

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 Registration 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: Legalize and Regulate Cannabis Initiative

BALLOT SUMMARY: Control the production and distribution of cannabis under a system that licenses, regulates, and taxes the businesses involved in a manner similar to alcohol and to make cannabis legal for adults 21 years of age or older. Its intent is to remove the production and distribution of cannabis from the illicit market and to prevent the sale of cannabis to persons under 21 years of age by providing for a regulated and taxed distribution system.

ARTICLE AND SECTION BEING CREATED OR AMENDED: Article X, Section 29

FULL TEXT OF THE PROPOSED CONSTITUTIONAL AMENDMENT:

Be it enacted by the People of the State of Florida, and by their authority, as follows:

SECTION 1. The purpose of this Amendment is to control the production and distribution of cannabis under a system that licenses, regulates and taxes the businesses involved in a manner similar to alcohol and to make cannabis legal for adults 21 years of age or older. Its intent is to remove the production and distribution of cannabis from the illicit market and to prevent the sale

of cannabis to persons under 21 years of age by providing for a regulated and taxed distribution system. To the fullest extent possible, its terms are to be interpreted in accordance with the purpose and intent set forth in this section.

SECTION 2. This act may be known as the “Legalize and Regulate Cannabis Initiative.”

SECTION 3. This initiative will amend Article X, Section 29 of the Florida Constitution.

(a) The Commissioner of Agriculture and Consumer services shall create a new office known as the cannabis control commission to have general supervision and regulatory authority over the conduct of the business of cannabis based establishments. The commission shall consist of 1 chair commissioner and 4 associate commissioners who shall be appointed by the Commissioner of Agriculture and Consumer Services. Not more than 3 members of the commission shall be of the same political party. The Commissioner of Agriculture and Consumer Services will serve as the lead Commission chair. While the Co-Commissioners will serve 2 year terms with a four term limit. Any vacancy occurring for any reason other than the expiration of a term shall be filled for the unexpired term in the same manner as the original appointment.

(b) The Commissioner of Agriculture and Consumer Services shall appoint Co-Commissioners based on their experience or expertise in public health, law enforcement, social justice, the regulation and business of consumer commodities and the production and distribution of cannabis and cannabis products.

(c) The Commissioner of Agriculture and Consumer Services shall serve as chair and shall preside over all official activities of the commission.

(d) The Commissioner of Agriculture and Consumer Services may remove any member for neglect of duty, misconduct or malfeasance in office, after providing the member with a written statement of the charges and an opportunity to be heard.

(e) Three members shall constitute a quorum for conducting the business of the commission. A vacancy shall not impair the right of the remaining members to exercise the powers of the commission.

(f) The commission may expend for such investigators and clerical and other assistants as may be necessary for the performance of its duties. The Commissioner may appoint a chief investigator and other investigators to enforce or cause to be enforced the penalties provided by law against a cannabis establishment that violates the regulations set forth by the Commission or this amendment.

(g) All records of the commission shall be considered public records within the meaning of Chapter 119 of the Florida Statute.

Section 4. Cannabis Advisory Board.

(a) There shall be a cannabis advisory board to study and make recommendations on the regulation of cannabis and cannabis products. The board shall consist of 15 members appointed by the Commissioner and shall consist of: 1 expert in cannabis cultivation, 2 representative from the farm bureau, 1 expert in cannabis testing, 1 board member or officer of a medical marijuana treatment center, 1 registered medical marijuana patient, 1 individual who represents cannabis retail consumers, 2 experts in public health, 2 experts in law enforcement, 2 experts in social welfare or social justice, and 2 attorneys with experience providing legal services to cannabis businesses, cannabis consumers or medical marijuana patients in the state of Florida. Members of the board shall serve terms of 2 years. Members of the board shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their official duties. The board shall meet at the discretion of the commission. A majority of the members of the board present and voting shall constitute a quorum.

(b) The cannabis advisory board shall:

(1) advise the commission on cannabis/hemp cultivation, processing, manufacture, transport, distribution, testing and sale;

(2) consider all matters submitted to it by the commission;

(3) on its own initiative, recommend to the commission guidelines, rules and regulations and any changes to guidelines, rules and regulations that the board considers important or necessary; and

(4) advise on the preparation of regulations.

(c) All records of the cannabis advisory board shall be public records under chapter 119 of the Florida Statute.

SECTION 5. The Florida Constitution is hereby amended by inserting after chapter 569 in Title XXXIV the following chapter:

CHAPTER 569B.

CANNABIS TAX.

Section 1. Definitions. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

(a) “Commissioner”, the Commissioner of Agriculture and Consumer Services.

(b) “Cannabis” means all parts of the plant of the genus Cannabis, as defined in s. 893.02(3), Florida Statutes (2016). This section shall also be deemed to permit the cultivation of the plant of the genus Cannabis as a raw material for use of its fiber or pectin, or its structural polymers (the polysaccharides cellulose and hemicelluloses and the aromatic polymer lignin) for any industrial purpose, including the preparation of functionalized textiles, or for any purpose other than human consumption.

(c) “Cannabis cultivation facility” means an entity licensed to cultivate, prepare, and package cannabis and sell cannabis to retail cannabis stores, to cannabis product manufacturing facilities, and to other cannabis cultivation facilities, but not to consumers.

(d) “Cannabis establishment” means a cannabis cultivation facility, cannabis testing facility, a cannabis product manufacturing facility, or a retail cannabis store.

(e) “Cannabis plant” means a plant, including, but not limited to, a seedling or cutting. To determine if a piece or part of a cannabis plant severed from the cannabis plant is itself a cannabis plant, the severed piece or part must have some readily observable evidence of root formation, such as root hairs. Callous tissue is not readily observable evidence of root formation. The viability and sex of a plant and the fact that the plant may or may not be a dead harvested plant are not relevant in determining if the plant is a cannabis plant.

(f) “Cannabis product manufacturing facility” means an entity licensed to purchase; manufacture, prepare, package; and sell cannabis and cannabis products to other cannabis product manufacturing facilities and to retail cannabis stores, but not to consumers.

(g) “Cannabis products” means concentrated cannabis products and cannabis products that are comprised of cannabis and other ingredients intended for human consumption or human topical application, including but not limited to, edible products, infused products, ointments, and tinctures.

(h) “Cannabis testing facility” means an entity licensed to analyze and certify the safety and potency of cannabis.

Section 2. State excise imposition; rate; payment. An excise tax is hereby imposed upon the sale of cannabis or cannabis products by the farmer to the licensed cannabis dispensary and the

dispensary to anyone other than a cannabis establishment at a rate of 3.75 percent of the total sales price received by the cannabis retailer as a consideration for the sale of cannabis or cannabis products. The excise tax shall be levied in addition to state tax imposed upon the sale of property or services as provided in chapter 212 of the Florida Statute and shall be paid by a cannabis retailer to the commissioner at the time provided for filing the return required by chapter 193 of the Florida Statute.

Section 3. Exemptions. This chapter shall not apply to the sale of marijuana or marijuana products by a medical marijuana treatment center or a registered personal caregiver to a qualifying patient or personal caregiver pursuant to chapter 499 of the Florida Statute, nor to any unlawful sale subject to taxation pursuant to chapter 212 of the Florida Statute.

Section 4. Application of tax revenue. The commissioner shall deposit revenue collected pursuant to this chapter, other than revenue collected pursuant to chapter 212 of the Florida Statute, in the Cannabis Regulation Fund established by chapter 569B of the Florida Constitution and it shall be subject to appropriation.

SECTION 5. REGULATION OF THE USE AND DISTRIBUTION OF CANNABIS.

NOT MEDICALLY PRESCRIBED

Article 1. Definitions

As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

- (a) “Consumer”, a person who is at least 21 years of age.
- (b) “Controlling person”, an officer, board member or other individual who has a financial or voting interest of 10 per cent or greater in a cannabis establishment.
- (c) “Commission”, the cannabis control commission established by Article X of Section 29 of the Florida Constitution.
- (d) “Experienced cannabis establishment operator”, (i) a medical marijuana treatment center as defined in the Florida Statute with a registration in good standing.
- (e) “Hemp”, the plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 per cent on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of marijuana product, or the combined per cent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic

acid in any part of the plant of the genus Cannabis regardless of moisture content.

(f) “Manufacture”, to compound, blend, extract, infuse or otherwise make or prepare a cannabis product.

(g) “Marijuana” or “Marihuana”, all parts of any plant of the genus Cannabis, is used interchangeably with the word “Cannabis;” not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in 893.02(3) of the Florida Statute; provided that “Marijuana” shall not include:

(1) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;

(2) Hemp; or

(h) “Cannabis accessories”, equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing cannabis into the human body.

(i) “Cannabis cultivator”, an entity licensed to cultivate, process and package cannabis, to deliver cannabis to cannabis establishments and to transfer cannabis to other cannabis establishments, but not to consumers.

(j) “Cannabis establishment”, a cannabis cultivator, cannabis testing facility, cannabis product manufacturer, cannabis retailer or any other type of licensed cannabis-related business.

(k) “Cannabis product manufacturer”, an entity licensed to obtain, manufacture, process and package cannabis and cannabis products, to deliver cannabis and cannabis products to cannabis establishments and to transfer cannabis and cannabis products to other cannabis establishments, but not to consumers.

(l) “Cannabis products”, products that have been manufactured and contain cannabis or an extract from cannabis, including concentrated forms of cannabis and products composed of cannabis and other ingredients that are intended for use or consumption, including edible

products, beverages, topical products, ointments, oils and tinctures.

(m) “Cannabis testing facility”, an entity licensed to test cannabis and cannabis products, including certification for potency and the presence of contaminants.

(n) “Cannabis retailer”, an entity licensed to purchase and deliver cannabis and cannabis products from cannabis establishments and to deliver, sell or otherwise transfer cannabis and cannabis products to cannabis establishments and to consumers.

(o) “Process” or “processing”, to harvest, dry, cure, trim and separate parts of the cannabis plant by manual or mechanical means, except it shall not include manufacture as defined in subsection (f) of this section.

(p) “Unreasonably impracticable”, that the measures necessary to comply with the regulations, ordinances or by-laws adopted pursuant to this chapter subject licensees to unreasonable risk or require such a high investment of risk, money, time or any other resource or asset that a reasonably prudent businessperson would not operate a cannabis establishment.

Article 2. Limitations.

(a) Operating under the influence. This chapter does not amend existing penalties for operating, navigating or being in actual physical control of any motor vehicle, train, aircraft, motorboat or other motorized form of transport or machinery while impaired by cannabis or a cannabis product; or for consuming cannabis while operating, navigating or being in actual physical control of any motor vehicle, train, aircraft, motorboat or other motorized form of transport or machinery.

(b) Transfer to or possession by a person under 21 years of age. This chapter shall not be construed to permit the knowing transfer of cannabis, cannabis products or cannabis accessories, with or without remuneration, to a person under 21 years of age or to allow a person under 21 years of age to possess, use, purchase, obtain, cultivate, process, manufacture, deliver or sell or otherwise transfer cannabis or cannabis accessories.

(c) Manufacture of products. Unless done pursuant to a cannabis product manufacturer license issued by the commission, this chapter does not authorize a person to manufacture cannabis or hemp by means of any liquid or gas, other than alcohol, that has a flashpoint below 100 degrees Fahrenheit.

(d) Property. This chapter shall not be construed to:

(i) prevent a person from prohibiting or otherwise regulating the consumption, display,

production, processing, manufacture or sale of cannabis and cannabis accessories on or in property the person owns, occupies or manages, except that a lease agreement shall not prohibit a tenant from consuming cannabis by means other than smoking on or in property in which the tenant resides unless failing to do so would cause the landlord to violate a federal law or regulation;

(ii) prevent the State of Florida, a subdivision thereof or local government agency from prohibiting or otherwise regulating the possession or consumption of cannabis or cannabis accessories within a building owned, leased or occupied by the State of Florida, a political subdivision of the State or an agency of the State or a political subdivision of the State; or

(iii) authorize the possession or consumption of cannabis or cannabis accessories on the grounds of or within a public or private school where children attend classes in preschool programs, kindergarten programs or grades 1 to 12, inclusive, or on the grounds of or within any correctional facility.

(e) Employment. This chapter shall not require an employer to permit or accommodate conduct otherwise allowed by this chapter in the workplace and shall not affect the authority of employers to enact and enforce workplace policies restricting the consumption of cannabis by employees.

(f) Negligent conduct. This chapter shall not amend existing penalties for conduct involving the performance of any task while impaired by cannabis that would constitute negligence or professional malpractice and shall not prevent the imposition of any civil, criminal or other penalty for such conduct.

(g) Relation to medical use of cannabis. This chapter shall not be construed to affect the provisions of 381.986 relating to the medical use of cannabis as enacted by the people in the state election in 2016.

Article 3. Local control.

(a) A city or town may adopt ordinances and by-laws that impose reasonable safeguards on the operation of cannabis establishments, provided they are not unreasonably impracticable and do not conflict with this section or with regulations made pursuant to this chapter and that:

(1) govern the time, place and manner of cannabis establishment operations and of any business dealing in cannabis accessories, except that zoning ordinances or by-laws shall not prohibit placing a cannabis establishment which cultivates, manufactures or sells cannabis or cannabis products in any area in which a medical marijuana treatment center is registered to engage in

the same type of activity;

(2) limit the number of cannabis establishments in the city or town, except that a city or town may only adopt an ordinance or by-law by a vote of the voters of that city or town if the ordinance or by-law:

(i) prohibits the operation of 1 or more types of cannabis establishments within the city or town;

(ii) limits the number of any type of cannabis establishment to fewer than the number of medical marijuana treatment centers registered to engage in the same type of activity in the city or town.

(3) restrict the licensed cultivation, processing and manufacturing of cannabis that is a public nuisance;

(4) establish reasonable restrictions on public signs related to cannabis establishments; and

(5) establish a civil penalty for violation of an ordinance or by-law enacted pursuant to this subsection, similar to a penalty imposed for violation of an ordinance or by-law relating to alcoholic beverages.

(b) The board of commissioners of a city and the board of selectmen of a town shall, upon the filing with the city or town clerk of a petition (i) signed by not fewer than 10 percent of the number of voters of such city or town voting at the state election preceding the filing of the petition and (ii) conforming to the provisions of the Florida statute relating to initiative petitions at the municipal level, request that the question of whether to allow, in such city or town, the sale of cannabis and cannabis products for consumption on the premises where sold be submitted to the voters of such city or town at the next biennial state election. If a majority of the votes cast in the city or town are not in favor of allowing the consumption of cannabis or cannabis products on the premises where sold, such city or town shall be taken to have not authorized the consumption of cannabis and cannabis products on the premises where sold.

(c) No city or town shall prohibit the transportation of cannabis or cannabis products or adopt an ordinance or by-law that makes the transportation of cannabis or cannabis products unreasonably impracticable.

(d) No agreement between a city or town and a cannabis establishment shall require payment of a fee to that city or town that is not directly proportional and reasonably related to the costs imposed

upon the city or town by the operation of a cannabis establishment. Any cost to a city or town by the operation of a cannabis establishment shall be documented and considered a public record

as defined by chapter 119 of the Florida Statute.

Article 4. The Cannabis Control Commission.

(a) The commission shall, in consultation with the cannabis advisory board, adopt regulations consistent with this chapter for the administration, clarification and enforcement of laws regulating and licensing cannabis establishments. The regulations shall include:

(1) procedures for the issuance and renewal of licenses to operate cannabis establishments;

(2) a schedule of application, license and renewal fees in an amount necessary to pay for all regulation and enforcement costs of the commission; provided however that fees may be relative to the volume of business conducted or to be conducted by the cannabis establishment.

(3) qualifications for licensure and minimum standards for employment that are directly and demonstrably related to the operation of a cannabis establishment and similar to qualifications for licensure and employment standards in connection with alcoholic beverages as regulated under – Title XXXIV of the Florida Statute; provided that a prior conviction solely for a cannabis-related offense shall not disqualify an individual or otherwise affect eligibility for employment or licensure in connection with a cannabis establishment, unless the offense involved the distribution of a controlled substance, including cannabis, to a minor;

(4) procedures and policies to promote and encourage full participation in the regulated cannabis industry by people from communities that have previously been disproportionately harmed by cannabis prohibition and enforcement and to positively impact those communities;

(5) requirements for the security of cannabis establishments, including security, lighting, video and alarm requirements and requirements for the secure transportation and storage of cannabis, cannabis plants and cannabis products, provided that the requirements shall prohibit the cultivation of the recreational cannabis to be grown outdoors;

(6) requirements to prevent the sale of cannabis and cannabis products to persons under 21 years of age;

(7) requirements for record keeping by cannabis establishments and procedures to track cannabis and cannabis products cultivated, processed, manufactured, delivered or sold by cannabis establishments;

(8) health and safety standards for the cultivation, processing, manufacture and distribution of cannabis and cannabis products, including standards regarding sanitation for the preparation, storage, handling and sale of cannabis products and reasonable limitations on the use of organic

and non-organic pesticides;

(9) requirements for the packaging of cannabis and cannabis products, which shall include special packaging requirements to protect children from ingesting cannabis or cannabis products and requirements for dividing each serving within a package containing multiple servings in a manner that allows consumers to easily identify a single serving;

(10) requirements for the labeling of a package containing cannabis or cannabis products that shall include a symbol or other easily recognizable mark indicating that the package contains cannabis and an identification of the cannabis cultivator or the cannabis product manufacturer who produced the cannabis or cannabis product, and for the labeling of a package containing cannabis products, the amount of tetrahydrocannabinol in a package and in each serving of a cannabis product, the number of servings in a package and a list of ingredients and possible allergens;

(11) requirements for the testing of random samples of cannabis and cannabis products to verify that cannabis and cannabis products are accurately labeled and to verify that products intended for human consumption do not contain contaminants that are in excess of typical standards applied to other commercially available products intended for human consumption;

(12) requirements for safe disposal of excess, contaminated, adulterated or deteriorated cannabis or cannabis products;

(13) reasonable restrictions on signs, marketing, displays and advertising with respect to cannabis, cannabis products and cannabis accessories, including prohibiting marketing or advertising designed to appeal to children;

(14) procedures and requirements to enable the transfer of a license for a cannabis establishment to another qualified person or to another suitable location, which shall not be more restrictive than laws governing the transfer of a license for the sale of alcoholic beverages under Title XXXIV of the Florida Statute; and

(15) provisions for: enforcing this chapter, including penalties for civil violations for the failure to comply with any regulation made pursuant to this article or for any violation of this chapter; collecting fees and penalties imposed; suspending the license of a cannabis establishment that include provisions to allow for the continued maintenance and security of any cannabis and cannabis products; terminating the license of a licensee; and appealing civil penalties or licensing actions.

(a) In furtherance of the intent of this initiative, the commission may also adopt regulations in

accordance with Title XXXIV of the Florida Statute which:

(1) establish and provide for issuance of additional types or classes of licenses to operate cannabis- related businesses, including licenses that authorize only limited cultivation, processing, manufacture, possession or storage of cannabis or cannabis products, limited delivery of cannabis or cannabis products to consumers, licenses that authorize the consumption of cannabis or cannabis products on the premises where sold, licenses that authorize the consumption of cannabis at special events in limited areas and for a limited time and licenses intended to facilitate scientific research or education;

(2) regulate the cultivation, processing, distribution and sale of hemp by cannabis establishments; and

(3) limit the total amount of cannabis cultivated within the State of Florida. If the commission determines after an analysis of the current and anticipated supply of and demand for cannabis and cannabis products, that a limit on the amount of cannabis cultivated within Florida is necessary to minimize illicit markets for cannabis. If the commission limits the total amount of cannabis that may be cultivated within the State of Florida, the commission shall reconsider that determination biannually and shall not set the limit at a level below that which is necessary to provide an adequate supply of cannabis and cannabis products in the State of Florida. No such limit shall be imposed if the import or export of cannabis to or from the State of Florida is not prohibited by federal law.

(b) Regulations made pursuant to this section shall not:

(1) prohibit the operation of a cannabis establishment either expressly or through regulations that make operation of a cannabis establishment unreasonably impracticable;

(2) require testing of cannabis or cannabis products before the commission has licensed any cannabis testing facilities, or if such facilities are licensed, before such facilities can perform any required tests in a timely manner;

(3) require a customer to provide a cannabis retailer with identifying information other than identification to determine the customer's age and shall not require the cannabis retailer to acquire or record personal information about customers other than information typically required in a retail transaction, similar to that of an alcohol related retail transaction.

(4) prohibit a medical marijuana treatment center and an experienced cannabis establishment operator from operating a medical marijuana treatment center and a cannabis establishment at a shared location;

(5) prohibit cannabis establishments from transferring or acquiring cannabis seeds, clones, cuttings, plants or plant tissue from other cannabis establishments or from medical marijuana treatment centers or prohibit a cannabis establishment from transferring or otherwise selling cannabis to a cannabis retailer, a cannabis product manufacturer or a cannabis cultivator; or

(6) prohibit cannabis establishments from using inorganic cultivation methods.

(a) The commission shall administer the laws and regulations relating to licensing in this chapter.

(b) The commission may suspend or revoke the license of a licensee under regulations made pursuant to this chapter upon written notice of a violation and, if applicable, an opportunity to cure any violation within 30 days of such notice. All licensees shall be entitled to an adjudicatory hearing pursuant to Chapter 569B of the Florida Statute prior to suspension of a license for longer than 5 days or the revocation of a license.

(c) The Office of Agricultural Law Enforcement shall enforce the laws and regulations relating to the cultivation, processing, manufacture, distribution, storage, and sale and testing of cannabis and cannabis products by cannabis establishments. The commission shall conduct investigations of compliance with this chapter and shall perform regular inspections of cannabis establishments and the books and records of cannabis establishments as necessary to enforce this chapter.

(d) The commission shall hold a public hearing before the adoption, amendment or repeal of any regulation. Adjudicatory proceedings shall be conducted pursuant of the Florida Statue and to standard rules of adjudicatory procedure established pursuant to the Florida Statute.

(e) The commission shall annually publish a full report of its action during each year containing a comprehensive description of its activities.

(f) The commission shall deposit all license, registration and monetary penalties collected pursuant to this chapter in the Cannabis Regulation Fund established by section 14 of this chapter.

(g) The commission and the department of health shall work collaboratively to ensure that the production and distribution of cannabis is effectively regulated in the State of Florida in furtherance of the intent of this initiative.

Article 5. Licensing of cannabis establishments.

(a) Upon receipt of a complete cannabis establishment license application and the application fee, the commission shall forward a copy of the application to the city or town in which the cannabis establishment is to be located, determine whether the applicant and the premises

qualify for the license and has complied with this chapter and shall, within 90 days:

- (1) issue the appropriate license; or
- (2) send to the applicant a notice of rejection setting forth specific reasons why the commission did not approve the license application.

(b) Except as provided in subsection (c) of this section, the commission shall approve a cannabis establishment license application and issue a license if:

(1) the prospective cannabis establishment has submitted an application in compliance with regulations made by the commission, the applicant satisfies the requirements established by the commission, the applicant is in compliance with this chapter and the regulations made by the commission and the applicant has paid the required fee;

(2) the commission is not notified by the city or town in which the proposed cannabis establishment will be located that the proposed cannabis establishment is not in compliance with an ordinance or by-law consistent with section 3 of this chapter and in effect at the time of application;

(3) the property where the proposed cannabis establishment is to be located, at the time the license application is received by the commission, is not located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a city or town adopts an ordinance or by-law that reduces the distance requirement; and

(4) an individual who will be a controlling person of the proposed cannabis establishment has not been convicted of a felony or convicted of an offense in another state that would be a felony in the State of Florida, except a prior conviction solely for a cannabis offense, unless the offense involved distribution of a controlled substance, including cannabis, to a minor.

(5) until January 1, 2024, the commission shall issue licenses only to registered farmers who meet the registration requirements set forth by the Federal Food and Drug Association.

(6) on and after January 1, 2024, the commission shall issue licenses by lottery to qualified applicants.

The lottery shall also designate the priority order of unselected applicants in the event that a license becomes available within a year.

Section 6. Expiration and renewal.

(a) License term. Unless the commission authorizes the renewal of a license for a longer period, all licenses under this chapter shall be effective for 1 year from the date of issuance.

(b) Renewal. The commission shall issue a renewal license within 30 days of receipt of a renewal application and renewal license fee from a cannabis establishment to licensees in good standing and who have filed any tax returns required pursuant to chapter 193 of the Florida Statute.

Section 7. Personal use of cannabis.

(a) Notwithstanding any other general or special law to the contrary, except as otherwise provided in this chapter, a person 21 years of age or older shall not be arrested, prosecuted, penalized, sanctioned or disqualified under the laws of the State of Florida in any manner, or denied any right or privilege and shall not be subject to seizure or forfeiture of assets for:

(1) possessing, using, purchasing, processing, or manufacturing 1 ounce or less of cannabis, except that not more than 3 grams of cannabis may be in the form of cannabis concentrate;

(2) within the person's primary residence, possessing up to 7 ounces of cannabis.

(3) assisting another person who is 21 years of age or older in any of the acts described in this section; or

(4) giving away or otherwise transferring without remuneration up to 1 ounce of cannabis, except that not more than 5 grams of cannabis may be in the form of cannabis concentrate, to a person 21 years of age or older, as long as the transfer is not advertised or promoted to the public.

(a) Notwithstanding any other general or special law to the contrary, except as otherwise provided in this chapter, if the import or export of cannabis to or from the State of Florida is **not prohibited by federal law**, a person 21 years of age or older shall not be arrested, prosecuted, penalized, sanctioned or disqualified under the laws of the State of Florida in any manner, or denied any right or privilege and shall not be subject to seizure or forfeiture of assets for possessing, using, purchasing, cultivating, processing or manufacturing any amount of cannabis or cannabis products for personal use.

(b) Notwithstanding any other general or special law to the contrary, except as otherwise provided in this chapter, a person shall not be arrested, prosecuted, penalized, sanctioned or otherwise denied any benefit and shall not be subject to seizure or forfeiture of assets for allowing property the person owns, occupies or manages to be used for any of the activities conducted lawfully under this chapter or for enrolling or employing a person who engages in cannabis-related activities lawfully under this chapter.

(c) Absent clear, convincing and articulable evidence that the person's actions related to cannabis have created an unreasonable danger to the safety of a minor child, neither the presence of cannabinoid components or metabolites in a person's bodily fluids nor conduct permitted under this chapter related to the possession, consumption, transfer, cultivation, manufacture or sale of cannabis, cannabis products or cannabis accessories by a person charged with the well-being of a child shall form the sole or primary basis for substantiation, service plans, removal or termination or for denial of custody, visitation or any other parental right or responsibility.

(d) The use of cannabis shall not disqualify a person from any needed medical procedure or treatment, including organ and tissue transplants.

(e) Notwithstanding any general or special law to the contrary, except as otherwise provided in this chapter, a person 21 years of age or older shall not be arrested, prosecuted, penalized, sanctioned or disqualified and is not subject to seizure or forfeiture of assets for possessing, producing, processing, manufacturing, purchasing, obtaining, selling or otherwise transferring or delivering hemp.

(f) For the purposes of this section, "cannabis concentrate" shall mean the resin extracted from any part of the plant of the genus Cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin but shall not include the weight of any other ingredient combined with cannabis to prepare cannabis products.

Section 8. Cannabis accessories authorized.

Notwithstanding any general or special law to the contrary, except as otherwise provided in this chapter, a person 21 years of age or older shall not be arrested, prosecuted, penalized, sanctioned or disqualified and shall not be subject to seizure or forfeiture of assets for possessing, purchasing or otherwise obtaining or manufacturing cannabis accessories or for selling or otherwise transferring cannabis accessories to a person who is 21 years of age or older.

Section 9. Lawful operation of cannabis establishments.

(a) Notwithstanding any general or special law to the contrary, except as otherwise provided in this chapter, the following people involved in the distribution of cannabis as authorized by this chapter shall not be arrested, prosecuted, penalized, sanctioned or disqualified and shall not be subject to seizure or forfeiture of assets for activities specified for:

(1) a cannabis establishment or an owner, operator, employee or other agent acting on behalf of a cannabis establishment possessing or testing cannabis or cannabis products; purchasing, selling or otherwise transferring or delivering cannabis or cannabis products to or from a cannabis

establishment; or selling or otherwise transferring or delivering cannabis or cannabis products to a consumer;

(2) a cannabis cultivator or an owner, operator, employee or other agent acting on behalf of a cannabis cultivator cultivating, propagating, breeding, harvesting, processing, packaging, testing, storing or possessing cannabis or cannabis products, or selling or otherwise transferring, purchasing or delivering cannabis and cannabis products to or from a cannabis establishment;

(3) a cannabis product manufacturer or an owner, operator, employee or other agent acting on behalf of a cannabis product manufacturer packaging, processing, manufacturing, storing, testing or possessing cannabis or cannabis products, or delivering, selling or otherwise transferring and purchasing cannabis or cannabis products to or from a cannabis establishment; or

(4) a cannabis testing facility or an owner, operator, employee or other agent acting on behalf of a cannabis testing facility possessing, processing, storing, transferring or testing cannabis or cannabis products.

(b) Notwithstanding any general or special law to the contrary, except as otherwise provided in this chapter, a person acting in the person's capacity as an owner, employee or other agent of a cannabis retailer who transfers cannabis or cannabis accessories to a person under 21 years of age shall not be subject to arrest or prosecution, penalty, sanction or disqualification, or seizure or forfeiture of assets, if the person reasonably verified that the recipient appeared to be 21 years of age or older by means of government-issued photographic identification containing a date of birth.

Section 10. Contracts pertaining to cannabis are enforceable.

It is the public policy of the State of Florida that contracts related to the operation of cannabis establishments under this chapter shall be enforceable. A contract entered into by a licensee or its agents as permitted pursuant to a valid license issued by the commission, or by those who allow property to be used by a licensee or its agents as permitted pursuant to a valid license issued by the commission, shall not be unenforceable or void exclusively because the actions or conduct permitted pursuant to the license is prohibited by federal law.

Section 11. Provision of professional services.

A person engaged in a profession or occupation subject to licensure shall not be subject to disciplinary action by a professional licensing board solely for providing professional services to prospective or licensed cannabis establishments related to activity under this chapter that is not subject to criminal penalty under the laws of the State of Florida.

Section 12. General cannabis establishment operation.

(a) In addition to requirements established by regulation pursuant to section 5 of this chapter, a cannabis establishment shall:

(1) secure every entrance to the establishment so that access to areas containing cannabis is restricted to employees and others permitted by the cannabis establishment to access the area and to agents of the commission or state and local law enforcement officers and emergency personnel; and

(2) secure its inventory and equipment during and after operating hours to deter and prevent theft of cannabis, cannabis products and cannabis accessories.

(b) No cannabis establishment may cultivate, process, test, store or manufacture cannabis or cannabis products at any location other than at a physical address approved by the commission and within an area that is enclosed and secured in a manner that prevents access by persons not permitted by the cannabis establishment to access the area. An outdoor cannabis cultivation area shall have sufficient security measures to demonstrate that outdoor areas are not readily accessible by unauthorized individuals, including perimeter security fencing designed to prevent unauthorized entry.

(c) No cannabis establishment shall allow cultivation, processing, manufacture, sale or display of cannabis or cannabis products to be visible from a public place without the use of binoculars, aircraft or other optical aids.

(d) No cannabis establishment shall refuse representatives of the commission the right at any time of operation to inspect the entire licensed premises or to audit the books and records of the cannabis establishment.

(e) No cannabis establishment shall allow any person under 21 years of age to volunteer or work for the cannabis establishment.

(f) No cannabis establishment shall cultivate, manufacture, sell or otherwise transact business with any products containing cannabinoids other than those that were produced, distributed and taxed in compliance with this chapter.

Section 13. Penalties.

(a) Restrictions on personal cultivation. No person shall cultivate or process cannabis plants without the required licenses granted by the commission. A person who violates this subsection shall be punished by a civil penalty of not more than \$25,000 and forfeiture of the cannabis, and

may be subject to further fines and fees.

(b) Restrictions on personal possession. No person shall possess more than 1 ounce of cannabis or cannabis products within the person's place of residence pursuant to section 7 of this chapter unless the cannabis and cannabis products are secured by a lock. A person who violates this subsection shall be punished by a civil penalty of not more than \$500, up to 60 days in jail, and the forfeiture of the cannabis.

(c) Restrictions on public consumption of cannabis. No person shall consume cannabis in a public place or smoke cannabis where smoking tobacco is prohibited. A person who violates this subsection shall be punished by a civil penalty of not more than \$100. This subsection shall not apply to a person who consumes cannabis or cannabis products in a designated area of a cannabis establishment located in a city or town that has voted to allow consumption on the premises where sold and shall not be construed to limit the medical use of cannabis.

(d) Possession of cannabis in motor vehicles. No person shall, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, possess an open container of cannabis or cannabis products in the passenger area of any motor vehicle. A person who violates this subsection shall be punished by a civil penalty of not more than \$1,000. For purposes of this section, "open container" shall mean that the package containing cannabis or cannabis products has its seal broken or from which the contents have been partially removed or consumed and "passenger area" shall mean the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or passenger while in a seated position; provided however that the passenger area shall not include a motor vehicle's trunk, locked glove compartment or the living quarters of a house coach or house trailer, or if a motor vehicle is not equipped with a trunk, the area behind the last upright seat or an area not normally occupied by the driver or passenger.

(e) Possession or cultivation of excess cannabis. Notwithstanding chapter 569B of the Florida Laws and until the import or export of cannabis to or from the State of Florida is not prohibited by federal law, a person who is at least 21 years of age who possesses an amount of cannabis outside of his or her place of residence having a weight of more than 1 ounce but not more than 2 ounces shall be subject only to a civil penalty of not more than \$500 and forfeiture of the cannabis not allowed by section 7 of this chapter, but shall not be subject to any other form of criminal or civil punishment or disqualification solely for this conduct.

(f) Procurement of cannabis by a person under 21 years of age. A person under 21 years of age, except a qualifying patient holding a valid registration card for the medical use of cannabis, who

purchases or attempts to purchase cannabis, cannabis products or cannabis accessories, or makes arrangements with any person to purchase or in any way procure cannabis, cannabis products or cannabis accessories, or who willfully misrepresents such person's age, or in any way alters, defaces or otherwise falsifies identification offered as proof of age, with the intent of purchasing cannabis, cannabis products or cannabis accessories, shall be punished by a civil penalty of not more than \$200 and shall complete a drug awareness program established pursuant to chapter 893 of the Florida Statutes. The failure within 1 year of the offense of such an offender to complete a drug awareness program may be a basis for delinquency proceedings for persons under the age of 17 at the time of the person's offense.

Section 14. Cannabis Regulation Fund

(a) There shall be established and set up on the books of the State of Florida a separate fund, to be known as the Cannabis Regulation Fund. It shall, subject to appropriation, consist of all monies received on account of the State of Florida as a result of applications for and licensing of cannabis establishments, all civil penalties received for violations of this chapter, revenue generated by the state tax imposed by chapter 212 of the Florida Statute and interest earned or other income on balances in the fund.

(b) Subject to appropriation, the fund shall be expended first for the implementation, administration and enforcement of this Article by the commission and by the cities and towns that authorize the operation of cannabis establishments within their jurisdictions. Subject to appropriation, at the end of a fiscal year, unexpended balances will be appropriated amongst programs and initiatives focused towards substance abuse programs, educational programs, environmental conservation programs, and veteran's assistance programs throughout the State of Florida.

SECTION 15. Notwithstanding any general or special law to the contrary, if the cannabis control commission fails to adopt regulations necessary for the implementation of this chapter on or before February 1, 2020, each medical marijuana treatment center may begin to possess, cultivate, process, manufacture, package, purchase or otherwise obtain and test cannabis and cannabis products and may deliver, sell or otherwise transfer cannabis to any person who is at least 21 years of age until the commission adopts the regulations necessary for implementation of this chapter.

SECTION 16. The Commissioner of Agriculture and Consumer Services, shall make the initial appointments to the cannabis control commission by March 1, 2019. The initial appointments shall include 1 member who shall serve an initial term of 2 years.

SECTION 17. The Commissioner of Agriculture shall make the initial appointments to the cannabis advisory board under by February 1, 2019. Six of the initial appointees, as determined by the governor, shall serve for a term of 1 year. The cannabis advisory board shall meet not less frequently than quarterly until January 1, 2024.

SECTION 18. The cannabis control commission shall promulgate the initial regulations under section 5 of chapter 569B of the Florida Laws no later than February 1, 2019.

SECTION 19. The commission shall begin accepting applications:

(a) for cannabis testing facility licenses, by July 1, 2019;

(b) from all applicants for cannabis cultivator licenses, on and after October January 3, 2019.

SECTION 20. This act shall take effect on February 1, 2019.

<p>_____</p> <p>Date of Signature</p>	<p style="font-size: 2em; font-weight: bold; margin: 0;">X</p> <p>_____</p> <p>Signature of Registered Voter</p>
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Initiative Petition Sponsored by Florida Regulation Coalition, 950 Brickell Bay Drive #3907, Miami, FL, 33131

<p>If paid petition circulator is used:</p> <p>Circulator's Name: _____</p> <p>_____</p> <p>Circulator's Address _____</p> <p>_____</p>	<p>RETURN TO:</p> <p>Florida Regulation Coalition</p> <p>950 Brickell Bay Drive #3907,</p> <p>Miami, FL, 33131</p> <hr style="border: 0.5px solid blue;"/> <p>For Office Use Only: Serial Number: _____</p> <p style="margin-left: 40px;">17-01</p> <hr style="border: 0.5px solid black;"/> <p>Date Approved: _____ 5/19/17</p>
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