

9039 561.32 Transfer of licenses; change of officers or
9040 directors; transfer of interest.-

9041 (4)

9042 (b) A license issued under s. 561.20(1) may be transferred
9043 as provided by law within the 3-year period only upon payment to
9044 the division of a transfer fee in an amount equal to 15 times
9045 the annual license fee specified in s. 565.02(1)(b)-(f) in the
9046 county in which the license is valid. However, if the county is
9047 only authorized for the issuance of liquor licenses for package
9048 sales only, the transfer fee shall be in an amount equal to 15

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9049 times the annual license fee specified in s. 565.02(1)(a).
9050 Subsequent to any such transfer, the transferee shall be subject
9051 to the provisions of the beverage laws with respect to the
9052 requirement for initial issuance of a license. Any change of
9053 ownership in any manner, either directly or indirectly,
9054 including any change in stock, partnership shares, or other form
9055 of ownership of any entity holding the license shall be
9056 considered a transfer and subject to the fees set forth in this
9057 paragraph. The transfer fees provided for in this paragraph
9058 shall be in addition to any other transfer fee provided for by
9059 this section. The funds collected pursuant to this paragraph
9060 shall be deposited in the Alcoholic Beverages, Marijuana, and
9061 Tobacco Trust Fund and shall be used by the division to defray
9062 the costs of operation.

9063 Section 42. Subsection (1) of section 561.545, Florida
9064 Statutes, is amended to read:

9065 561.545 Certain shipments of beverages prohibited;
9066 penalties; exceptions.—The Legislature finds that the direct
9067 shipment of alcoholic beverages by persons in the business of
9068 selling alcoholic beverages to residents of this state in
9069 violation of the Beverage Law poses a serious threat to the
9070 public health, safety, and welfare; to state revenue
9071 collections; and to the economy of the state. The Legislature
9072 further finds that the penalties for illegal direct shipment of
9073 alcoholic beverages to residents of this state should be made
9074 adequate to ensure compliance with the Beverage Law and that the
9075 measures provided for in this section are fully consistent with
9076 the powers conferred upon the state by the Twenty-first
9077 Amendment to the United States Constitution.

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9078 (1) Any person in the business of selling alcoholic
9079 beverages who knowingly and intentionally ships, or causes to be
9080 shipped, any alcoholic beverage from an out-of-state location
9081 directly to any person in this state who does not hold a valid
9082 manufacturer's or wholesaler's license or exporter's
9083 registration issued by the Division of Alcoholic Beverages,
9084 Marijuana, and Tobacco or who is not a state-bonded warehouse is
9085 in violation of this section.

9086 Section 43. Paragraph (a) of subsection (1) of section
9087 561.68, Florida Statutes, is amended to read:

9088 561.68 Licensure; distributor's salespersons.—

9089 (1) (a) Before any person may solicit or sell to vendors or
9090 become employed as a salesperson of spirituous or vinous
9091 beverages for a licensed Florida distributor in accordance with
9092 the provisions of this section, such person shall file with the
9093 district supervisor of the district of the Division of Alcoholic
9094 Beverages, Marijuana, Beverage and Tobacco in which the
9095 distributor's premises is located a sworn application for a
9096 license on forms provided by the division. Prior to any
9097 application being approved, the division shall require the
9098 applicant to file a fee of \$50 and file a set of fingerprints on
9099 regular United States Department of Justice forms. The licensure
9100 requirement provided in this paragraph does not apply to the
9101 solicitation or sale of cider.

9102 Section 44. Subsection (6) of section 561.695, Florida
9103 Statutes, is amended to read:

9104 561.695 Stand-alone bar enforcement; qualification;
9105 penalties.—

9106 (6) The Division of Alcoholic Beverages, Marijuana, and

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9107 Tobacco shall have the power to enforce part II of chapter 386
9108 and to audit a licensed vendor that operates a business that
9109 meets the definition of a stand-alone bar in s. 386.203 for
9110 compliance with this section.

9111 Section 45. Subsection (1) of section 561.703, Florida
9112 Statutes, is amended to read:

9113 561.703 Definitions relating to Florida Responsible Vendor
9114 Act.—As used in this act, the term:

9115 (1) "Division" means the Division of Alcoholic Beverages,
9116 Marijuana, and Tobacco of the Department of Business and
9117 Professional Regulation.

9118 Section 46. Subsection (1) of section 562.025, Florida
9119 Statutes, is amended to read:

9120 562.025 Possession of beverages as food ingredients.—This
9121 chapter shall not be construed to prohibit the owner or employee
9122 of a public food service establishment from possessing or using
9123 alcoholic beverages manufactured pursuant to law as ingredients
9124 to enhance the flavor of food prepared in connection with the
9125 operation of such establishment, provided that such public food
9126 service establishment meets the following criteria:

9127 (1) Such public food service establishment shall hold a
9128 license which allows consumption of alcoholic beverages on the
9129 premises, issued by the Division of Alcoholic Beverages,
9130 Marijuana, and Tobacco; and

9131
9132 Every such establishment shall maintain a menu on the premises
9133 which menu shall clearly designate the food containing alcoholic
9134 beverages. Daily specials need not be so posted. Alcoholic
9135 beverages may be used by the above licensees only as ingredients

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9136 to enhance the flavor of food prepared and served on the
9137 licensed premises. It is the intention of this section to allow
9138 the use of such alcoholic beverages by the aforementioned
9139 licensees in the actual cooking of food and in the enhancement
9140 of the flavor of certain foods and desserts. This section may
9141 ~~shall~~ not be construed so as to permit any other use of
9142 alcoholic beverages by such licensees or the purchase of
9143 spirituous beverages except from a licensed vendor.

9144 Section 47. Subsection (1) of section 562.111, Florida
9145 Statutes, is amended to read:

9146 562.111 Possession of alcoholic beverages by persons under
9147 age 21 prohibited.—

9148 (1) It is unlawful for any person under the age of 21
9149 years, except a person employed under the provisions of s.
9150 562.13 acting in the scope of her or his employment, to have in
9151 her or his possession alcoholic beverages, except that nothing
9152 contained in this subsection shall preclude the employment of
9153 any person 18 years of age or older in the sale, preparation, or
9154 service of alcoholic beverages in licensed premises in any
9155 establishment licensed by the Division of Alcoholic Beverages,
9156 Marijuana, and Tobacco or the Division of Hotels and
9157 Restaurants. Notwithstanding the provisions of s. 562.45, any
9158 person under the age of 21 who is convicted of a violation of
9159 this subsection is guilty of a misdemeanor of the second degree,
9160 punishable as provided in s. 775.082 or s. 775.083; however, any
9161 person under the age of 21 who has been convicted of a violation
9162 of this subsection and who is thereafter convicted of a further
9163 violation of this subsection is, upon conviction of the further
9164 offense, guilty of a misdemeanor of the first degree, punishable

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9165 as provided in s. 775.082 or s. 775.083.

9166 Section 48. Paragraph (c) of subsection (2) of section
9167 562.45, Florida Statutes, is amended to read:

9168 562.45 Penalties for violating Beverage Law; local
9169 ordinances; prohibiting regulation of certain activities or
9170 business transactions; requiring nondiscriminatory treatment;
9171 providing exceptions.—

9172 (2)

9173 (c) A county or municipality may not enact any ordinance
9174 that regulates or prohibits those activities or business
9175 transactions of a licensee regulated by the Division of
9176 Alcoholic Beverages, Marijuana, and Tobacco under the Beverage
9177 Law. Except as otherwise provided in the Beverage Law, a local
9178 government, when enacting ordinances designed to promote and
9179 protect the general health, safety, and welfare of the public,
9180 shall treat a licensee in a nondiscriminatory manner and in a
9181 manner that is consistent with the manner of treatment of any
9182 other lawful business transacted in this state. Nothing in this
9183 section shall be construed to affect or impair the enactment or
9184 enforcement by a county or municipality of any zoning, land
9185 development or comprehensive plan regulation or other ordinance
9186 authorized under ss. 1, 2, and 5, Art. VIII of the State
9187 Constitution.

9188 Section 49. Subsection (2) of section 569.002, Florida
9189 Statutes, is amended to read:

9190 569.002 Definitions.—As used in this part, the term:

9191 (2) "Division" means the Division of Alcoholic Beverages,
9192 Marijuana, and Tobacco of the Department of Business and
9193 Professional Regulation.

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9194 Section 50. Paragraph (c) of subsection (1) and subsection
9195 (4) of section 569.003, Florida Statutes, are amended to read:

9196 569.003 Retail tobacco products dealer permits;
9197 application; qualifications; fees; renewal; duplicates.—

9198 (1)

9199 (c) Permits shall be issued annually, upon payment of the
9200 annual permit fee prescribed by the division. The division shall
9201 fix the fee in an amount sufficient to meet the costs incurred
9202 by it in carrying out its permitting, enforcement, and
9203 administrative responsibilities under this part, but the fee may
9204 not exceed \$50. The proceeds of the fee shall be deposited into
9205 the Alcoholic Beverage, Marijuana, and Tobacco Trust Fund.

9206 (4) If a permit has been destroyed or lost, the dealer may
9207 apply to the division for the issuance of a duplicate permit.
9208 The division shall issue a duplicate permit upon payment of a
9209 \$15 fee, which the division shall deposit into the Alcoholic
9210 Beverage, Marijuana, and Tobacco Trust Fund.

9211 Section 51. Subsections (1) and (4) of section 569.12,
9212 Florida Statutes, are amended to read:

9213 569.12 Jurisdiction; tobacco product and nicotine product
9214 enforcement officers or agents; enforcement.—

9215 (1) In addition to the Division of Alcoholic Beverages,
9216 Marijuana, and Tobacco of the Department of Business and
9217 Professional Regulation, any law enforcement officer certified
9218 under s. 943.10(1), (6), or (8) shall enforce the provisions of
9219 this chapter.

9220 (4) A citation issued to any person violating the
9221 provisions of s. 569.11 or s. 569.42 shall be in a form
9222 prescribed by the Division of Alcoholic Beverages, Marijuana,

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9223 and Tobacco of the Department of Business and Professional
9224 Regulation and shall contain:

9225 (a) The date and time of issuance.

9226 (b) The name and address of the person to whom the citation
9227 is issued.

9228 (c) The date and time the civil infraction was committed.

9229 (d) The facts constituting reasonable cause.

9230 (e) The number of the Florida statute violated.

9231 (f) The name and authority of the citing officer.

9232 (g) The procedure for the person to follow in order to
9233 contest the citation, perform the required community service,
9234 attend the required anti-tobacco or anti-tobacco and anti-
9235 nicotine program, or to pay the civil penalty.

9236 Section 52. Subsection (2) of section 569.31, Florida
9237 Statutes, is amended to read:

9238 569.31 Definitions.—As used in this part, the term:

9239 (2) "Division" means the Division of Alcoholic Beverages,
9240 Marijuana, and Tobacco of the Department of Business and
9241 Professional Regulation.

9242 Section 53. Subsections (1) and (3) of section 616.265,
9243 Florida Statutes, are amended to read:

9244 616.265 Issuance of beverage license to the authority.—

9245 (1) The Division of Alcoholic Beverages, Marijuana, and
9246 Tobacco of the Department of Business and Professional
9247 Regulation is authorized, upon application, to issue a beverage
9248 license, as contemplated in ss. 561.17 and 565.02, to the
9249 Florida State Fair Authority for use by the authority or by a
9250 concessionaire under contract with the authority within the
9251 Florida State Fairgrounds in Hillsborough County; however, the

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9252 license issued pursuant to this section does ~~shall~~ not permit
9253 the licensee or its transferee assigns to sell alcoholic
9254 beverages in sealed containers for consumption off the Florida
9255 State Fairgrounds.

9256 (3) The Florida State Fair Authority may transfer the
9257 beverage license authorized in this section to a concessionaire
9258 under contract with the Florida State Fair Authority to furnish
9259 alcoholic beverages within the Florida State Fairgrounds. The
9260 contract with the concessionaire must contain a provision that
9261 the concessionaire agrees not to discriminate on the basis of
9262 race, sex, age, or religion. The Florida State Fair Authority
9263 shall make application for the transfer of the license to the
9264 concessionaire, and the application shall be approved by the
9265 Director of the Division of Alcoholic Beverages, Marijuana, and
9266 Tobacco in compliance with the applicable provisions of chapter
9267 561. However, any transfer of the beverage license authorized in
9268 this section to a concessionaire operating under contract with
9269 the Florida State Fair Authority shall be on the condition that,
9270 if the concession contract is terminated at any time and for any
9271 cause, the concessionaire shall immediately retransfer the
9272 beverage license to the Florida State Fair Authority. In the
9273 event of the failure or refusal of the concessionaire so to
9274 retransfer the beverage license, it shall be retransferred to
9275 the Florida State Fair Authority upon proper request made in
9276 writing to the Division of Alcoholic Beverages, Marijuana, and
9277 Tobacco of the Department of Business and Professional
9278 Regulation. Thereafter, the beverage license may again be
9279 transferred upon the same terms and conditions to any new
9280 concessionaire under contract with the Florida State Fair

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9281 Authority. It is the intent and purpose of this section that the
9282 beverage license be at all times the property of the Florida
9283 State Fair Authority, subject to its transfer, from time to
9284 time, to enable the concessionaire under contract with the
9285 Florida State Fair Authority to furnish alcoholic beverages
9286 within the Florida State Fairgrounds while operating under the
9287 beverage license authorized by this section.

9288 Section 54. Paragraphs (a) and (c) of subsection (3) of
9289 section 633.142, Florida Statutes, are amended to read:

9290 633.142 Reduced Cigarette Ignition Propensity Standard and
9291 Firefighter Protection Act; preemption.—

9292 (3) DEFINITIONS.—For the purposes of this section:

9293 (a) "Agent" means any person authorized by the Division of
9294 Alcoholic Beverages, Marijuana, and Tobacco of the Department of
9295 Business and Professional Regulation to purchase and affix
9296 stamps on packages of cigarettes.

9297 (c) "Division" means the Division of Alcoholic Beverages, and
9298 Marijuana, and Tobacco of the Department of Business and
9299 Professional Regulation.

9300 Section 55. Paragraph (a) of subsection (2) of section
9301 772.12, Florida Statutes, is amended to read:

9302 772.12 Drug Dealer Liability Act.—

9303 (2) A person, including any governmental entity, has a
9304 cause of action for threefold the actual damages sustained and
9305 is entitled to minimum damages in the amount of \$1,000 and
9306 reasonable attorney's fees and court costs in the trial and
9307 appellate courts, if the person proves by the greater weight of
9308 the evidence that:

9309 (a) The person was injured because of the defendant's

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9310 actions that resulted in the defendant's conviction for:

9311 1. A violation of s. 893.13, except for a violation of s.
9312 893.13(2)(a) or (b), (4), (5)(a) or (b), (6) ~~s. 893.13(2)(a) or~~
9313 ~~(b), (3), (5), (6)(a), (b), or (c), (7);~~ or

9314 2. A violation of s. 893.135; and

9315 Section 56. Section 812.171, Florida Statutes, is amended
9316 to read:

9317 812.171 Definition.—As used in this act, the term
9318 "convenience business" means any place of business that is
9319 primarily engaged in the retail sale of groceries, or both
9320 groceries and gasoline, that is open for business at any time
9321 between the hours of 11 p.m. and 5 a.m., and that is licensed by
9322 the Division of Alcoholic Beverages, Marijuana, and Tobacco
9323 within the Department of Business and Professional Regulation
9324 pursuant to chapter 210, chapter 561, chapter 562, chapter 563,
9325 chapter 564, chapter 565, or chapter 569, as applicable. The
9326 term "convenience business" does not include:

9327 (1) A business that is solely or primarily a restaurant.

9328 (2) A business that always has at least five employees on
9329 the premises after 11 p.m. and before 5 a.m.

9330 (3) A business that has at least 10,000 square feet of
9331 retail floor space.

9332 (4) A business in which the owner or members of his or her
9333 family work between the hours of 11 p.m. and 5 a.m.

9334 Section 57. Subsections (3) through (6) of section 812.173,
9335 Florida Statutes, are amended to read:

9336 812.173 Convenience business security.—

9337 (3) Every convenience business shall be equipped with a
9338 silent alarm to law enforcement or a private security agency,

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9339 unless an application for an exemption, adopted by rule by the
9340 Division of Alcoholic Beverages, Marijuana, and Tobacco, is made
9341 to and granted by the Division of Alcoholic Beverages,
9342 Marijuana, and Tobacco. An application for exemption must be in
9343 writing and must be accompanied by an administrative fee of \$25
9344 for each store for which an exemption would apply.

9345 (4) If a murder, robbery, sexual battery, aggravated
9346 assault, aggravated battery, or kidnapping or false
9347 imprisonment, as those crimes are identified and defined by
9348 Florida Statutes, occurs or has occurred at a convenience
9349 business since July 1, 1989, and arises out of the operation of
9350 the convenience business, that convenience business shall notify
9351 the Division of Alcoholic Beverages, Marijuana, and Tobacco in
9352 writing and shall implement at least one of the following
9353 security measures within 30 days after a judicial determination
9354 that one or more of the aforementioned identified crimes
9355 occurred at the convenience business:

9356 (a) Provide at least two employees on the premises at all
9357 times after 11 p.m. and before 5 a.m.;

9358 (b) Install for use by employees at all times after 11 p.m.
9359 and before 5 a.m. a secured safety enclosure of transparent
9360 polycarbonate or other material that meets at least one of the
9361 following minimum standards:

9362 1. American Society for Testing and Materials Standard
9363 D3935 (classification PC110 B 3 0800700) and that has a
9364 thickness of at least 0.375 inches and has an impact strength of
9365 at least 200 foot pounds; or

9366 2. Underwriters Laboratory Standard UL 752 for medium power
9367 small arms (level one), Bullet Resisting Equipment;

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9368 (c) Provide a security guard on the premises at all times
9369 after 11 p.m. and before 5 a.m.;

9370 (d) Lock the business premises throughout the hours of 11
9371 p.m. to 5 a.m., and only transact business through an indirect
9372 pass-through trough, trapdoor, or window; or

9373 (e) Close the business at all times after 11 p.m. and
9374 before 5 a.m.

9375 (5) For purposes of this section, any convenience business
9376 that by law implemented any of the security measures set forth
9377 in paragraphs (4) (a)-(e) and has maintained said measures as
9378 required by the Division of Alcoholic Beverages, Marijuana, and
9379 Tobacco without any occurrence or incidence of the crimes
9380 identified by subsection (4) for a period of no less than 24
9381 months immediately preceding the filing of a notice of
9382 exemption, may file with the department a notice of exemption
9383 from these enhanced security measures. In no event shall this
9384 exemption be interpreted to preclude full compliance with the
9385 security measures set forth in subsection (4) should any
9386 occurrence or incidence of the crimes identified by subsection
9387 (4) cause subsection (4) to be statutorily applicable. As of
9388 July 1, 2021, the Division of Alcoholic Beverages, Marijuana,
9389 and Tobacco will provide notice to any convenience business to
9390 which a subsection (4) incident occurred between July 1, 2019,
9391 and July 1, 2021. In no event shall the state or the Division of
9392 Alcoholic Beverages, Marijuana, and Tobacco incur any liability
9393 for the regulation and enforcement of this act.

9394 (6) The Division of Alcoholic Beverages, Marijuana, and
9395 Tobacco has the authority to investigate the premises and
9396 records of any licensee in order to determine whether the

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9397 licensee is a convenience business and subject to this act.

9398 Section 58. Section 812.174, Florida Statutes, is amended
9399 to read:

9400 812.174 Training of employees.—The owner or principal
9401 operator of a convenience business or convenience businesses
9402 shall provide proper robbery deterrence and safety training by
9403 an approved curriculum to its retail employees within 60 days of
9404 employment. A proposed curriculum shall be submitted in writing
9405 to the Division of Alcoholic Beverages, Marijuana, and Tobacco
9406 with an administrative fee not to exceed \$100. The Division of
9407 Alcoholic Beverages, Marijuana, and Tobacco shall review and
9408 approve or disapprove the curriculum in writing within 60 days
9409 after receipt. The state shall have no liability for approving
9410 or disapproving a training curriculum under this section.
9411 Approval shall be given to a curriculum which trains and
9412 familiarizes retail employees with the security principles,
9413 devices, and measures required by s. 812.173. Disapproval of a
9414 curriculum shall be subject to the provisions of chapter 120. No
9415 person shall be liable for ordinary negligence due to
9416 implementing an approved curriculum if the training was actually
9417 provided. A curriculum must be submitted for reapproval
9418 biennially on or before the date established by rule by the
9419 Division of Alcoholic Beverages, Marijuana, and Tobacco and must
9420 be accompanied by an administrative fee not to exceed \$100.

9421 Section 59. Section 812.175, Florida Statutes, is amended
9422 to read:

9423 812.175 Enforcement; civil fine.—

9424 (1) The violation of any provision of this act by any owner
9425 or principal operator of a convenience business shall result in

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9426 a notice of violation from the Division of Alcoholic Beverages,
9427 Marijuana, and Tobacco. Violators shall have 30 days after
9428 receipt of the notice to provide proof of compliance to the
9429 Division of Alcoholic Beverages, Marijuana, and Tobacco. If the
9430 violation continues after the 30-day period, the Division of
9431 Alcoholic Beverages, Marijuana, and Tobacco may impose a civil
9432 fine not to exceed \$5,000. The Division of Alcoholic Beverages,
9433 Marijuana, and Tobacco has the authority to investigate any
9434 alleged violation and may compromise any alleged violation by
9435 accepting from the owner or principal operator an amount not to
9436 exceed \$5,000. The Division of Alcoholic Beverages, Marijuana,
9437 and Tobacco may suspend the imposition of any fine conditioned
9438 upon terms the Division of Alcoholic Beverages, Marijuana, and
9439 Tobacco in its discretion deems appropriate. Notices of
9440 violation and civil fines are subject to chapter 120.

9441 (2) Moneys received by the Division of Alcoholic Beverages,
9442 Marijuana, and Tobacco pursuant to this act must be deposited in
9443 the General Revenue Fund.

9444 (3) The Division of Alcoholic Beverages, Marijuana, and
9445 Tobacco is given full power and authority to petition for an
9446 injunction when it is determined that the health, safety, and
9447 public welfare is threatened by continued operation of a
9448 convenience business in violation of this act. In any action for
9449 injunction, the Division of Alcoholic Beverages, Marijuana, and
9450 Tobacco may seek a civil penalty not to exceed \$5,000 per
9451 violation, plus attorney's fees and costs.

9452 (4) The Division of Alcoholic Beverages, Marijuana, and
9453 Tobacco may enter into agreements with local governments to
9454 assist in the enforcement of ss. 812.1701-812.175. Such

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9455 agreements may include provision for reimbursement of
9456 investigative and enforcement costs incurred by such local
9457 governments.

9458 Section 60. Section 812.176, Florida Statutes, is amended
9459 to read:

9460 812.176 Rulemaking authority.—The Division of Alcoholic
9461 Beverages, Marijuana, and Tobacco shall have the power to adopt
9462 rules pursuant to chapter 120 as necessary to implement the
9463 Convenience Business Security Act. The security measures and
9464 training provisions of ss. 812.173 and 812.174 shall meet the
9465 requirements of the department as set forth by rule.

9466 Section 61. Subsection (1) of section 832.06, Florida
9467 Statutes, is amended to read:

9468 832.06 Prosecution for worthless checks given tax collector
9469 for licenses or taxes; refunds.—

9470 (1) Whenever any person, firm, or corporation violates the
9471 provisions of s. 832.05 by drawing, making, uttering, issuing,
9472 or delivering to any county tax collector any check, draft, or
9473 other written order on any bank or depository for the payment of
9474 money or its equivalent for any tag, title, lien, tax (except ad
9475 valorem taxes), penalty, or fee relative to a boat, airplane,
9476 motor vehicle, driver license, or identification card; any
9477 occupational license, beverage license, or sales or use tax; or
9478 any hunting or fishing license, the county tax collector, after
9479 the exercise of due diligence to locate the person, firm, or
9480 corporation which drew, made, uttered, issued, or delivered the
9481 check, draft, or other written order for the payment of money,
9482 or to collect the same by the exercise of due diligence and
9483 prudence, shall swear out a complaint in the proper court

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9484 against the person, firm, or corporation for the issuance of the
9485 worthless check or draft. If the state attorney cannot sign the
9486 information due to lack of proof, as determined by the state
9487 attorney in good faith, for a prima facie case in court, he or
9488 she shall issue a certificate so stating to the tax collector.
9489 If payment of the dishonored check, draft, or other written
9490 order, together with court costs expended, is not received in
9491 full by the county tax collector within 30 days after service of
9492 the warrant, 30 days after conviction, or 60 days after the
9493 collector swears out the complaint or receives the certificate
9494 of the state attorney, whichever is first, the county tax
9495 collector shall make a written report to this effect to the
9496 Department of Highway Safety and Motor Vehicles relative to
9497 motor vehicles and vessels, to the Department of Revenue
9498 relative to occupational licenses and the sales and use tax, to
9499 the Division of Alcoholic Beverages, Marijuana, and Tobacco of
9500 the Department of Business and Professional Regulation relative
9501 to beverage licenses, or to the Fish and Wildlife Conservation
9502 Commission relative to hunting and fishing licenses, containing
9503 a statement of the amount remaining unpaid on the worthless
9504 check or draft. If the information is not signed, the
9505 certificate of the state attorney is issued, and the written
9506 report of the amount remaining unpaid is made, the county tax
9507 collector may request the sum be forthwith refunded by the
9508 appropriate governmental entity, agency, or department. If a
9509 warrant has been issued and served, he or she shall certify to
9510 that effect, together with the court costs and amount remaining
9511 unpaid on the check. The county tax collector may request that
9512 the sum of money certified by him or her be forthwith refunded

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9513 by the Department of Highway Safety and Motor Vehicles, the
9514 Department of Revenue, the Division of Alcoholic Beverages,
9515 Marijuana, and Tobacco of the Department of Business and
9516 Professional Regulation, or the Fish and Wildlife Conservation
9517 Commission to the county tax collector. Within 30 days after
9518 receipt of the request, the Department of Highway Safety and
9519 Motor Vehicles, the Department of Revenue, the Division of
9520 Alcoholic Beverages, Marijuana, and Tobacco of the Department of
9521 Business and Professional Regulation, or the Fish and Wildlife
9522 Conservation Commission, upon being satisfied as to the
9523 correctness of the certificate of the tax collector, or the
9524 report, shall refund to the county tax collector the sums of
9525 money so certified or reported. If any officer of any court
9526 issuing the warrant is unable to serve it within 60 days after
9527 the issuance and delivery of it to the officer for service, the
9528 officer shall make a written return to the county tax collector
9529 to this effect. Thereafter, the county tax collector may certify
9530 that the warrant has been issued and that service has not been
9531 had upon the defendant and further certify the amount of the
9532 worthless check or draft and the amount of court costs expended
9533 by the county tax collector, and the county tax collector may
9534 file the certificate with the Department of Highway Safety and
9535 Motor Vehicles relative to motor vehicles and vessels, with the
9536 Department of Revenue relative to occupational licenses and the
9537 sales and use tax, with the Division of Alcoholic Beverages,
9538 Marijuana, and Tobacco of the Department of Business and
9539 Professional Regulation relative to beverage licenses, or with
9540 the Fish and Wildlife Conservation Commission relative to
9541 hunting and fishing licenses, together with a request that the

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9542 sums of money so certified be forthwith refunded by the
9543 Department of Highway Safety and Motor Vehicles, the Department
9544 of Revenue, the Division of Alcoholic Beverages, Marijuana, and
9545 Tobacco of the Department of Business and Professional
9546 Regulation, or the Fish and Wildlife Conservation Commission to
9547 the county tax collector, and within 30 days after receipt of
9548 the request, the Department of Highway Safety and Motor
9549 Vehicles, the Department of Revenue, the Division of Alcoholic
9550 Beverages, Marijuana, and Tobacco of the Department of Business
9551 and Professional Regulation, or the Fish and Wildlife
9552 Conservation Commission, upon being satisfied as to the
9553 correctness of the certificate, shall refund the sums of money
9554 so certified to the county tax collector.

9555 Section 62. Subsection (3) of section 877.18, Florida
9556 Statutes, is amended to read:

9557 877.18 Identification card or document purporting to
9558 contain applicant's age or date of birth; penalties for failure
9559 to comply with requirements for sale or issuance.—

9560 (3) All records required to be maintained by this section
9561 shall be available for inspection without warrant upon
9562 reasonable demand by any law enforcement officer, including, but
9563 not limited to, a state attorney investigator or an investigator
9564 for the Division of Alcoholic Beverages, Marijuana, and Tobacco.

9565 Section 63. Paragraph (c) of subsection (4) of section
9566 893.055, Florida Statutes, is amended to read:

9567 893.055 Prescription drug monitoring program.—

9568 (4) The following persons must be provided direct access to
9569 information in the system:

9570 (c) The program manager or designated program and support

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9571 staff to administer the system.

9572 1. In order to calculate performance measures pursuant to
9573 subsection (14), the program manager or program and support
9574 staff members who have been directed by the program manager to
9575 calculate performance measures may have direct access to
9576 information that contains no identifying information of any
9577 patient, physician, health care practitioner, prescriber, or
9578 dispenser.

9579 2. The program manager or designated program and support
9580 staff must provide the department, upon request, data that does
9581 not contain patient, physician, health care practitioner,
9582 prescriber, or dispenser identifying information for public
9583 health care and safety initiatives purposes.

9584 3. The program manager, upon determining a pattern
9585 consistent with the department's rules established under
9586 subsection (16), may provide relevant information to the
9587 prescriber and dispenser.

9588 4. The program manager, upon determining a pattern
9589 consistent with the rules established under subsection (16) and
9590 having cause to believe a violation of s. 893.13(6)(a)8.,
9591 (7)(a), or (7)(b) ~~s. 893.13(7)(a)8., (8)(a), or (8)(b)~~ has
9592 occurred, may provide relevant information to the applicable law
9593 enforcement agency.

9594
9595 The program manager and designated program and support staff
9596 must complete a level II background screening.

9597 Section 64. Subsection (4) of section 893.0551, Florida
9598 Statutes, is amended to read:

9599 893.0551 Public records exemption for the prescription drug

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9600 monitoring program.—

9601 (4) If the department determines consistent with its rules
9602 that a pattern of controlled substance abuse exists, the
9603 department may disclose such confidential and exempt information
9604 to the applicable law enforcement agency in accordance with s.
9605 893.055. The law enforcement agency may disclose to a criminal
9606 justice agency, as defined in s. 119.011, only information
9607 received from the department that is relevant to an identified
9608 active investigation that is specific to a violation of s.
9609 893.13(6)(a)8., (7)(a), or (7)(b) ~~s. 893.13(7)(a)8., (8)(a), or~~
9610 ~~(8)(b).~~

9611 Section 65. Section 893.15, Florida Statutes, is amended to
9612 read:

9613 893.15 Rehabilitation.—Any person who violates s.
9614 893.13(5)(a) ~~s. 893.13(6)(a) or (b)~~ relating to possession may,
9615 in the discretion of the trial judge, be required to participate
9616 in a substance abuse services program approved or regulated by
9617 the Department of Children and Families pursuant to the
9618 provisions of chapter 397, provided the director of such program
9619 approves the placement of the defendant in such program. Such
9620 required participation shall be imposed in addition to any
9621 penalty or probation otherwise prescribed by law. However, the
9622 total time of such penalty, probation, and program participation
9623 may shall not exceed the maximum length of sentence possible for
9624 the offense.

9625 Section 66. Subsections (1) and (2) of section 893.21,
9626 Florida Statutes, are amended to read:

9627 893.21 Alcohol-related or drug-related overdoses; medical
9628 assistance; immunity from arrest, charge, prosecution, and

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9629 penalization.—

9630 (1) A person acting in good faith who seeks medical
 9631 assistance for an individual experiencing, or believed to be
 9632 experiencing, an alcohol-related or a drug-related overdose may
 9633 not be arrested, charged, prosecuted, or penalized for a
 9634 violation of s. 893.147(1) or s. 893.13(5) ~~s. 893.13(6)~~,
 9635 excluding paragraph (b) ~~(e)~~, if the evidence for such offense
 9636 was obtained as a result of the person's seeking medical
 9637 assistance.

9638 (2) A person who experiences, or has a good faith belief
 9639 that he or she is experiencing, an alcohol-related or a drug-
 9640 related overdose and is in need of medical assistance may not be
 9641 arrested, charged, prosecuted, or penalized for a violation of
 9642 s. 893.147(1) or s. 893.13(5) ~~s. 893.13(6)~~, excluding paragraph
 9643 (b) ~~(e)~~, if the evidence for such offense was obtained as a
 9644 result of the person's seeking medical assistance.

9645 Section 67. Paragraphs (a), (b), (c), (e), (g), (h), and
 9646 (i) of subsection (3) of section 921.0022, Florida Statutes, are
 9647 amended to read:

9648 921.0022 Criminal Punishment Code; offense severity ranking
 9649 chart.—

9650 (3) OFFENSE SEVERITY RANKING CHART

9651 (a) LEVEL 1

9652

Florida	Felony	Description
Statute	Degree	Description
24.118(3) (a)	3rd	Counterfeit or altered state lottery ticket.

9653

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212.054 (2) (b) 3rd Discretionary sales surtax; limitations, administration, and collection.

9655

212.15 (2) (b) 3rd Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.

9656

316.1935 (1) 3rd Fleeing or attempting to elude law enforcement officer.

9657

319.30 (5) 3rd Sell, exchange, give away certificate of title or identification number plate.

9658

319.35 (1) (a) 3rd Tamper, adjust, change, etc., an odometer.

9659

320.26 (1) (a) 3rd Counterfeit, manufacture, or sell registration license plates or validation stickers.

9660

322.212 (1) (a) - (c) 3rd Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of

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9661			simulated identification.
	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
9662			
	322.212 (5) (a)	3rd	False application for driver license or identification card.
9663			
	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
9664			
	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
9665			
	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value \$1,000 or more.
9666			
	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
9667			
	713.69	3rd	Tenant removes property upon

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9668	812.014 (3) (c)	3rd	which lien has accrued, value \$1,000 or more.
9669	815.04 (5) (a)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
9670	817.52 (2)	3rd	Offense against intellectual property (i.e., computer programs, data).
9671	817.569 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
9672	826.01	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
9673	828.122 (3)	3rd	Bigamy.
9674	831.04 (1)	3rd	Fighting or baiting animals.
			Any erasure, alteration, etc., of any replacement deed, map, plat, or other

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9675			document listed in s. 92.28.
	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
9676	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
9677	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
9678	838.15 (2)	3rd	Commercial bribe receiving.
9679	838.16	3rd	Commercial bribery.
9680	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
9681	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
9682	849.09 (1) (a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein,

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9683			conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
9684			
	849.25 (2)	3rd	Engaging in bookmaking.
9685			
	860.08	3rd	Interfere with a railroad signal.
9686			
	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
9687			
	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
9688			
	<u>893.13 (5) (a)</u>	3rd	Possession of cannabis (more than 20 grams).
	893.13 (6) (a)		
9689			
	934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
9690			
9691	(b) LEVEL 2		
9692			

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	Florida Statute	Felony Degree	Description
9693	379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
9694	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
9695	403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
9696	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
9697	590.28 (1)	3rd	Intentional burning of lands.
9698			

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9699	784.03 (3)	3rd	Battery during a riot or an aggravated riot.
	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
9700	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
9701	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
9702	806.13 (3)	3rd	Criminal mischief; damage of \$200 or more to a memorial or historic property.
9703	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

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9704

810.09 (2) (e) 3rd Trespassing on posted commercial horticulture property.

9705

812.014 (2) (c) 1. 3rd Grand theft, 3rd degree; \$750 or more but less than \$5,000.

9706

812.014 (2) (d) 3rd Grand theft, 3rd degree; \$100 or more but less than \$750, taken from unenclosed curtilage of dwelling.

9707

812.015 (7) 3rd Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.

9708

817.234 (1) (a) 2. 3rd False statement in support of insurance claim.

9709

817.481 (3) (a) 3rd Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value

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9710			over \$300.
	817.52 (3)	3rd	Failure to redeliver hired vehicle.
9711			
	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
9712			
	817.60 (5)	3rd	Dealing in credit cards of another.
9713			
	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
9714			
	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
9715			
	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
9716			
	831.01	3rd	Forgery.
9717			
	831.02	3rd	Uttering forged instrument; utters or

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9718			publishes alteration with intent to defraud.
	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
9719			
	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
9720			
	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
9721			
	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
9722			
	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
9723			
	843.08	3rd	False personation.
9724			
	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3.,

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(2) (c) 6., (2) (c) 7.,
 (2) (c) 8., (2) (c) 9.,
 (2) (c) 10., (3), or (4)
 drugs ~~other than~~
cannabis.

9725 893.147 (2) 3rd Manufacture or delivery
 of drug paraphernalia.

9726
 9727 (c) LEVEL 3

9728
 Florida Felony
 Statute Degree Description

9729 119.10 (2) (b) 3rd Unlawful use of
 confidential information
 from police reports.

9730 316.066 3rd Unlawfully obtaining or
 (3) (b) - (d) using confidential crash
 reports.

9731 316.193 (2) (b) 3rd Felony DUI, 3rd conviction.

9732 316.1935 (2) 3rd Fleeing or attempting to
 elude law enforcement
 officer in patrol vehicle
 with siren and lights
 activated.

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9733

319.30 (4) 3rd Possession by junkyard of motor vehicle with identification number plate removed.

9734

319.33 (1) (a) 3rd Alter or forge any certificate of title to a motor vehicle or mobile home.

9735

319.33 (1) (c) 3rd Procure or pass title on stolen vehicle.

9736

319.33 (4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

9737

327.35 (2) (b) 3rd Felony BUI.

9738

328.05 (2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

9739

328.07 (4) 3rd Manufacture, exchange, or

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9740

376.302 (5)

3rd

possess vessel with counterfeit or wrong ID number.

Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

9741

379.2431
(1) (e) 5.

3rd

Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

9742

379.2431
(1) (e) 6.

3rd

Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.

9743

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	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
9744	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
9745	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
9746	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
9747	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
9748	624.401 (4) (a)	3rd	Transacting insurance without a certificate of

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9749			authority.
	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
9750			
	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
9751			
	697.08	3rd	Equity skimming.
9752			
	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
9753			
	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
9754			
	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
9755			
	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with

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			firearm or dangerous weapon.
9756	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
9757	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
9758	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
9759	812.081 (2)	3rd	Theft of a trade secret.
9760	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
9761	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
9762	817.233	3rd	Burning to defraud insurer.
9763	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor

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9764			vehicle accidents.
9765	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
9766	817.236	3rd	Filing a false motor vehicle insurance application.
9767	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
9768	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
9769	817.49 (2) (b) 1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
9769	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.

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9771
9772
9773
9774
9775
9776
9777

831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
843.19	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
860.15 (3)	3rd	Overcharging for repairs and parts.
870.01 (2)	3rd	Riot.
870.01 (4)	3rd	Inciting a riot.
893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs).

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9778	893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
9779	893.13 (1) (f) 2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
9780	<u>893.13 (3) (c)</u> 893.13 (4) (e)	3rd	Use or hire of minor; deliver to minor other controlled substances.
9781	<u>893.13 (5) (a)</u> 893.13 (6) (a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
	<u>893.13 (6) (a) 8.</u>	3rd	Withhold information from

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	893.13(7)(a)8.		practitioner regarding previous receipt of or prescription for a controlled substance.
9782	<u>893.13(6)(a)9.</u> 893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
9783	<u>893.13(6)(a)10.</u> 893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
9784	<u>893.13(6)(a)11.</u> 893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
9785	<u>893.13(7)(a)1.</u> 893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
9786			

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9787	<u>893.13 (7) (a) 2.</u> 893.13 (8) (a) 2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
9788	<u>893.13 (7) (a) 3.</u> 893.13 (8) (a) 3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
9789	<u>893.13 (7) (a) 4.</u> 893.13 (8) (a) 4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
9790	918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
9791	944.47 (1) (a) 1. & 2.	3rd	Introduce contraband to correctional facility.
9791	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a

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9792			correctional institution.
	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
9793			
9794	(e) LEVEL 5		
9795			
	Florida Statute	Felony Degree	Description
9796	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
9797	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
9798	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
9799	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or

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9800

serious bodily injury.

327.30 (5)

3rd

Vessel accidents involving personal injury; leaving scene.

9801

379.365 (2) (c) 1.

3rd

Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial

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9802	379.367(4)	3rd	harvest of stone crabs while license is suspended or revoked.
9803	379.407(5)(b)3.	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
9804	381.0041(11)(b)	3rd	Possession of 100 or more undersized spiny lobsters.
9805	440.10(1)(g)	2nd	Donate blood, plasma, or organs knowing HIV positive.
9806	440.105(5)	2nd	Failure to obtain workers' compensation coverage.
9807	440.381(2)	3rd	Unlawful solicitation for the purpose of making workers' compensation claims.
			Submission of false, misleading, or incomplete information

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9808	624.401 (4) (b) 2.	2nd	with the purpose of avoiding or reducing workers' compensation premiums.
9809	626.902 (1) (c)	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
9810	790.01 (2)	3rd	Representing an unauthorized insurer; repeat offender.
9811	790.162	2nd	Carrying a concealed firearm.
9812	790.163 (1)	2nd	Threat to throw or discharge destructive device.
9813			False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.

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9814	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
9815	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
9816	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
9817	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
9818	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
9819	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

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9820

812.015 3rd Retail theft; property
(8) (a) & (c) - (e) stolen is valued at \$750
or more and one or more
specified acts.

9821

812.019 (1) 2nd Stolen property; dealing
in or trafficking in.

9822

812.081 (3) 2nd Trafficking in trade
secrets.

9823

812.131 (2) (b) 3rd Robbery by sudden
snatching.

9824

812.16 (2) 3rd Owning, operating, or
conducting a chop shop.

9825

817.034 (4) (a) 2. 2nd Communications fraud,
value \$20,000 to
\$50,000.

9826

817.234 (11) (b) 2nd Insurance fraud;
property value \$20,000
or more but less than
\$100,000.

9827

817.2341 (1), 3rd Filing false financial
(2) (a) & (3) (a) statements, making false

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9828	817.568 (2) (b)	2nd	<p>entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.</p>
9829	817.611 (2) (a)	2nd	<p>Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.</p>
9830	817.625 (2) (b)	2nd	<p>Traffic in or possess 5 to 14 counterfeit credit cards or related documents.</p> <p>Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.</p>

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9831

825.1025 (4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

9832

827.071 (4)

2nd

Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

9833

827.071 (5)

3rd

Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

9834

828.12 (2)

3rd

Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

9835

839.13 (2) (b)

2nd

Falsifying records of an individual in the care

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9836	843.01	3rd	and custody of a state agency involving great bodily harm or death.
9837	847.0135 (5) (b)	2nd	Resist officer with violence to person; resist arrest with violence.
9838	847.0137 (2) & (3)	3rd	Lewd or lascivious exhibition using computer; offender 18 years or older.
9839	847.0138 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
9840	874.05 (1) (b)	2nd	Transmission of material harmful to minors to a minor by electronic device or equipment. Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

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9841

874.05 (2) (a) 2nd Encouraging or recruiting person under 13 years of age to join a criminal gang.

9842

893.13 (1) (a) 1. 2nd Sell, manufacture, or deliver cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5. drugs).

9843

893.13 (1) (c) 2. 2nd Sell, manufacture, or deliver cannabis (or other s. 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

9844

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9845

893.13(1)(d)1.

1st

Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.

9846

893.13(1)(e)2.

2nd

Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

893.13(1)(f)1.

1st

Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public

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9847			housing facility.
	<u>893.13 (3) (b)</u>	2nd	Use or hire of minor;
	893.13 (4) (b)		deliver to minor other
9848			controlled substance.
	893.1351 (1)	3rd	Ownership, lease, or
			rental for trafficking
			in or manufacturing of
			controlled substance.
9849			
9850	(g) LEVEL 7		
9851			
	Florida	Felony	
	Statute	Degree	Description
9852			
	316.027 (2) (c)	1st	Accident involving death,
			failure to stop; leaving
			scene.
9853			
	316.193 (3) (c) 2.	3rd	DUI resulting in serious
			bodily injury.
9854			
	316.1935 (3) (b)	1st	Causing serious bodily
			injury or death to another
			person; driving at high
			speed or with wanton
			disregard for safety while
			fleeing or attempting to

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9855	327.35 (3) (c) 2.	3rd	elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
9856	402.319 (2)	2nd	Vessel BUI resulting in serious bodily injury.
9857	409.920 (2) (b) 1.a.	3rd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
9858	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; \$10,000 or less.
9859	456.065 (2)	3rd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
9860	456.065 (2)	2nd	Practicing a health care profession without a license.
	456.065 (2)	2nd	Practicing a health care profession without a license which results in

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9861			serious bodily injury.
	458.327(1)	3rd	Practicing medicine without a license.
9862			
	459.013(1)	3rd	Practicing osteopathic medicine without a license.
9863			
	460.411(1)	3rd	Practicing chiropractic medicine without a license.
9864			
	461.012(1)	3rd	Practicing podiatric medicine without a license.
9865			
	462.17	3rd	Practicing naturopathy without a license.
9866			
	463.015(1)	3rd	Practicing optometry without a license.
9867			
	464.016(1)	3rd	Practicing nursing without a license.
9868			
	465.015(2)	3rd	Practicing pharmacy without a license.
9869			

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9870	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
9871	467.201	3rd	Practicing midwifery without a license.
9872	468.366	3rd	Delivering respiratory care services without a license.
9873	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
9874	483.901 (7)	3rd	Practicing medical physics without a license.
9875	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
9876	484.053	3rd	Dispensing hearing aids without a license.
	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully

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9877

560.123 (8) (b) 1.

3rd

obtained exceeded \$50,000
and there were five or
more victims.

9878

560.125 (5) (a)

3rd

Failure to report currency
or payment instruments
exceeding \$300 but less
than \$20,000 by a money
services business.

9879

655.50 (10) (b) 1.

3rd

Money services business by
unauthorized person,
currency or payment
instruments exceeding \$300
but less than \$20,000.

9880

775.21 (10) (a)

3rd

Failure to report
financial transactions
exceeding \$300 but less
than \$20,000 by financial
institution.

9881

775.21 (10) (b)

3rd

Sexual predator; failure
to register; failure to
renew driver license or
identification card; other
registration violations.

Sexual predator working

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9882

775.21(10)(g)

3rd

where children regularly
congregate.

9883

782.051(3)

2nd

Attempted felony murder of
a person by a person other
than the perpetrator or
the perpetrator of an
attempted felony.

9884

782.07(1)

2nd

Killing of a human being
by the act, procurement,
or culpable negligence of
another (manslaughter).

9885

782.071

2nd

Killing of a human being
or unborn child by the
operation of a motor
vehicle in a reckless
manner (vehicular
homicide).

9886

782.072

2nd

Killing of a human being
by the operation of a

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9887			vessel in a reckless manner (vessel homicide).
	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
9888			
	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
9889			
	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
9890			
	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
9891			
	784.048 (7)	3rd	Aggravated stalking; violation of court order.
9892			
	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
9893			
	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
9894			

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9895	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
9896	784.081 (1)	1st	Aggravated battery on specified official or employee.
9897	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
9898	784.083 (1)	1st	Aggravated battery on code inspector.
9899	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
9900	787.06 (3) (e) 2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s.

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9901			790.07(1) or (2).
	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
9902			
	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
9903			
	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
9904			
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
9905			
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
9906			
	790.23	1st,PBL	Possession of a firearm by

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9907			a person who qualifies for the penalty enhancements provided for in s. 874.04.
	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
9908			
	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
9909			
	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
9910			
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
9911			
	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of

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9912			age or older.
	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
9913	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
9914	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
9915	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
9916	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
9917	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
9918			

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9919	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
9920	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
9921	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
9922	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
9923	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
	812.019 (2)	1st	Stolen property; initiates, organizes,

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			plans, etc., the theft of property and traffics in stolen property.
9924	812.131 (2) (a)	2nd	Robbery by sudden snatching.
9925	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
9926	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
9927	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
9928	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
9929	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
9930	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false

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9931	817.418 (2) (a)	3rd	statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
9932	817.504 (1) (a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
9933	817.535 (2) (a)	3rd	Offering or advertising a vaccine with intent to defraud.
9934	817.611 (2) (b)	2nd	Filing false lien or other unauthorized document.
9935	825.102 (3) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents. Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

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9936

825.103 (3) (b) 2nd Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.

9937

827.03 (2) (b) 2nd Neglect of a child causing great bodily harm, disability, or disfigurement.

9938

827.04 (3) 3rd Impregnation of a child under 16 years of age by person 21 years of age or older.

9939

837.05 (2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

9940

838.015 2nd Bribery.

9941

838.016 2nd Unlawful compensation or reward for official behavior.

9942

838.021 (3) (a) 2nd Unlawful harm to a public

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9943			servant.
9944	838.22	2nd	Bid tampering.
9945	843.0855 (2)	3rd	Impersonation of a public officer or employee.
9946	843.0855 (3)	3rd	Unlawful simulation of legal process.
9947	843.0855 (4)	3rd	Intimidation of a public officer or employee.
9948	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
9949	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
9950	872.06	2nd	Abuse of a dead human body.
	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.

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9951

874.10

1st,PBL

Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

9952

893.13(1)(c)1.

1st

Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

9953

893.13(1)(e)1.

1st

Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for

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9954	<u>893.13(3)(a)</u> 893.13(4)(a)	1st	religious services or a specified business site. Use or hire of minor; deliver to minor other controlled substance.
9955	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
9956	<u>893.135</u> <u>(1)(a)1.a.</u> 893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
9957	<u>893.135</u> <u>(1)(b)1.a.</u> 893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
9958	<u>893.135</u> <u>(1)(b)2.a.</u> 893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
9959	<u>893.135</u> <u>(1)(b)2.b.</u> 893.135	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.

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9960	(1)(c)2.b. <u>893.135</u> <u>(1)(b)3.a.</u> 893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
9961	<u>893.135</u> <u>(1)(b)3.b.</u> 893.135 (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
9962	<u>893.135</u> <u>(1)(b)4.b.(I)</u> 893.135 (1)(c)4.b.(I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
9963	<u>893.135</u> <u>(1)(c)1.a.</u> 893.135 (1)(d)1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
9964	<u>893.135(1)(d)1.</u> 893.135(1)(e)1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
9965	<u>893.135(1)(e)1.</u> 893.135(1)(f)1.	1st	Trafficking in amphetamine, 14 grams or

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9966	<p><u>893.135</u> (1) (f) 1.a. 893.135 (1) (g) 1.a.</p>	<p>1st</p>	<p>more, less than 28 grams. Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.</p>
9967	<p><u>893.135</u> (1) (g) 1.a. 893.135 (1) (h) 1.a.</p>	<p>1st</p>	<p>Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.</p>
9968	<p><u>893.135</u> (1) (i) 1.a. 893.135 (1) (j) 1.a.</p>	<p>1st</p>	<p>Trafficking in 1,4- Butanediol, 1 kilogram or more, less than 5 kilograms.</p>
9969	<p><u>893.135</u> (1) (j) 2.a. 893.135 (1) (k) 2.a.</p>	<p>1st</p>	<p>Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.</p>
9970	<p><u>893.135</u> (1) (l) 2.a. 893.135 (1) (m) 2.a.</p>	<p>1st</p>	<p>Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.</p>
9971	<p><u>893.135</u> (1) (l) 2.b.</p>	<p>1st</p>	<p>Trafficking in synthetic cannabinoids, 500 grams or</p>

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9972	893.135 (1)(m)2.b.		more, less than 1,000 grams.
9973	<u>893.135</u> <u>(1)(m)2.a.</u> 893.135 (1)(n)2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
9974	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
9975	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
9976	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
9976	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.

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9977	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
9978	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
9979	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
9980	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
9981	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
9982	944.607 (10) (a)	3rd	Sexual offender; failure

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9983

944.607(12)

3rd

to submit to the taking of
a digitized photograph.

9984

944.607(13)

3rd

Failure to report or
providing false
information about a sexual
offender; harbor or
conceal a sexual offender.

9985

985.4815(10)

3rd

Sexual offender; failure
to report and reregister;
failure to respond to
address verification;
providing false
registration information.

9986

985.4815(12)

3rd

Sexual offender; failure
to submit to the taking of
a digitized photograph.

9987

985.4815(13)

3rd

Failure to report or
providing false
information about a sexual
offender; harbor or
conceal a sexual offender.

Sexual offender; failure
to report and reregister;
failure to respond to

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address verification;
 providing false
 registration information.

9988

9989 (h) LEVEL 8

9990

Florida
 Statute

Felony
 Degree

Description

9991

316.193
 (3) (c) 3.a.

2nd

DUI manslaughter.

9992

316.1935 (4) (b)

1st

Aggravated fleeing or
 attempted eluding with
 serious bodily injury or
 death.

9993

327.35 (3) (c) 3.

2nd

Vessel BUI manslaughter.

9994

499.0051 (6)

1st

Knowing trafficking in
 contraband prescription
 drugs.

9995

499.0051 (7)

1st

Knowing forgery of
 prescription labels or
 prescription drug labels.

9996

560.123 (8) (b) 2.

2nd

Failure to report
 currency or payment

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9997	560.125 (5) (b)	2nd	instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
9998	655.50 (10) (b) 2.	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
9999	777.03 (2) (a)	1st	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
10000	782.04 (4)	2nd	Accessory after the fact, capital felony. Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping,

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10001	782.051 (2)	1st	aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
10002	782.071 (1) (b)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
10003	782.072 (2)	1st	Committing vehicular homicide and failing to render aid or give information.
10004	787.06 (3) (a) 1.	1st	Committing vessel homicide and failing to render aid or give information.
10005	787.06 (3) (b)	1st	Human trafficking for labor and services of a child.
			Human trafficking using coercion for commercial

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10006			sexual activity of an adult.
	787.06(3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
10007			Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
	787.06(3)(e)1.	1st	
10008			Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
	787.06(3)(f)2.	1st	
10009			Discharging a destructive device which results in bodily harm or property damage.
	790.161(3)	1st	
10010			Sexual battery; victim 12
	794.011(5)(a)	1st	

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10011

794.011 (5) (b)

2nd

years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.

10012

794.011 (5) (c)

2nd

Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.

10013

794.011 (5) (d)

1st

Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.

10014

Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.

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10015	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
10016	800.04 (4) (b)	2nd	Lewd or lascivious battery.
10017	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
10018	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
10019	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
10020	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
	810.02 (2) (c)	1st	Burglary of a dwelling or

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10021	812.014 (2) (a) 2.	1st	structure causing structural damage or \$1,000 or more property damage.
10022	812.13 (2) (b)	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
10023	812.135 (2) (c)	1st	Robbery with a weapon.
10024	817.418 (2) (b)	2nd	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
10025	817.504 (1) (b)	2nd	Offering for sale or advertising personal protective equipment with intent to defraud; second or subsequent offense.
10026	817.505 (4) (c)	1st	Offering or advertising a vaccine with intent to defraud; second or subsequent offense.
			Patient brokering; 20 or more patients.

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10027

817.535 (2) (b) 2nd Filing false lien or other unauthorized document; second or subsequent offense.

10028

817.535 (3) (a) 2nd Filing false lien or other unauthorized document; property owner is a public officer or employee.

10029

817.535 (4) (a) 1. 2nd Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.

10030

817.535 (5) (a) 2nd Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.

10031

817.568 (6) 2nd Fraudulent use of personal identification information of an individual under the age

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10032			of 18.
	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
10033			
	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
10034			
	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
10035			
	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
10036			
	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
10037			
	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital

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10038			felony.
	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
10039			
	860.16	1st	Aircraft piracy.
10040			
	893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
10041			
	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
10042			
	<u>893.13(5)(b)</u> 893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
10043			
	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
10044			

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	<u>893.135</u>	1st	Trafficking in cocaine,
	<u>(1) (a) 1.b.</u>		more than 200 grams, less
	893.135		than 400 grams.
	(1) (b) 1.b.		
10045			
	<u>893.135</u>	1st	Trafficking in illegal
	<u>(1) (b) 1.b.</u>		drugs, more than 14
	893.135		grams, less than 28
	(1) (e) 1.b.		grams.
10046			
	<u>893.135</u>	1st	Trafficking in
	<u>(1) (b) 2.c.</u>		hydrocodone, 100 grams or
	893.135		more, less than 300
	(1) (e) 2.e.		grams.
10047			
	<u>893.135</u>	1st	Trafficking in oxycodone,
	<u>(1) (b) 3.c.</u>		25 grams or more, less
	893.135		than 100 grams.
	(1) (e) 3.e.		
10048			
	<u>893.135</u>	1st	Trafficking in fentanyl,
	<u>(1) (b) 4.b. (II)</u>		14 grams or more, less
	893.135		than 28 grams.
	(1) (e) 4.b. (II)		
10049			
	<u>893.135</u>	1st	Trafficking in
	<u>(1) (c) 1.b.</u>		phencyclidine, 200 grams
	893.135		or more, less than 400
	(1) (d) 1.b.		grams.

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10050

893.135
(1) (d) 1.b.

1st

Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.

~~893.135~~
~~(1) (e) 1.b.~~

10051

893.135
(1) (e) 1.b.

1st

Trafficking in amphetamine, 28 grams or more, less than 200 grams.

~~893.135~~
~~(1) (f) 1.b.~~

10052

893.135
(1) (f) 1.b.

1st

Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.

~~893.135~~
~~(1) (g) 1.b.~~

10053

893.135
(1) (g) 1.b.

1st

Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.

~~893.135~~
~~(1) (h) 1.b.~~

10054

893.135
(1) (i) 1.b.

1st

Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.

~~893.135~~
~~(1) (j) 1.b.~~

10055

893.135
(1) (j) 2.b.

1st

Trafficking in Phenethylamines, 200

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10056	893.135 (1)(k)2.b.		grams or more, less than 400 grams.
10057	<u>893.135</u> <u>(1)(1)2.c.</u> 893.135 (1)(m)2.e.	1st	Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.
10058	<u>893.135</u> <u>(1)(m)2.b.</u> 893.135 (1)(n)2.b.	1st	Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.
10059	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
10060	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
10060	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

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10061

895.03 (3) 1st Conduct or participate in any enterprise through pattern of racketeering activity.

10062

896.101 (5) (b) 2nd Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

10063

896.104 (4) (a) 2. 2nd Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

10064

10065 (i) LEVEL 9

10066

Florida Statute Felony Degree Description

10067

316.193 (3) (c) 3.b. 1st DUI manslaughter; failing to render aid or give information.

10068

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10069	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
10070	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
10071	499.0051 (8)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
10072	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
10073	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding

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10074
10075
10076
10077
10078
10079

775.0844

1st

\$100,000 by financial institution.

Aggravated white collar crime.

782.04 (1)

1st

Attempt, conspire, or solicit to commit premeditated murder.

782.04 (3)

1st, PBL

Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.

782.051 (1)

1st

Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3).

782.07 (2)

1st

Aggravated manslaughter of an elderly person or disabled adult.

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10080

787.01 (1) (a) 1. 1st, PBL Kidnapping; hold for ransom or reward or as a shield or hostage.

10081

787.01 (1) (a) 2. 1st, PBL Kidnapping with intent to commit or facilitate commission of any felony.

10082

787.01 (1) (a) 4. 1st, PBL Kidnapping with intent to interfere with performance of any governmental or political function.

10083

787.02 (3) (a) 1st, PBL False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

10084

787.06 (3) (c) 1. 1st Human trafficking for labor and services of an unauthorized alien child.

787.06 (3) (d) 1st Human trafficking using coercion for commercial

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10085
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10090

787.06(3)(f)1.

1st,PBL

sexual activity of an
unauthorized adult alien.

Human trafficking for
commercial sexual
activity by the transfer
or transport of any child
from outside Florida to
within the state.

790.161

1st

Attempted capital
destructive device
offense.

790.166(2)

1st,PBL

Possessing, selling,
using, or attempting to
use a weapon of mass
destruction.

794.011(2)

1st

Attempted sexual battery;
victim less than 12 years
of age.

794.011(2)

Life

Sexual battery; offender
younger than 18 years and
commits sexual battery on
a person less than 12
years.

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10091	794.011(4)(a)	1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.
10092	794.011(4)(b)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
10093	794.011(4)(c)	1st	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.
10094	794.011(4)(d)	1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
10094	794.011(8)(b)	1st,PBL	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.

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10095

794.08 (2) 1st Female genital mutilation; victim younger than 18 years of age.

10096

800.04 (5) (b) Life Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.

10097

812.13 (2) (a) 1st, PBL Robbery with firearm or other deadly weapon.

10098

812.133 (2) (a) 1st, PBL Carjacking; firearm or other deadly weapon.

10099

812.135 (2) (b) 1st Home-invasion robbery with weapon.

10100

817.535 (3) (b) 1st Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.

10101

817.535 (4) (a) 2. 1st Filing false claim or

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10102	817.535 (5) (b)	1st	other unauthorized document; defendant is incarcerated or under supervision.
10103	817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
10104	827.03 (2) (a)	1st	Aggravated child abuse.
10105	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
10106			

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10107	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
10108	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
10109	893.135	1st	Attempted capital trafficking offense.
10110	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
10111	<u>893.135</u> <u>(1)(a)1.c.</u> 893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
10112	<u>893.135</u> <u>(1)(b)1.c.</u> 893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
	<u>893.135</u>	1st	Trafficking in

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10113 (1) (b) 2.d. hydrocodone, 300 grams or
~~893.135~~ more, less than 30
~~(1) (c) 2.d.~~ kilograms.

10114 893.135 1st Trafficking in oxycodone,
(1) (b) 3.d. 100 grams or more, less
~~893.135~~ than 30 kilograms.
~~(1) (c) 3.d.~~

10115 893.135 1st Trafficking in fentanyl,
(1) (b) 4.b. (III) 28 grams or more.
~~893.135~~
~~(1) (c) 4.b. (III)~~

10116 893.135 1st Trafficking in
(1) (c) 1.c. phencyclidine, 400 grams
~~893.135~~ or more.
~~(1) (d) 1.e.~~

10117 893.135 1st Trafficking in
(1) (d) 1.c. methaqualone, 25
~~893.135~~ kilograms or more.
~~(1) (e) 1.e.~~

10118 893.135 1st Trafficking in
(1) (e) 1.c. amphetamine, 200 grams or
~~893.135~~ more.
~~(1) (f) 1.e.~~

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	<u>893.135</u>	1st	Trafficking in gamma-
	<u>(1) (g) 1.c.</u>		hydroxybutyric acid
	893.135		(GHB), 10 kilograms or
10119	(1) (h) 1.c.		more.
	<u>893.135</u>	1st	Trafficking in 1,4-
	<u>(1) (i) 1.c.</u>		Butanediol, 10 kilograms
	893.135		or more.
10120	(1) (j) 1.c.		
	<u>893.135</u>	1st	Trafficking in
	<u>(1) (j) 2.c.</u>		Phenethylamines, 400
	893.135		grams or more.
10121	(1) (k) 2.c.		
	<u>893.135</u>	1st	Trafficking in synthetic
	<u>(1) (l) 2.d.</u>		cannabinoids, 30
	893.135		kilograms or more.
10122	(1) (m) 2.d.		
	<u>893.135</u>	1st	Trafficking in n-benzyl
	<u>(1) (m) 2.c.</u>		phenethylamines, 200
	893.135		grams or more.
10123	(1) (n) 2.c.		
	896.101 (5) (c)	1st	Money laundering,
			financial instruments
			totaling or exceeding
			\$100,000.

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10124

896.104 (4) (a) 3. 1st Structuring transactions
to evade reporting or
registration
requirements, financial
transactions totaling or
exceeding \$100,000.

10125

10126 Section 68. Paragraph (c) of subsection (6) of section
10127 932.7055, Florida Statutes, is amended to read:

10128 932.7055 Disposition of liens and forfeited property.—

10129 (6) If the seizing agency is a state agency, all remaining
10130 proceeds shall be deposited into the General Revenue Fund.

10131 However, if the seizing agency is:

10132 (c) The Division of Alcoholic Beverages, Marijuana, and
10133 Tobacco, the proceeds accrued pursuant to the Florida Contraband
10134 Forfeiture Act shall be deposited into the Alcoholic Beverage,
10135 Marijuana, and Tobacco Trust Fund or into the department's
10136 Federal Law Enforcement Trust Fund as provided in s. 561.027, as
10137 applicable.

10138 Section 69. Subsection (1) of section 948.20, Florida
10139 Statutes, is amended to read:

10140 948.20 Drug offender probation.—

10141 (1) If it appears to the court upon a hearing that the
10142 defendant is a chronic substance abuser whose criminal conduct
10143 is a violation of s. 893.13(2) (a) or (5) (a) ~~(6) (a)~~, or other
10144 nonviolent felony if such nonviolent felony is committed on or
10145 after July 1, 2009, and notwithstanding s. 921.0024 the
10146 defendant's Criminal Punishment Code scoresheet total sentence

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10147 points are 60 points or fewer, the court may either adjudge the
10148 defendant guilty or stay and withhold the adjudication of guilt.
10149 In either case, the court may also stay and withhold the
10150 imposition of sentence and place the defendant on drug offender
10151 probation or into a postadjudicatory treatment-based drug court
10152 program if the defendant otherwise qualifies. As used in this
10153 section, the term "nonviolent felony" means a third degree
10154 felony violation under chapter 810 or any other felony offense
10155 that is not a forcible felony as defined in s. 776.08.

10156 Section 70. Paragraph (d) of subsection (2) of section
10157 1002.395, Florida Statutes, is amended to read:

10158 1002.395 Florida Tax Credit Scholarship Program.—

10159 (2) DEFINITIONS.—As used in this section, the term:

10160 (d) "Division" means the Division of Alcoholic Beverages,
10161 Marijuana, and Tobacco of the Department of Business and
10162 Professional Regulation.

10163 Section 71. Paragraph (d) of subsection (1) of section
10164 1003.485, Florida Statutes, is amended to read:

10165 1003.485 The New Worlds Reading Initiative.—

10166 (1) DEFINITIONS.—As used in this section, the term:

10167 (d) "Division" means the Division of Alcoholic Beverages,
10168 Marijuana, and Tobacco of the Department of Business and
10169 Professional Regulation.

10170 Section 72. This act shall take effect July 1, 2022.