

CONSTITUTIONAL AMENDMENT PETITION FORM

Note:

- All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections.
- Under Florida law, it is a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.08, Florida Statutes, to knowingly sign more than one petition for an issue. [Section 104.185, Florida Statutes]
- If all requested information on this form is not completed, the form will not be valid.

Your name: _____
Please Print Name as it appears on your Voter Information Card

Your address: _____

City _____ **Zip** _____ **County** _____

Please change my legal residence address on my voter registration record to the above residence address (check box, if applicable).

Voter Registration Number _____ **or** **Date of Birth** _____

I am a registered voter of Florida and hereby petition the Secretary of State to place the following proposed amendment to the Florida Constitution on the ballot in the general election:

BALLOT TITLE: Marijuana use for recreational purposes in the State of Florida

BALLOT SUMMARY: Allows the recreational use of marijuana for all individuals 18 and older. The Division of Alcoholic Beverages and Tobacco shall regulate the licensing and sale of all marijuana for recreational use. Allows for the licensing of unlimited growers, wholesalers, marijuana product manufacturers and retailers. Allows for the growing, sale and distribution of marijuana and related products. Applies to only Florida law. Does not authorize violations of Federal law for the possession or production of marijuana.

ARTICLE AND SECTION BEING CREATED OR AMENDED: Article X, Section 30

FULL TEXT OF THE PROPOSED CONSTITUTIONAL AMENDMENT:

1 "Marijuana" has the meaning given cannabis in Section 893.02(3), Florida Statutes (2014).

2 It will not be criminal act, (misdemeanor or felony) to grow, wholesale, transport, ship within Florida, possess, and retail any Marijuana or Marijuana product by a licensed State of Florida, Grower, Wholesaler, Marijuana Product Manufacturer or Retailer.

3 It will not be a criminal act, (misdemeanor or felony) to possess Marijuana legally purchased in the State of Florida from a licensed Marijuana retailer, providing the purchaser has a valid receipt on their person and possesses the legal amount. All present laws relating to illegal Marijuana are in full effect that are not covered by this amendment. Under this amendment there will be a civil penalty of \$200 for any portion of each ounce over the legal limit, plus administrative and /or court costs, which will be set by the State of Florida. It is illegal under the laws of State of Florida's, to grow, wholesale, transport, ship, possess, and retail any Marijuana or Marijuana product, and conspire to grow, wholesale, transport, ship, possess, retail any Marijuana or Marijuana product by an unlicensed State of Florida, Grower, Wholesaler, Marijuana Product Manufacturer or Retailer.

4 The State of Florida and any Florida county or any municipality may not set a limit on the number of Marijuana licenses for State of Florida Grower's, Wholesaler's, Marijuana Product Manufacturer's or Retailer's licenses that are issued. The State of Florida's initial license fee and annual renewal fee for a Marijuana Grower's, Wholesaler's, Marijuana Products Manufacturer's and Retailer's license fee is \$1000.00. The State of Florida's Counties and Municipalities may only charge an initial Marijuana annual license fee and annual renewal fee of \$1000.00 for a Marijuana Grower's, Wholesaler's, Marijuana Product Manufacturer's or Retailer's license, plus their regular occupational license fees for a Marijuana Growers, Wholesalers, Marijuana Product Manufacturers and Retailers, as they would any other regular business. Counties and municipalities may charge a onetime fee of \$5.00 for each new plant being grown.

4 continued from previous page; An unlimited amount of Florida State licensed Growers may share the same facility (all facilities must be secure and must have a working alarm system), and keep separate records for each licensee. Only individuals that are U.S. citizens with Florida residency, 18 or older under this amendment may hold Marijuana commercial licenses and qualify only State of Florida registered businesses per license, foreign corporations are not allowed to obtain a Marijuana license. Ex-felons with violence, weapons, terrorism and sex crime convictions in their record may not obtain any commercial Marijuana license until ten years after completing their sentence, and have no felony convictions in this ten year waiting period. Licenses are not transferable to others. There is no restriction on Florida residents of legal age to have as many licenses as they want and of different types of Marijuana licenses. State of Florida Marijuana licenses are voided with no refunds permitted if a county and/or municipal Occupational license is not applied for within 60 days of the State of Florida license being issued. Marijuana licenses must be used in an ongoing, Marijuana business or they are revoked.

5 A Florida State licensed Grower's onetime growing fee per flowering Marijuana plant is, \$50.00. A State of Florida licensed Grower's onetime growing fee for each Marijuana plant that is not flowering is \$10.00. When a Marijuana plant flowers the additional \$50.00 fee is due within 48 hours and sent electronically to the State of Florida. A State of Florida licensed Grower may be growing up to 1200 un-flowering and flowering Marijuana plants at any given time. At initial licensing, fees for initial Marijuana plants must be paid for. All flowering Marijuana plants and un-flowering Marijuana plants must have a bar code issued by the State of Florida and it must be attached at the base of each Marijuana plant so it faces one way to be scanned, the bar code will show the Grower, the Grower's address and contact info, when the fee was paid, and the date when the Marijuana plant sprouted or flowered. All the State of Florida fees must be paid electronically to the state, within 48 hours after a Marijuana plant sprouts or flowers.

6 State of Florida licensed Growers may sell Marijuana plants that are un-flowering or flowering only to other State of Florida licensed Growers. A buying State of Florida licensed Grower will pay a buyer's fee of \$10 for every un-flowering Marijuana plant. The buyer's fee for a flowering Marijuana plant is \$25.00. State of Florida licensed selling Grower will enter the buying State of Florida licensed Grower's name and license number prior to the sale into the State of Florida data base, this info will go into both the State of Florida licensed Grower's account simultaneously. The State of Florida licensed Growers may sell Marijuana plants that are not flowering or flowering, only to other State of Florida licensed Growers. A buying State of Florida licensed Grower will pay a buyer's fee of \$10 for every un-flowering Marijuana plant. The selling State of Florida licensed Grower, must collect the State of Florida licensed Growers buyer's fees and send them within 48 hours of the sale electronically to the State of Florida. The bar code stays with the plant until the plant is destroyed and the remaining scrap of the Marijuana plant is inspected by the State of Florida. Upon fee payment, the State will immediately send the Grower their bar code labels.

7 State of Florida licensed Wholesalers can only sell Marijuana by the pound to State of Florida licensed Marijuana Wholesalers, Marijuana Product Manufacturers and Retailers. The State of Florida licensed Wholesalers will collect the buyer's fee from the State of Florida licensed Wholesalers, Marijuana Product Manufacturers and Retailers. The buyer's fee is \$100 for each pound of Marijuana bought from the State of Florida licensed Wholesalers, except Wholesalers will only pay a buyer's fee of \$25 per pound. The State of Florida licensed Wholesalers will electronically send to the State the fees within 48 hours of the sale, and the info will be simultaneously entered to both accounts.

8 The State of Florida upon passage of the legalization of Recreational Marijuana, Title 10, section 30, will, within three months, have in place an operating Marijuana web site with a data base program to meet the fee collection for licensing and the sales fees of the Growers, Wholesalers, Marijuana Product Manufacturers, and Retailers. The Marijuana website will tract all Marijuana Growers, Wholesalers, Marijuana Product Manufacturers and Retailers. The program will contain the type of license, license holders name, address, phone number, social security number, email address, the Marijuana business's name (if any), dates of every transaction, the amount of plants growing, sold to which license holder, or by a Retailer, fees collected and forwarded to the State, for all Marijuana license categories. County sales taxes on each retail sale of Marijuana and Marijuana Products are handled by existing sales tax departments. All licensing fees and sales of Marijuana and Marijuana Products can only be paid online, electronically on the State of Florida's Marijuana web site under this amendment. The cost of the Marijuana web site and program to process the licensing and fee collections shall be funded by the Marijuana licensing and sales fees. On every Marijuana Product Manufactured, the fee for each sale to a Retailer is ten percent of each sale, and the fee is collected by the Marijuana Product Manufacturer and electronically sent to the State within 48 hours after the sale. All individuals must be licensed and the web site will accommodate their licensing as well, as stated below. The Retailer will charge a ten percent fee on every retail sale and will be electronically sent to the State no later than 48 hours after the sale on all Marijuana and Marijuana Manufactured Products.

9 All employees or anyone working in any way, whether directly or indirectly at any Marijuana business of a State of Florida licensed Marijuana concern will submit a license application online and pay a \$50 annual fee, renewable annually, to be licensed, to work at or own any part of any Marijuana business. They will have to submit proof that they are a U.S. citizen or they have a work permit to be in the United States legally, and have a valid social security card. A criminal background check will be conducted, anyone with a felony conviction with violence, weapons, terrorism and sex crime convictions in their record may not be employed or own any interest in a Marijuana business until three years after completing their sentence, and have no felony convictions in this three year waiting period. Licenses are not transferable to others. No drug testing is required. All commercial licenses will be in an Individual's name, who will qualify any Marijuana business. The application will have the license owner's name, mailing address, contact phone number, etc, and if it is a named business, it will state the registered agent's contact info. A Marijuana Commercial Licensee may transfer the license to any location in the State of Florida. Local occupational fees will apply.

10 No one under eighteen years of age may work for any licensed grower, wholesaler, Marijuana product manufacturer or retailer. No one under eighteen may purchase or possess Marijuana.

Continued from previous page;

11 No licensed Marijuana business shall operate within 500 feet of a school or a house of worship. Five percent of all gross fees collected from Marijuana licensing and sales fees shall be used to educate minors under 18 years of age and adults in Florida about substance abuse. No special zoning restrictions will be designed by the State of Florida or any municipality restricting where Marijuana can be grown, wholesaled from, or products manufactured at or the location of any retail establishment. These Marijuana operations will receive the same zoning treatment as any other similar type of established business, such as alcohol. All Marijuana growers, wholesalers and Marijuana product manufacturers may work around the clock. All Florida licensed Marijuana Retailers may stay open 24 hours a day, every day of the year.

12 There shall be no special zoning restrictions designed by the State of Florida, any county or municipality restricting where Marijuana can be grown, wholesaled from, products manufactured at or retailed from. These Marijuana operations will receive the same zoning treatment as any other similar type of established business, such as alcohol. All Florida licensed Marijuana Retailers may stay open 24 hours a day, every day of the year.

13 Adult Florida residents 18 years of age or older, with valid photo government I.D. may purchase up to two ounces of Marijuana at one time and possess up to two ounces of Marijuana at one time, when not in their legal Florida residence. In their legal Florida residence they can have any amount of Marijuana providing they have the receipts for their purchases from a licensed Florida Marijuana retailer. Adults 18 years of age or older visiting Florida from another State or country, with a valid photo government I.D. may purchase up to one ounce Marijuana at any time and have in their possession no more than one ounce of marijuana. No minor may accompany any adult into a retail Marijuana establishment. No owners, employees or any visitor is permitted to bring a minor into any commercial Marijuana operation for any reason.

14 Industrial Hemp is exempt from any Marijuana licensing requirements and can be grown by anyone in the State of Florida. Outdoor licensed Marijuana growers must be 10 miles away from any Industrial Hemp operations, if the Industrial Hemp grower was in business prior to the licensed Marijuana grower applying for a license.

15 If any Marijuana fees are delinquent by any commercial Marijuana licensee, their license is immediately suspended, until payment is made, all operations must immediately cease, the fine is twice the amount of the delinquency. All assets are liened by the State of Florida, until fees and penalties are paid. If fees and penalties are delinquent more than 10 days, assets will be sized and auctioned to other Marijuana licensees. Outstanding balances are the personal responsibility of the licensee.

16 An adult Caregiver may possess and administer Marijuana and/or a Marijuana product that was purchased from a State of Florida licensed Marijuana retail licensee, for a minor under the age of 18 years of age in the State of Florida, providing a written treatment directive was issued by any current Florida Licensed Medical Professional, Licensed by the Department of Professional Regulation in the State of Florida. Once issued, this directive is not under a time restraint. This exempts all adult Caregivers from any criminal prosecution, criminal or civil penalties.

17 Every county and every municipality shall receive from The State of Florida within 30 days of the State of Florida receiving their fees from any State of Florida licensed Marijuana grower, wholesaler, Marijuana product manufacturer or retail store, a portion of the fees that were collected in their county and municipality respectively, excluding licensing fees. Of the ninety five percent that the State of Florida will retain after subtracting for the Statewide substance abuse educational program, each county will receive fifteen percent of the total collected, each municipality will receive twenty five percent of the total collected, and the remaining fifty five percent will be retained by the State of Florida for industry oversight, and for any other uses the State of Florida can have.

18 This Constitutional Amendment is an act of the majority of the registered voters in the State of Florida, counties and local municipalities may not deny an occupational license to any State of Florida Marijuana licensee.

19 Marijuana use is permitted in any residential dwelling by the residents and all invited guests, providing they are 18 years of age or older. Marijuana use is permitted in any commercial establishment with the permission of the proprietor, and as long as it does not violate any no smoking ordinance. Retail Marijuana establishments may allow Marijuana to be consumed on premises, and are allowed to operate private and public Marijuana Clubs. Restaurants, Cafes, beer & Wine licensee's, Bars and night clubs are permitted to allowed Marijuana use if they so desire, in their establishments. All the above places may allow outdoor Marijuana use as well on their property.

20 LEGISLATION. This section shall forbid the legislature from enacting any laws inconsistent with this section

21 SEVERABILITY. The provisions of this section are severable and if any clause, sentence, paragraph or section of this measure, or an application thereof, is adjudged invalid by a court of competent jurisdiction other provisions shall continue to be in effect to the fullest extent possible.

DATE OF SIGNATURE

X _____
SIGNATURE OF REGISTERED VOTER

Initiative petition sponsored by; Right Now is the Time to Legalize Recreational Marijuana Committee, 1602 Alton Road, Suite 457, Miami Beach, FL, 33139. The petition must be signed and mailed to the committee at the above address.

If paid petition circulator is used:

Circulator's name _____

Circulator's address _____

For Official Use Only:
Serial Number: <u>15-16</u>
Date Approved: <u>7/10/15</u>