A bill to be entitled

An act relating to taxation of hemp consumable THC products; creating s. 581.223, F.S.; providing definitions; providing excise taxes for hemp consumable THC products; requiring manufacturers, wholesalers, and retailers to pay such taxes and submit specified reports to the Department of Agriculture and Consumer Services; providing an exception; providing for the deposit and use of such taxes; providing penalties; requiring the department to adopt rules; creating s. 581.224, F.S.; requiring certain manufacturers and wholesalers to complete and submit to the department specified reports for hemp consumable THC products and maintain specified records; requiring certain retailers to maintain specified records for hemp consumable THC products; providing definitions; providing a contingent effective date.

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

Section 1. Section 581.223, Florida Statutes, is created to read:

581.223 Excise taxes on hemp consumable THC products.—

(1) As used in this section, the term:

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(a) "Manufacturer" has the same meaning as in s. 581.217(3).

(b) "Retailer" has the same meaning as in s. 581.217(3).

(c) "Hemp consumable THC product" has the same meaning as in s. 581.217(3).

(d) "Wholesaler" has the same meaning as in s. 581.217(3).

(2) As to hemp consumable THC products, except beverages, there shall be paid by all manufacturers, wholesalers, and retailers a tax of 60 percent of the wholesale price of such products.

(3) As to hemp consumable THC products that are beverages, there shall be paid by all manufacturers, wholesalers, and retailers a tax of $2.25 cents per gallon in bulk. When such beverages are sold in containers of less than 1 gallon, the tax shall be 29 cents on each pint or fraction thereof in the container.

(4) Hemp consumable THC products for which a tax has been previously paid in accordance with this section may not be taxed under this section. The tax shall be computed from the reports, books, and records of manufacturers and wholesalers, and that amount must be remitted with the report required under s. 581.224 to the department on or before the 10th of each month for all hemp consumable THC products sold during the previous calendar month.

(5) All lost, stolen, or other unaccounted for shortages

occurring outside this state and supported by documentation are not subject to the Florida excise tax for hemp consumable THC products.

(6) The first $6 million collected under this section must be deposited into the department's General Inspection Trust Fund to be used for the enforcement of ss. 581.217-581.224 and the testing of hemp consumable THC products. The remainder of the moneys collected under this section must be deposited into the General Revenue Fund.

(7) A manufacturer, wholesaler, retailer, or other person who fails, neglects, or refuses to comply with or violates this section or the rules adopted by the department under this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(8) A manufacturer, wholesaler, retailer, or other person who is convicted of a second or subsequent violation of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9) The department may adopt rules for the remittance of the tax under this section and the submission of reports under s. 581.224.

Section 2. Section 581.224, Florida Statutes, is created to read:

581.224 Manufacturer, wholesaler, and retailer records and reports.—

(1) Each manufacturer and wholesaler shall keep a complete and accurate record and make reports showing the amount of hemp consumable THC products:

(a) Manufactured or sold within this state and to whom the products were sold.

(b) Imported from outside this state and to whom the products were sold.

(c) Exported outside this state, to whom the products were sold, the place where the products were sold, and the address of the person to whom the products were sold.

(2) Each manufacturer and wholesaler shall make a full and complete report by the 10th day of each month for the previous calendar month. The report must be made on forms prepared by the department and filed with the department.

(3)(a) Each manufacturer and wholesaler shall maintain and keep the records of hemp consumable THC products received, sold, or delivered within or outside this state for 3 years as may be required by the department.

(b) Each retailer shall keep records of all purchases and other acquisitions of hemp consumable THC products for 3 years.

(4) For purposes of this section, the terms "manufacturer," "retailer," "hemp consumable THC product," and "wholesaler" have the same meanings as in s. 581.217(3).

Section 3. This act shall take effect on the same date that PCB HAT 25-01 or similar legislation takes effect, if such

legislation is adopted in the same legislative session or an extension thereof and becomes a law.