



THE FLORIDA SENATE

Tallahassee, Florida

SENATOR JACK D. GORDON  
35th District

COMMITTEES:  
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FOR IMMEDIATE RELEASE  
(Issued: April 11, 1979)

GORDON, BARRON INTRODUCE LOCAL-OPTION MARIJUANA BILL

TALLAHASSEE -- State Senator Jack D. Gordon, D-Miami Beach, has introduced a bill that would allow voters in each Florida county, through local option elections, to authorize in their locality the cultivation, possession, and sale to adults, of marijuana. The bill, co-sponsored by State Senator Dempsey J. Barron, D-Panama City, would impose a 10% tax on marijuana, to be sold in state-licensed liquor stores, and would require local governments to reduce property taxes by the amount of revenue realized from the marijuana tax.

In introducing the bill, which would take effect on January 1, 1980, Senator Gordon issued the following statement:

NEVER, since the Prohibition era in 1918-1933, has our society witnessed as massive a flouting of its criminal laws, and as pervasive a disrespect for the law enforcement and criminal justice and corrections systems which administer them, as we are seeing today in all segments of our population toward our irrational marijuana laws.

The smuggling and distribution of narcotics -- largely marijuana -- in our state have reached "epidemic proportions," according to the Florida Department of Law Enforcement, which in a recent report said police agencies are simply "overwhelmed" by the problem, which currently takes up half of the

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department's resources. In just one still active investigation, the FDLE noted, 300 tons of marijuana with a street value of \$180-million have been confiscated and, without even reaching the financiers of the operation, over 100 persons in the lower echelons of the operation have been arrested to date.

It is a stark reality today that regardless of the availability of information about the possible deleterious effects of marijuana, thousands and thousands of our citizens in Florida and elsewhere continue to use marijuana. A recent issue of Time Magazine stated that an estimated 42-million Americans have used marijuana; that the rate of consumption is now some 130,000 pounds a day, costing \$25-billion a year; and that marijuana is Florida's largest retail business.

Faced with this crisis, however, some well-meaning public officials in our state, including our Governor, insist on escalating our current policy of criminal law sanctions against marijuana -- minimum prison sentences of up to 15 years for smugglers, more police agents, higher tax-funded budgets for prosecutions and investigations -- in spite of the inevitable failure that must surely accompany such efforts. The only things that will result of course, are that more citizens will acquire a police record who up to now were deemed to be law-abiding taxpayers in every respect except for their use of marijuana; and, with the increase in the "crime tariff," the price of marijuana will be increased, but the profits from its sale will be untouched, thus the wealth of the usually untouched marijuana financiers and organized crime kingpins will grow at a faster rate.

We must find creative alternatives to the bankrupt policy of trying to cope with the use of marijuana through the criminal justice system.

Neither I, nor Senator Barron, who is as concerned as I am over our ineffective marijuana laws, uses or advocates the use of marijuana. In fact, we agree that there is much to be concerned about regarding the use of marijuana, particularly among young people and especially in connection with certain activities such as driving motor vehicles.

We are equally concerned about the harmful effects of tobacco and alcohol, which are probably more harmful than marijuana. As Justice James C. Adkins, Jr. of the Florida Supreme Court noted in a recent court opinion, "It is questionable whether marijuana causes physical or moral damage, while the harmful effects of legal recreational drugs -- alcohol and tobacco -- have been well documented."

Yet, in spite of the serious and pervasive health and other problems created by alcohol and tobacco, we have been able to accept the fact that, as the failed experiment of Prohibition proved, people will seek certain pleasures, whether legal or illegal, as a matter of free personal choice in spite of information about their possible harmful effects, and it behooves an enlightened society to adopt a rational policy toward these vices.

In the case of cigarettes and alcoholic beverages, the policy of the state of Florida has been to allow their consumption but to tax them and use the funds for beneficial public purposes, such as education. Today these two sources of tax revenues bring in half a billion dollars a year. In the case of alcoholic beverages, where local option elections are allowed to decide whether each county will be "wet" or "dry," only seven of our 67

counties remain "dry."

Nonetheless, our state criminal code continues to classify marijuana in the same category as hard drugs such as heroin, morphine and opium. Our society's public policy toward marijuana remains one of blind prohibition and enforcement by criminal sanctions -- in spite of overwhelming evidence that these criminal laws, far from stopping the use of marijuana, are simply contributing to the growth of organized crime, as Prohibition did in the case of liquor; wasting the overburdened resources of our law enforcement agencies, courts, and prisons; breeding corruption among policemen and public officials who can easily be tempted by the large amounts of cash generated by the illicit marijuana trade; and diverting our attention from tackling more socially noxious forms of crime, such as murder, robbery and rape.

It is difficult to quantify with any degree of specificity the many millions of dollars of tax resources which are spent each year in the unprofitable war against marijuana use. But some available statistics can be examined to try to understand the magnitude of the public resources currently being spent in this futile endeavor:

--State and local law enforcement agencies last year arrested over 21,000 persons for possession of marijuana in Florida (including some 5,900 under 18 years of age) and 2,200 for its sale. Another 1,100 were arrested for either possession or sale of narcotics paraphernalia, which often are related to marijuana use. These arrests constituted 6.5 percent of all arrests for all offenses carried out by police in Florida last year. As a rough indicator of the cost of this activity, we could take 6.5 percent of the law enforcement expenses of Florida's cities and counties, plus those

of the Florida Department of Law Enforcement, \$472.7 million, (using 1976-77 figures), and realize that without this activity the taxpayers could save \$30.7 million a year.

— Additionally, these marijuana arrests generated the bulk of the 17,362 criminal prosecution cases filed in our state courts in drug-related cases. Again, it is hard to compute the costs -- in terms of police preparation time, prosecutors' and judges' time, etc. -- of processing these cases through the court system. They made up 18.7 percent of all criminal case filings in the state court system. Over 6,100 of them were dismissed before trial for technical reasons, showing that a large proportion (35 percent) of them were not worth prosecution in the courts to begin with. In fact, only 627 of those cases (3.6 percent) went to trial. According to one reliable estimate, it costs \$1,264 in court time (judge, secretary, bailiffs, etc.) to process a case through the system. Taking out the cases dismissed before trial, and assuming that each of the other drug-related cases took only one day of court time, the taxpayers could save about \$14.1 million by eliminating these cases from the court system.

— As for the state prison system (not counting our county jails, where many marijuana users are sent to serve terms of less than one year of incarceration), a June 30, 1978 inmate survey showed that 425 prisoners were serving sentences for marijuana-related offenses. Since it costs \$16.83 a day to keep these people in prison, the taxpayers could save another \$2.6 million a year by not locking them up.

-- Additionally, there are almost 4,200 persons on parole or probation on marijuana-related charges, comprising more than 11 percent of the total population under supervision as of June 30, 1978. Eliminating these cases -- or about 11 percent of the \$15.4 million operating budget of the state's parole and probation system -- would save another \$1.75-million in tax funds.

Adding up these items alone, it is easy to see that even by the most conservative estimates, abandonment of our present marijuana laws would immediately result in savings to the taxpayers of about \$50-million a year.

And that, of course, is without taking into account the revenues to be realized from a marijuana sales tax, which might well rival in importance the revenue now being realized from the cigarette and liquor taxes.

The bill I have introduced to deal with our marijuana crisis proposes a rational alternative to our current chaos, by allowing 5 percent of the registered voters of any county in Florida to call a county-wide election to let local voters decide whether in that county the cultivation, possession and sale to persons 18 years of age or older, of marijuana will be permitted. This procedure is similar to the local option elections which have long been allowed in our state in regard to the sale of alcoholic beverages.

Under this bill, marijuana could be sold publicly to adults only by state-licensed vendors of alcoholic beverages, who would collect and turn over to the state a tax of 10 percent of the retail sale price, not including the sales tax (the vendors would be allowed a 1.4 percent allowance to cover their administrative costs.)

The funds collected from this marijuana tax would be returned to

the county, one-half to be deposited in the county general fund and the other half in the county's district school fund. As a "Proposition 13" type of tax relief measure, the ad valorem tax millage levied by the county and the school district must then be reduced each year by the millage which would be required to raise the amount of tax revenue raised the previous year through the marijuana tax.

The state would additionally profit in that sales of marijuana would be subject to the Florida 4 percent sales tax.

The bill also allows any county permitting the cultivation, possession, and sale of marijuana to adults after a local-option election to impose necessary local regulations by ordinance.

I have introduced this bill because it seems to me that it would allow a more rational public policy toward our marijuana problem -- by regulating its production and distribution and taxing its sale in order to lower local property taxes -- than continuing our current, clearly ineffective, approach based on attempting to enforce unenforceable criminal laws.

I hope all Floridians who realize the futility and lack of a rational basis of our present marijuana laws will contact their legislators to urge support of this local-option bill. I realize it may not supply all the answers, but it at least will provide a point of departure and a base on which to begin building a more sensible policy with which to handle our intractable marijuana problem.

I believe that the use of marijuana is a matter for the private, personal decision of each Floridian -- just like liquor and cigarette use -- and those decisions are taxable.

# WPLG TV 10

A POST-NEWSWEEK STATION

## EDITORIAL REPLY

## SENATOR JACK GORDON

Broadcast: April 6, 1979

**NEWSMAN:** A recent Channel 10 editorial criticized Senator Jack Gordon's proposed marijuana tax relief bill. Here with a different view is Senator Gordon.

### SENATOR GORDON:

Far from being "cavalier" about our marijuana problem, I'm concerned with the persistence of public officials in dealing with marijuana use through the futile approach of severe mandatory prison sentences. These efforts, which will cost millions of tax dollars, are doomed to failure, as anyone who studies our national experience during prohibition will readily see.

Escalating enforcement and punishment will actually increase the profits of large-scale marijuana smuggling--and give criminal records to thousands of otherwise law-abiding citizens.

My solution is simple. Voters in each county would be able to authorize the sale of marijuana to adults in their county. There would be a 10% tax on the sale of marijuana which would have to be used to reduce county and school property taxes, plus the regular 4% sales tax.

I don't use marijuana, and I don't advocate its use. Like cigarettes and liquor I believe it's harmful. Yet the state of Florida collects half a billion dollars in taxes each year from cigarette and liquor sales while it sends its policemen out to arrest over 21 thousand people for possession of marijuana. That's silly, expensive and unjust.

I believe that the use of marijuana, like liquor and cigarettes, is a matter for the private, personal decision of each Floridian--and those decisions are taxable. Thank you.

ER-230

Reply to: E-1622

1 A bill to be entitled

2 An act relating to a reduction of ad valorem  
3 tax millage; providing for a county option on  
4 the cultivation, possession, and sale of  
5 cannabis; authorizing such cultivation,  
6 possession, and sale in approving counties;  
7 providing certain conditions relating to the  
8 sale and taxation of cannabis; providing for  
9 the distribution of proceeds of such taxation  
10 and requiring a reduction of ad valorem tax  
11 millage; authorizing the board of county  
12 commissioners in approving counties to adopt  
13 certain ordinances; providing an effective  
14 date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Upon petition by no fewer than 5 percent of  
19 the registered voters in any county, the board of county  
20 commissioners of such county shall hold an election to  
21 determine whether the cultivation, possession, and sale of  
22 cannabis within the county shall be permitted. If approved by  
23 a majority of those voting in such election, the cultivation,  
24 possession, and sale of cannabis shall be lawful within such  
25 county as provided in this act, any law to the contrary  
26 notwithstanding. For purposes of this act, cannabis shall  
27 have the meaning ascribed in s. 893.02(2), Florida Statutes.

28 Section 2. Any sale of cannabis pursuant to this act  
29 shall be subject to the following conditions:  
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31

1 (1) Sales shall be made only by vendors of alcoholic  
2 beverages licensed pursuant to s. 565.02(1)(a), Florida  
3 Statutes.

4 (2) Cannabis shall not be sold to any person under 18  
5 years of age.

6 (3)(a) There shall be paid by all vendors selling  
7 cannabis pursuant to this act a tax at the rate of 10 percent  
8 of the retail sales price, not including sales tax.

9 (b) Each vendor selling cannabis pursuant to this act  
10 shall pay the tax collected to the Division of Alcoholic  
11 Beverages and Tobacco of the Department of Business Regulation  
12 monthly on or before the 10th day of the following month, less  
13 1.4 percent of the tax due, which shall be withheld by the  
14 vendor for the keeping of prescribed records, furnishing bond,  
15 and properly accounting for and remitting taxes due to the  
16 division. No allowance shall be granted or permitted when the  
17 tax is delinquent at the time of payment.

18 (c) All funds collected by the division pursuant to  
19 this act shall be returned to the county where collected to be  
20 distributed as follows:

21 1. One-half of such proceeds shall be deposited in the  
22 county general fund;

23 2. One-half of such proceeds shall be deposited in the  
24 district school fund for the county.

25 (d) The ad valorem tax millage levied by the county  
26 and by the school district shall each be reduced by the  
27 millage which would be required to raise the amount of tax  
28 revenue received by each in the previous year pursuant to  
29 paragraph (c).

30 (4) Sales of cannabis pursuant to this act shall be  
31 subject to the tax imposed by chapter 212, Florida Statutes,

1 the proceeds of such tax to be deposited in the General  
2 Revenue Fund of the state, and shall be subject to the  
3 provisions governing collection, keeping of records,  
4 accounting, and remitting of such taxes.

5 Section 3. The board of county commissioners in any  
6 county permitting the cultivation, possession, and sale of  
7 cannabis pursuant to this act may regulate, by ordinance, the  
8 growing, harvesting, processing, and sale of cannabis, subject  
9 to the conditions imposed by this act.

10 Section 4. This act shall take effect January 1, 1980.

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13 SENATE SUMMARY

14 Requires a county, upon petition of no fewer than 5  
15 percent of the registered voters in such county, to hold  
16 an election to determine whether the cultivation,  
17 possession, and sale of cannabis within the county shall  
18 be permitted. Authorizes the cultivation, possession,  
and sale of cannabis in any county in which such  
legalization is approved by a majority of the voters  
voting on the question subject to the following  
conditions:

- 19 1. Sales may be made only in licensed package stores and  
20 are subject to a 10 percent tax.  
21 2. Sales to minors are prohibited.  
22 3. Sales are also subject to the usual state sales tax.

23 Provides for distribution of half of the proceeds of the  
24 10 percent tax to the county's general revenue fund and  
25 half to the district school fund for the county.  
26 Requires the county and the school district to each  
27 reduce their ad valorem tax millage by the millage which  
28 would be required to raise the tax revenue so received in  
29 the previous year. Provides vendors selling cannabis  
30 with an allowance for the keeping of records, accounting,  
31 and remitting of such taxes.

Authorizes the board of county commissioners in a county  
permitting the cultivation, possession, and sale of  
cannabis to regulate by ordinance the growing,  
harvesting, processing, and sale of cannabis, subject to  
the provisions of the act.