

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Regulatory Reform &  
2 Economic Development Subcommittee  
3 Representative Amesty offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Paragraphs (a) and (c) of subsection (11) of section 381.986, Florida Statutes, are amended to read:

381.986 Medical use of marijuana.—

(11) PREEMPTION.—Regulation of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers is preempted to the state except as provided in this subsection.

(a)1. A medical marijuana treatment center cultivating or processing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school.

Amendment No. 1

17        2. Effective July 1, 2024, a new medical marijuana  
18 treatment center cultivating or processing facility may not be  
19 located within 1,500 feet of the real property that comprises a  
20 religious institution or a public or private day care facility,  
21 elementary school, middle school, or secondary school, or  
22 postsecondary school. This subparagraph does not apply to a  
23 medical marijuana treatment center cultivating or processing  
24 facility that was in operation before July 1, 2024.

25        (c)1. A medical marijuana treatment center dispensing  
26 facility may not be located within 500 feet of the real property  
27 that comprises a public or private elementary school, middle  
28 school, or secondary school.

29        2. Effective July 1, 2024, a new medical marijuana  
30 treatment center dispensing facility may not be located within  
31 1,500 feet of the real property that comprises a religious  
32 institution or a public or private day care facility, elementary  
33 school, middle school, ~~or~~ secondary school, or postsecondary  
34 school. This subparagraph does not apply to a medical marijuana  
35 treatment center dispensing facility that was in operation  
36 before July 1, 2024 unless the county or municipality approves  
37 the location through a formal proceeding open to the public at  
38 which the county or municipality determines that the location  
39 promotes the public health, safety, and general welfare of the  
40 community.

41        Section 2. Section 386.2065, Florida Statutes, is created

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Amendment No. 1

42 to read:

43 386.2065 Regulation of retail vape shops; applicability.-  
44 Effective July 1, 2024, a new retail vape shop as defined under  
45 s. 386.203 may not be located within 1,500 feet of the real  
46 property that comprises a religious institution or a public or  
47 private day care facility, elementary school, middle school,  
48 secondary school, or postsecondary school. This section does not  
49 apply to a retail vape shop that was in operation before July 1,  
50 2024.

51 Section 3. Paragraph (a) of subsection (2) of section  
52 562.45, Florida Statutes, is amended to read:

53 562.45 Penalties for violating Beverage Law; local  
54 ordinances; prohibiting regulation of certain activities or  
55 business transactions; requiring nondiscriminatory treatment;  
56 providing exceptions.-

57 (2) (a) Nothing contained in the Beverage Law may be  
58 construed to affect or impair the power or right of any county  
59 or incorporated municipality of the state to enact ordinances  
60 regulating the hours of business and location of place of  
61 business, and prescribing sanitary regulations therefor, of any  
62 licensee under the Beverage Law within the county or corporate  
63 limits of such municipality. However, except for premises  
64 licensed on or before July 1, 1999, and except for locations  
65 licensed as restaurants, which derive at least 51 percent of  
66 their gross revenues from the sale of food and nonalcoholic

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Published On: 1/23/2024 3:58:07 PM

Amendment No. 1

67 beverages, pursuant to chapter 509, a location for on-premises  
68 consumption of alcoholic beverages may not be located within 500  
69 feet of the real property that comprises a public or private  
70 elementary school, middle school, ~~or~~ secondary school. Effective  
71 July 1, 2024, a new location for on-premises consumption of  
72 alcoholic beverages may not be located within 1,500 feet of the  
73 real property that comprises a religious institution or a public  
74 or private day care facility, elementary school, middle school,  
75 secondary school, or postsecondary school; however, this  
76 prohibition does not apply to a location for on-premises  
77 consumption of alcoholic beverages that was in operation before  
78 July 1, 2024 unless the county or municipality approves the  
79 location as promoting the public health, safety, and general  
80 welfare of the community under proceedings as provided in s.  
81 125.66(5), for counties, and s. 166.041(3)(c), for  
82 municipalities. This restriction may not, however, be construed  
83 to prohibit the issuance of temporary permits to certain  
84 nonprofit organizations as provided for in s. 561.422. The  
85 division may not issue a change in the series of a license or  
86 approve a change of a licensee's location unless the licensee  
87 provides documentation of proper zoning from the appropriate  
88 county or municipal zoning authorities.

89 Section 4. This act shall take effect July 1, 2024.

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Amendment No. 1

**T I T L E   A M E N D M E N T**

92                    Remove lines 8-18 and insert:  
93                    specified date; providing applicability; creating s.  
94                    386.2065, F.S.; specifying the authorized distance  
95                    between the location of retail vape shops and specified  
96                    religious or educational institutions upon a specified  
97                    date; providing applicability; amending s. 562.45, F.S.;  
98                    revising the authorized distance between the location of  
99                    businesses that allow on-premises consumption of  
100                    alcoholic beverages and specified religious or  
101                    educational institutions upon a specified date; removing  
102                    local governments' ability to approve such a location  
103                    for specified purposes; providing applicability;  
104                    providing an effective date.  
105