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LEGISLATIVE ACTION

Senate

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House

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Floor: 2/RS/2R

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05/04/2017 10:18 PM

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Senator Bradley moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (l) of subsection (2) of section
212.08, Florida Statutes, is redesignated as paragraph (m), and
a new paragraph (l) is added to that subsection, to read:

212.08 Sales, rental, use, consumption, distribution, and
storage tax; specified exemptions.—The sale at retail, the
rental, the use, the consumption, the distribution, and the
storage to be used or consumed in this state of the following



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12 are hereby specifically exempt from the tax imposed by this
13 chapter.

14 (2) EXEMPTIONS; MEDICAL.—

15 (1) Marijuana and marijuana delivery devices, as the terms
16 are defined in s. 381.986, are exempt from the taxes imposed
17 under this chapter.

18 Section 2. Section 381.986, Florida Statutes, is amended to
19 read:

20 (Substantial rewording of section. See
21 s. 381.986, F.S., for present text.)

22 381.986 Medical use of marijuana.—

23 (1) DEFINITIONS.—As used in this section, the term:

24 (a) "Caregiver" means a resident of this state who has
25 agreed to assist with a qualified patient's medical use of
26 marijuana, has a caregiver identification card, and meets the
27 requirements of subsection (6).

28 (b) "Chronic nonmalignant pain" means pain that is caused
29 by a qualifying medical condition or that originates from a
30 qualifying medical condition and persists beyond the usual
31 course of that qualifying medical condition.

32 (c) "Close relative" means a spouse, parent, sibling,
33 grandparent, child, or grandchild, whether related by whole or
34 half blood, by marriage, or by adoption.

35 (d) "Edibles" means commercially produced food items made
36 with marijuana oil, but no other form of marijuana, which are
37 produced and dispensed by a medical marijuana treatment center.

38 (e) "Low-THC cannabis" means a plant of the genus *Cannabis*,
39 the dried flowers of which contain 0.8 percent or less of
40 tetrahydrocannabinol and more than 10 percent of cannabidiol



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41 weight for weight; the seeds thereof; the resin extracted from
42 any part of such plant; or any compound, manufacture, salt,
43 derivative, mixture, or preparation of the plant or its seeds or
44 resin which is dispensed from a medical marijuana treatment
45 center.

46 (f) "Marijuana" means all parts of any plant of the genus
47 Cannabis, whether growing or not; the seeds thereof; the resin
48 extracted from any part of the plant; or any compound,
49 manufacture, salt, derivative, mixture, or preparation of the
50 plant or its seeds or resin, including low-THC cannabis, which
51 is dispensed from a medical marijuana treatment center for
52 medical use by a qualified patient.

53 (g) "Marijuana delivery device" means an object that is
54 used, intended for use, or designed for use in preparing,
55 storing, ingesting, inhaling, or otherwise introducing marijuana
56 into the human body and that is dispensed from a medical
57 marijuana treatment center for medical use by a qualified
58 patient.

59 (h) "Marijuana testing laboratory" means a facility that
60 collects and analyzes marijuana samples from a medical marijuana
61 treatment center and has been certified by the department
62 pursuant to s. 381.988.

63 (i) "Medical director" means a person who holds an active,
64 unrestricted license as an allopathic physician under chapter
65 458 or osteopathic physician under chapter 459 and is in
66 compliance with the requirements of paragraph (3)(c).

67 (j) "Medical use" means the acquisition, possession, use,
68 delivery, transfer, or administration of marijuana authorized by
69 a physician certification. The term does not include:



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70 1. Possession, use, or administration of marijuana that was
71 not purchased or acquired from a medical marijuana treatment
72 center.

73 2. Possession, use, or administration of marijuana in a
74 form for smoking, in the form of commercially produced food
75 items other than edibles, or of marijuana seeds or flower,
76 except for flower in a sealed receptacle for vaping.

77 3. Use or administration of any form or amount of marijuana
78 in a manner that is inconsistent with the qualified physician's
79 directions or physician certification.

80 4. Transfer of marijuana to a person other than the
81 qualified patient for whom it was authorized or the qualified
82 patient's caregiver on behalf of the qualified patient.

83 5. Use or administration of marijuana in the following
84 locations:

85 a. On any form of public transportation, except for low-THC
86 cannabis.

87 b. In any public place, except for low-THC cannabis.

88 c. In a qualified patient's place of employment, except
89 when permitted by his or her employer.

90 d. In a state correctional institution, as defined in s.
91 944.02, or a correctional institution, as defined in s. 944.241.

92 e. On the grounds of a preschool, primary school, or
93 secondary school, except as provided in s. 1006.062.

94 f. In a school bus, a vehicle, an aircraft, or a motorboat,
95 except for low-THC cannabis.

96 (k) "Physician certification" means a qualified physician's
97 authorization for a qualified patient to receive marijuana and a
98 marijuana delivery device from a medical marijuana treatment



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99 center.

100 (l) "Qualified patient" means a resident of this state who
101 has been added to the medical marijuana use registry by a
102 qualified physician to receive marijuana or a marijuana delivery
103 device for medical use and who has a qualified patient
104 identification card.

105 (m) "Qualified physician" means a person who holds an
106 active, unrestricted license as an allopathic physician under
107 chapter 458 or as an osteopathic physician under chapter 459 and
108 is in compliance with the physician education requirements of
109 subsection (3).

110 (n) "Smoking" means burning or igniting a substance and
111 inhaling the smoke.

112 (o) "Terminal condition" means a progressive disease or
113 medical or surgical condition that causes significant functional
114 impairment, is not considered by a treating physician to be
115 reversible without the administration of life-sustaining
116 procedures, and will result in death within 1 year after
117 diagnosis if the condition runs its normal course.

118 (2) QUALIFYING MEDICAL CONDITIONS.—A patient must be
119 diagnosed with at least one of the following conditions to
120 qualify to receive marijuana or a marijuana delivery device:

121 (a) Cancer.

122 (b) Epilepsy.

123 (c) Glaucoma.

124 (d) Positive status for human immunodeficiency virus.

125 (e) Acquired immune deficiency syndrome.

126 (f) Post-traumatic stress disorder.

127 (g) Amyotrophic lateral sclerosis.



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- 128 (h) Crohn's disease.
- 129 (i) Parkinson's disease.
- 130 (j) Multiple sclerosis.
- 131 (k) A medical condition of the same kind or class as or
132 comparable to any of those enumerated in paragraphs (a)-(j).
- 133 (l) A terminal condition diagnosed by a physician other
134 than the qualified physician issuing the physician
135 certification.
- 136 (m) Chronic nonmalignant pain.
- 137 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.-
- 138 (a) To be approved as a qualified physician, a physician
139 must successfully complete a 2-hour course and subsequent
140 examination offered by the Florida Medical Association or the
141 Florida Osteopathic Medical Association which encompass the
142 requirements of this section and any rules adopted under this
143 section. The course and examination shall be administered at
144 least annually and may be offered in a distance learning format,
145 including an electronic, online format that is available upon
146 request. The price of the course may not exceed \$500. A
147 physician who has met the physician education requirements of
148 former s. 381.986(4), Florida Statutes 2016, before the
149 effective date of this section shall be deemed to be in
150 compliance with this paragraph from the effective date of this
151 act until 90 days after the course and examination required by
152 this paragraph become available.
- 153 (b) A qualified physician may not be employed by, or have
154 any direct or indirect economic interest in, a medical marijuana
155 treatment center or marijuana testing laboratory.
- 156 (c) A medical director must successfully complete a 2-hour



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157 course and subsequent examination offered by the Florida Medical
158 Association or the Florida Osteopathic Medical Association which
159 encompass the requirements of this section and any rules adopted
160 under this section. The course and examination shall be
161 administered at least annually and may be offered in a distance
162 learning format, including an electronic, online format that is
163 available upon request. The price of the course may not exceed
164 \$500.

165 (4) PHYSICIAN CERTIFICATION.—

166 (a) A qualified physician may issue a physician
167 certification only if the qualified physician:

168 1. Conducted a physical examination while physically
169 present in the same room as the patient and a full assessment of
170 the medical history of the patient.

171 2. Diagnosed the patient with at least one qualifying
172 medical condition.

173 3. Determined that the medical use of marijuana would
174 likely outweigh the potential health risks for the patient, and
175 such determination must be documented in the patient's medical
176 record. If a patient is younger than 18 years of age, a second
177 physician must concur with this determination, and such
178 concurrence must be documented in the patient's medical record.

179 4. Determined whether the patient is pregnant and
180 documented such determination in the patient's medical record. A
181 physician may not issue a physician certification, except for
182 low-THC cannabis, to a patient who is pregnant.

183 5. Reviewed the patient's controlled drug prescription
184 history in the prescription drug monitoring program database
185 established pursuant to s. 893.055.



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186 6. Reviewed the medical marijuana use registry and
187 confirmed that the patient does not have an active physician
188 certification from another qualified physician.

189 7. Registers as the issuer of the physician certification
190 for the named qualified patient on the medical marijuana use
191 registry in an electronic manner determined by the department,
192 and:

193 a. Enters into the registry the contents of the physician
194 certification, including the patient's qualifying condition and
195 the dosage not to exceed the daily dose amount determined by the
196 department, the amount and forms of marijuana authorized for the
197 patient, and any types of marijuana delivery devices needed by
198 the patient for the medical use of marijuana;

199 b. Updates the registry within 7 days after any change is
200 made to the original physician certification to reflect such
201 change; and

202 c. Deactivates the registration of the qualified patient
203 and the patient's caregiver when the physician no longer
204 recommends the medical use of marijuana for the patient.

205 8. Obtains the voluntary and informed written consent of
206 the patient for medical use of marijuana each time the qualified
207 physician issues a physician certification for the patient,
208 which shall be maintained in the patient's medical record. The
209 patient, or the patient's parent or legal guardian if the
210 patient is a minor, must sign the informed consent acknowledging
211 that the qualified physician has sufficiently explained its
212 content. The qualified physician must use a standardized
213 informed consent form adopted in rule by the Board of Medicine
214 and the Board of Osteopathic Medicine, which must include, at a



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215 minimum, information related to:
216 a. The Federal Government's classification of marijuana as
217 a Schedule I controlled substance.
218 b. The approval and oversight status of marijuana by the
219 Food and Drug Administration.
220 c. The current state of research on the efficacy of
221 marijuana to treat the qualifying conditions set forth in this
222 section.
223 d. The potential for addiction.
224 e. The potential effect that marijuana may have on a
225 patient's coordination, motor skills, and cognition, including a
226 warning against operating heavy machinery, operating a motor
227 vehicle, or engaging in activities that require a person to be
228 alert or respond quickly.
229 f. The potential side effects of marijuana use.
230 g. The risks, benefits, and drug interactions of marijuana.
231 h. That the patient's de-identified health information
232 contained in the physician certification and medical marijuana
233 use registry may be used for research purposes.
234 (b) If a qualified physician issues a physician
235 certification for a qualified patient diagnosed with a
236 qualifying medical condition as described in paragraph (2)(k),
237 the physician must submit the following to the applicable board
238 within 14 days after issuing the physician certification:
239 1. Documentation supporting the qualified physician's
240 opinion that the medical condition is of the same kind or class
241 as the conditions in paragraphs (2)(a)-(j).
242 2. Documentation that establishes the efficacy of marijuana
243 as treatment for the condition.



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244 3. Documentation supporting the qualified physician's
245 opinion that the benefits of medical use of marijuana would
246 likely outweigh the potential health risks for the patient.

247 4. Any other documentation as required by board rule.
248

249 The department must submit such documentation to the Coalition
250 for Medical Marijuana Research and Education established
251 pursuant to s. 1004.4351.

252 (c) A qualified physician may not issue a physician
253 certification for more than three 70-day supply limits of
254 marijuana. The department shall quantify by rule a daily dose
255 amount with equivalent dose amounts for each allowable form of
256 marijuana dispensed by a medical marijuana treatment center. The
257 department shall use the daily dose amount to calculate a 70-day
258 supply.

259 1. A qualified physician may request an exception to the
260 daily dose amount limit. The request shall be made
261 electronically on a form adopted by the department in rule and
262 must include, at a minimum:

263 a. The qualified patient's qualifying medical condition.

264 b. The dosage and route of administration which were
265 insufficient to provide relief to the qualified patient.

266 c. A description of how the patient will benefit from an
267 increased amount.

268 d. The minimum daily dose amount of marijuana that would be
269 sufficient for the treatment of the qualified patient's
270 qualifying medical condition.

271 2. A qualified physician must provide the qualified
272 patient's records upon the request of the department.



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273 3. The department shall approve or disapprove the request
274 within 14 days after receipt of the complete documentation
275 required by this paragraph. The request shall be deemed approved
276 if the department fails to act within this time period.

277 (d) A qualified physician must evaluate and recertify an
278 existing qualified patient at least once every 30 weeks prior to
279 issuing a new physician certification. A physician must:

280 1. Determine if the patient still meets the requirements of
281 a qualified patient under paragraph (a).

282 2. Identify and document in the qualified patient's medical
283 records whether the qualified patient experienced either of the
284 following related to the medical use of marijuana:

285 a. An adverse drug interaction with any prescription or
286 nonprescription medication; or

287 b. A reduction in the use of opioid analgesics.

288 3. Submit a report with the findings required pursuant to
289 subparagraph 2. to the department. The department shall submit
290 such reports to the Coalition for Medical Marijuana Research and
291 Education established pursuant to s. 1004.4351.

292 (e) An active order for low-THC cannabis or medical
293 cannabis issued pursuant to former s. 381.986, Florida Statutes
294 2016, and registered with the compassionate use registry before
295 the effective date of this section, is deemed a physician
296 certification, and all patients possessing such orders are
297 deemed qualified patients until the department begins issuing
298 medical marijuana use registry identification cards.

299 (f) The department shall monitor physician registration in
300 the medical marijuana use registry and the issuance of physician
301 certifications for practices that could facilitate unlawful



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302 diversion or misuse of marijuana or a marijuana delivery device
303 and shall take disciplinary action as appropriate.

304 (g) The Board of Medicine and the Board of Osteopathic
305 Medicine shall jointly create a physician certification pattern
306 review panel that shall review all physician certifications
307 submitted to the medical marijuana use registry. The panel shall
308 track and report the number of physician certifications and the
309 qualifying medical conditions, dosage, supply amount, and forms
310 of marijuana certified. The panel shall report the data both by
311 individual qualified physician and in the aggregate, by county,
312 and statewide. The physician certification pattern review panel
313 shall, beginning January 1, 2018, submit an annual report of its
314 findings and recommendations to the Governor, the President of
315 the Senate, and the Speaker of the House of Representatives.

316 (h) The department, the Board of Medicine, and the Board of
317 Osteopathic Medicine may adopt rules pursuant to ss. 120.536(1)
318 and 120.54 to implement this subsection.

319 (5) MEDICAL MARIJUANA USE REGISTRY.—

320 (a) The department shall create and maintain a secure,
321 electronic, and online medical marijuana use registry for
322 physicians, patients, and caregivers as provided under this
323 section. The medical marijuana use registry must be accessible
324 to law enforcement agencies, qualified physicians, and medical
325 marijuana treatment centers to verify the authorization of a
326 qualified patient or a caregiver to possess marijuana or a
327 marijuana delivery device and record the marijuana or marijuana
328 delivery device dispensed. The medical marijuana use registry
329 must also be accessible to practitioners licensed to prescribe
330 prescription drugs to ensure proper care for patients before



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331 medications that may interact with the medical use of marijuana
332 are prescribed. The medical marijuana use registry must prevent
333 an active registration of a qualified patient by multiple
334 physicians.

335 (b) The department shall determine whether an individual is
336 a resident of this state for the purpose of registration of
337 qualified patients and caregivers in the medical marijuana use
338 registry. To prove residency:

339 1. An adult resident must provide the department with a
340 copy of his or her valid Florida driver license issued under s.
341 322.18 or a copy of a valid Florida identification card issued
342 under s. 322.051.

343 2. An adult seasonal resident who cannot meet the
344 requirements of subparagraph 1. may provide the department with
345 a copy of two of the following that show proof of residential
346 address:

347 a. A deed, mortgage, monthly mortgage statement, mortgage
348 payment booklet, or residential rental or lease agreement.

349 b. One proof of residential address from the seasonal
350 resident's parent, stepparent, legal guardian, or other person
351 with whom the seasonal resident resides and a statement from the
352 person with whom the seasonal resident resides stating that the
353 seasonal resident does reside with him or her.

354 c. A utility hook up or work order dated within 60 days
355 prior to registration in the medical use registry.

356 d. A utility bill, not more than 2 months old.

357 e. Mail from a financial institution, including checking,
358 savings, or investment account statements, not more than 2
359 months old.



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360 f. Mail from a federal, state, county, or municipal
361 government agency, not more than 2 months old.

362 g. Any other documentation that provides proof of
363 residential address as determined by department rule.

364

365 As used in this subparagraph, the term "seasonal resident" means
366 any person who temporarily resides in this state for a period of
367 at least 31 consecutive days in each calendar year, maintains a
368 temporary residence in this state, returns to the state or
369 jurisdiction of his or her residence at least one time during
370 each calendar year, and is registered to vote or pays income tax
371 in another state or jurisdiction.

372 3. A minor must provide the department with a certified
373 copy of a birth certificate or a current record of registration
374 from a Florida K-12 school and must have a parent or legal
375 guardian who meets the requirements of subparagraph 1.

376 (c) The department may suspend or revoke the registration
377 of a qualified patient or caregiver if the qualified patient or
378 caregiver:

379 1. Provides misleading, incorrect, false, or fraudulent
380 information to the department;

381 2. Obtains a supply of marijuana in an amount greater than
382 the amount authorized by the physician certification;

383 3. Falsifies, alters, or otherwise modifies an
384 identification card;

385 4. Fails to timely notify the department of any changes to
386 his or her qualified patient status; or

387 5. Violates the requirements of this section or any rule
388 adopted under this section.



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389 (d) The department shall immediately suspend the
390 registration of a qualified patient charged with a violation of
391 chapter 893 until final disposition of any alleged offense.
392 Thereafter, the department may extend the suspension, revoke the
393 registration, or reinstate the registration.

394 (e) The department shall immediately suspend the
395 registration of any caregiver charged with a violation of
396 chapter 893 until final disposition of any alleged offense. The
397 department shall revoke a caregiver registration if the
398 caregiver does not meet the requirements of subparagraph
399 (6) (b) 6.

400 (f) The department may revoke the registration of a
401 qualified patient or caregiver who cultivates marijuana or who
402 acquires, possesses, or delivers marijuana from any person or
403 entity other than a medical marijuana treatment center.

404 (g) The department shall revoke the registration of a
405 qualified patient, and the patient's associated caregiver, upon
406 notification that the patient no longer meets the criteria of a
407 qualified patient.

408 (h) The department may adopt rules pursuant to ss.
409 120.536(1) and 120.54 to implement this subsection.

410 (6) CAREGIVERS.—

411 (a) The department must register an individual as a
412 caregiver on the medical marijuana use registry and issue a
413 caregiver identification card if an individual designated by a
414 qualified patient meets all of the requirements of this
415 subsection and department rule.

416 (b) A caregiver must:

417 1. Not be a qualified physician and not be employed by or



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418 have an economic interest in a medical marijuana treatment
419 center or a marijuana testing laboratory.

420 2. Be 21 years of age or older and a resident of this
421 state.

422 3. Agree in writing to assist with the qualified patient's
423 medical use of marijuana.

424 4. Be registered in the medical marijuana use registry as a
425 caregiver for no more than one qualified patient, except as
426 provided in this paragraph.

427 5. Successfully complete a caregiver certification course
428 developed and administered by the department or its designee,
429 which must be renewed biennially. The price of the course may
430 not exceed \$100.

431 6. Pass a background screening pursuant to subsection (9),
432 unless the patient is a close relative of the caregiver.

433 (c) A qualified patient may designate no more than one
434 caregiver to assist with the qualified patient's medical use of
435 marijuana, unless:

436 1. The qualified patient is a minor and the designated
437 caregivers are parents or legal guardians of the qualified
438 patient;

439 2. The qualified patient is an adult who has an
440 intellectual or developmental disability that prevents the
441 patient from being able to protect or care for himself or
442 herself without assistance or supervision and the designated
443 caregivers are the parents or legal guardians of the qualified
444 patient; or

445 3. The qualified patient is admitted to a hospice program.

446 (d) A caregiver may be registered in the medical marijuana



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447 use registry as a designated caregiver for no more than one
448 qualified patient, unless:

449 1. The caregiver is a parent or legal guardian of more than
450 one minor who is a qualified patient;

451 2. The caregiver is a parent or legal guardian of more than
452 one adult who is a qualified patient and who has an intellectual
453 or developmental disability that prevents the patient from being
454 able to protect or care for himself or herself without
455 assistance or supervision; or

456 3. All qualified patients the caregiver has agreed to
457 assist are admitted to a hospice program and have requested the
458 assistance of that caregiver with the medical use of marijuana;
459 the caregiver is an employee of the hospice; and the caregiver
460 provides personal care or other services directly to clients of
461 the hospice in the scope of that employment.

462 (e) A caregiver may not receive compensation, other than
463 actual expenses incurred, for any services provided to the
464 qualified patient.

465 (f) If a qualified patient is younger than 18 years of age,
466 only a caregiver may purchase or administer marijuana for
467 medical use by the qualified patient. The qualified patient may
468 not purchase marijuana.

469 (g) A caregiver must be in immediate possession of his or
470 her medical marijuana use registry identification card at all
471 times when in possession of marijuana or a marijuana delivery
472 device and must present his or her medical marijuana use
473 registry identification card upon the request of a law
474 enforcement officer.

475 (h) The department may adopt rules pursuant to ss.



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476 120.536(1) and 120.54 to implement this subsection.

477 (7) IDENTIFICATION CARDS.—

478 (a) The department shall issue medical marijuana use
479 registry identification cards for qualified patients and
480 caregivers who are residents of this state which must be renewed
481 annually. The identification cards must be resistant to
482 counterfeiting and tampering and must include, at a minimum, the
483 following:

484 1. The name, address, and date of birth of the qualified
485 patient or caregiver.

486 2. A full-face, passport-type, color photograph of the
487 qualified patient or caregiver taken within the 90 days
488 immediately preceding registration or the Florida driver license
489 or Florida identification card photograph of the qualified
490 patient or caregiver obtained directly from the Department of
491 Highway Safety and Motor Vehicles.

492 3. Identification as a qualified patient or a caregiver.

493 4. The unique numeric identifier used for the qualified
494 patient in the medical marijuana use registry.

495 5. For a caregiver, the name and unique numeric identifier
496 of the caregiver and the qualified patient or patients that the
497 caregiver is assisting.

498 6. The expiration date of the identification card.

499 (b) The department must receive written consent from a
500 qualified patient's parent or legal guardian before it may issue
501 an identification card to a qualified patient who is a minor.

502 (c) The department shall, by July 3, 2017, adopt rules
503 pursuant to ss. 120.536(1) and 120.54 establishing procedures
504 for the issuance, renewal, suspension, replacement, surrender,



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505 and revocation of medical marijuana use registry identification
506 cards and shall begin issuing qualified patient identification
507 cards by October 3, 2017.

508 (d) Applications for identification cards must be submitted
509 on a form prescribed by the department. The department may
510 charge a reasonable fee associated with the issuance,
511 replacement, and renewal of identification cards. The department
512 may contract with a third-party vendor to issue identification
513 cards. The vendor selected by the department must have
514 experience performing similar functions for other state
515 agencies.

516 (e) A qualified patient or caregiver must return his or her
517 identification card to the department within 5 business days
518 after revocation.

519 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

520 (a) The department shall license medical marijuana
521 treatment centers to ensure reasonable statewide accessibility
522 and availability as necessary for qualified patients registered
523 in the medical marijuana use registry and who are issued a
524 physician certification under this section.

525 1. The department shall license as a medical marijuana
526 treatment center any entity that holds an active, unrestricted
527 license to cultivate, process, transport, and dispense low-THC
528 cannabis, medical cannabis, and cannabis delivery devices, under
529 former s. 381.986, Florida Statutes 2016, before July 1, 2017,
530 and which meets the requirements of this section. In addition to
531 the authority granted under this section, these entities are
532 authorized to dispense low-THC cannabis, medical cannabis, and
533 cannabis delivery devices ordered pursuant to former s. 381.986,



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534 Florida Statutes 2016, which were entered into the compassionate
535 use registry before July 1, 2017. The department may grant
536 variances from the representations made in such an entity's
537 original application for approval under former s. 381.986,
538 Florida Statutes 2014, pursuant to paragraph (e).

539 2. As soon as practicable, but no later than October 1,
540 2017, the department shall license as medical marijuana
541 treatment centers 10 applicants that meet the requirements of
542 this section, except as provided in sub-subparagraph c.,
543 including:

544 a. Any medical marijuana treatment center applicant that
545 was denied a dispensing organization license by the department
546 under former s. 381.986, Florida Statutes 2014, if the applicant
547 is awarded a license pursuant to an administrative or legal
548 challenge filed before January 1, 2017.

549 b. One applicant that was a qualified dispensing
550 organization applicant under former s. 381.986, Florida Statutes
551 2014; was the highest scoring applicant that was not awarded a
552 license; was not a litigant in an administrative challenge on or
553 after March 31, 2017; and provides documentation to the
554 department that it has the existing infrastructure and technical
555 and technological ability to begin cultivating, processing, and
556 dispensing marijuana within 30 days after registration as a
557 medical marijuana treatment center.

558 c. One applicant that is a recognized class member of
559 *Pigford v. Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black*
560 *Farmers Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011); is a member of
561 the Black Farmers and Agriculturalists Association-Florida
562 Chapter; and meets the requirements of subparagraphs (b)3.-9.



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563 3. Within 6 months after the medical marijuana use registry
564 reaches a total of 75,000 active registered qualified patients
565 and upon each further instance of the total active registered
566 qualified patients increasing by 75,000, license five additional
567 medical marijuana treatment centers if a sufficient number of
568 medical marijuana treatment center applicants meet the
569 registration requirements of this section and department rule.

570 (b) An applicant for licensure as a medical marijuana
571 treatment center shall apply to the department on a form
572 prescribed by the department and adopted in rule. The department
573 shall adopt rules pursuant to ss. 120.536(1) and 120.54
574 establishing a procedure for the issuance and biennial renewal
575 of licenses, including initial application and biennial renewal
576 fees sufficient to cover the costs of administering this
577 licensure program. Subject to the requirements in subparagraphs
578 (a)2.-4., the department shall issue a license to an applicant
579 if the applicant meets the requirements of this section and pays
580 the initial application fee. The department shall renew the
581 licensure of a medical marijuana treatment center biennially if
582 the licensee meets the requirements of this section and pays the
583 biennial renewal fee. An individual may not be an applicant,
584 owner, officer, board member, or manager on more than one
585 application for licensure as a medical marijuana treatment
586 center. An individual or entity may not be awarded more than one
587 license as a medical marijuana treatment center. An applicant
588 for licensure as a medical marijuana treatment center must
589 demonstrate:

590 1. That, for the 5 consecutive years before submitting the
591 application, the applicant has been registered to do business in



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592 in the state.

593 2. Possession of a valid certificate of registration issued
594 by the Department of Agriculture and Consumer Services pursuant
595 to s. 581.131.

596 3. The technical and technological ability to cultivate and
597 produce marijuana, including, but not limited to, low-THC
598 cannabis.

599 4. The ability to secure the premises, resources, and
600 personnel necessary to operate as a medical marijuana treatment
601 center.

602 5. The ability to maintain accountability of all raw
603 materials, finished products, and any byproducts to prevent
604 diversion or unlawful access to or possession of these
605 substances.

606 6. An infrastructure reasonably located to dispense
607 marijuana to registered qualified patients statewide or
608 regionally as determined by the department.

609 7. The financial ability to maintain operations for the
610 duration of the 2-year approval cycle, including the provision
611 of certified financial statements to the department. Upon
612 approval, the applicant must post a \$5 million performance bond.
613 However, a medical marijuana treatment center serving at least
614 1,000 qualified patients is only required to maintain a \$2
615 million performance bond.

616 8. That all owners, officers, board members, and managers
617 have passed a background screening pursuant to subsection (9).

618 9. The employment of a medical director to supervise the
619 activities of the medical marijuana treatment center.

620 (c) A medical marijuana treatment center may not make a



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621 wholesale purchase of marijuana from, or a distribution of
622 marijuana to, another medical marijuana treatment center unless
623 the medical marijuana treatment center seeking to make a
624 wholesale purchase of marijuana submits proof of harvest failure
625 to the department.

626 (d) The department shall establish, maintain, and control a
627 computer software tracking system that traces marijuana from
628 seed to sale and allows real-time, 24-hour access by the
629 department to data from all medical marijuana treatment centers
630 and marijuana testing laboratories. The tracking system must
631 allow for integration of other seed-to-sale systems and, at a
632 minimum, include notification of when marijuana seeds are
633 planted, when marijuana plants are harvested and destroyed, and
634 when marijuana is transported, sold, stolen, diverted, or lost.
635 Each medical marijuana treatment center shall use the seed-to-
636 sale tracking system established by the department or integrate
637 its own seed-to-sale tracking system with the seed-to-sale
638 tracking system established by the department. Each medical
639 marijuana treatment center may use its own seed-to-sale system
640 until the department establishes a seed-to-sale tracking system.
641 The department may contract with a vendor to establish the seed-
642 to-sale tracking system. The vendor selected by the department
643 may not have a contractual relationship with the department to
644 perform any services pursuant to this section other than the
645 seed-to-sale tracking system. The vendor may not have a direct
646 or indirect financial interest in a medical marijuana treatment
647 center or a marijuana testing laboratory.

648 (e) A licensed medical marijuana treatment center shall
649 cultivate, process, transport, and dispense marijuana for



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650 medical use. A licensed medical marijuana treatment center may
651 not contract for services directly related to the cultivation,
652 processing, and dispensing of marijuana or marijuana delivery
653 devices. A licensed medical marijuana treatment center must, at
654 all times, maintain compliance with the criteria demonstrated
655 and representations made in the initial application and the
656 criteria established in this subsection. Upon request, the
657 department may grant a medical marijuana treatment center a
658 variance from the representations made in the initial
659 application. Consideration of such a request shall be based upon
660 the individual facts and circumstances surrounding the request.
661 A variance may not be granted unless the requesting medical
662 marijuana treatment center can demonstrate to the department
663 that it has a proposed alternative to the specific
664 representation made in its application which fulfills the same
665 or a similar purpose as the specific representation in a way
666 that the department can reasonably determine will not be a lower
667 standard than the specific representation in the application. A
668 variance may not be granted from the requirements in
669 subparagraph 2. and subparagraphs (b)1. and 2.

670 1. A licensed medical marijuana treatment center may
671 transfer ownership to an individual or entity who meets the
672 requirements of this section. To accommodate a change in
673 ownership:

674 a. The licensed medical marijuana treatment center shall
675 notify the department in writing at least 60 days before the
676 anticipated date of the change of ownership.

677 b. The individual or entity applying for initial licensure
678 due to a change of ownership must submit an application that



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679 must be received by the department at least 60 days prior to the
680 date of change of ownership.

681 c. Upon receipt of an application for a license, the
682 department shall examine the application and, within 30 days
683 after receipt, notify the applicant in writing of any apparent
684 errors or omissions and request any additional information
685 required.

686 d. Requested information omitted from an application for
687 licensure must be filed with the department within 21 days after
688 the department's request for omitted information or the
689 application shall be deemed incomplete and shall be withdrawn
690 from further consideration and the fees shall be forfeited.

691
692 Within 30 days after the receipt of a complete application, the
693 department shall approve or deny the application.

694 2. A medical marijuana treatment center, and any individual
695 or entity who directly or indirectly owns, controls, or holds
696 with power to vote 5 percent or more of the voting shares of a
697 medical marijuana treatment center, may not acquire direct or
698 indirect ownership or control of any voting shares or other form
699 of ownership of any other medical marijuana treatment center.

700 3. All employees of a medical marijuana treatment center
701 must be 21 years of age or older and have passed a background
702 screening pursuant to subsection (9).

703 4. Each medical marijuana treatment center must adopt and
704 enforce policies and procedures to ensure employees and
705 volunteers receive training on the legal requirements to
706 dispense marijuana to qualified patients.

707 5. When growing marijuana, a medical marijuana treatment



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708 center:
709 a. May use pesticides determined by the department, after
710 consultation with the Department of Agriculture and Consumer
711 Services, to be safely applied to plants intended for human
712 consumption, but may not use pesticides designated as
713 restricted-use pesticides pursuant to s. 487.042.
714 b. Must grow marijuana within an enclosed structure and in
715 a room separate from any other plant.
716 c. Must inspect seeds and growing plants for plant pests
717 that endanger or threaten the horticultural and agricultural
718 interests of the state in accordance with chapter 581 and any
719 rules adopted thereunder.
720 d. Must perform fumigation or treatment of plants, or
721 remove and destroy infested or infected plants, in accordance
722 with chapter 581 and any rules adopted thereunder.
723 6. Each medical marijuana treatment center must produce and
724 make available for purchase at least one low-THC cannabis
725 product.
726 7. A medical marijuana treatment center that produces
727 edibles must hold a permit to operate as a food establishment
728 pursuant to chapter 500, the Florida Food Safety Act, and must
729 comply with all the requirements for food establishments
730 pursuant to chapter 500 and any rules adopted thereunder.
731 Edibles may not contain more than 200 milligrams of
732 tetrahydrocannabinol and a single serving portion of an edible
733 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
734 may have a potency variance of no greater than 15 percent.
735 Edibles may not be attractive to children; be manufactured in
736 the shape of humans, cartoons, or animals; be manufactured in a



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737 form that bears any reasonable resemblance to products available
738 for consumption as commercially available candy; or contain any
739 color additives. To discourage consumption of edibles by
740 children, the department shall determine by rule any shapes,
741 forms, and ingredients allowed and prohibited for edibles.
742 Medical marijuana treatment centers may not begin processing or
743 dispensing edibles until after the effective date of the rule.
744 The department shall also adopt sanitation rules providing the
745 standards and requirements for the storage, display, or
746 dispensing of edibles.

747 8. When processing marijuana, a medical marijuana treatment
748 center must:

749 a. Process the marijuana within an enclosed structure and
750 in a room separate from other plants or products.

751 b. Not use a hydrocarbon based solvent, such as butane,
752 hexane, or propane, to extract or separate resin from marijuana.

753 c. Test the processed marijuana using a medical marijuana
754 testing laboratory before it is dispensed. Results must be
755 verified and signed by two medical marijuana treatment center
756 employees. Before dispensing, the medical marijuana treatment
757 center must determine that the test results indicate that low-
758 THC cannabis meets the definition of low-THC cannabis, the
759 concentration of tetrahydrocannabinol meets the potency
760 requirements of this section, the labeling of the concentration
761 of tetrahydrocannabinol and cannabidiol is accurate, and all
762 marijuana is safe for human consumption and free from
763 contaminants that are unsafe for human consumption. The
764 department shall determine by rule which contaminants must be
765 tested for and the maximum levels of each contaminant which are



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766 safe for human consumption. The Department of Agriculture and
767 Consumer Services shall assist the department in developing the
768 testing requirements for contaminants that are unsafe for human
769 consumption in edibles. The department shall also determine by
770 rule the procedures for the treatment of marijuana that fails to
771 meet the testing requirements of this section, s. 381.988, or
772 department rule. The department may select a random sample from
773 edibles available for purchase in a dispensing facility that
774 shall be tested by the department to determine that the edible
775 meets the potency requirements of this section, is safe for
776 human consumption, and the labeling of the tetrahydrocannabinol
777 and cannabidiol concentration is accurate. A medical marijuana
778 treatment center may not require payment from the department for
779 the sample. A medical marijuana treatment center must recall
780 edibles, including all edibles made from the same batch of
781 marijuana, which fail to meet the potency requirements of this
782 section, which are unsafe for human consumption, or for which
783 the labeling of the tetrahydrocannabinol and cannabidiol
784 concentration is inaccurate. The medical marijuana treatment
785 center must retain records of all testing and samples of each
786 homogenous batch of marijuana for at least 9 months. The medical
787 marijuana treatment center must contract with a marijuana
788 testing laboratory to perform audits on the medical marijuana
789 treatment center's standard operating procedures, testing
790 records, and samples and provide the results to the department
791 to confirm that the marijuana or low-THC cannabis meets the
792 requirements of this section and that the marijuana or low-THC
793 cannabis is safe for human consumption. A medical marijuana
794 treatment center shall reserve two processed samples from each



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795 batch and retain such samples for at least 9 months for the
796 purpose such audits. A medical marijuana treatment center may
797 use a laboratory that has not been certified by the department
798 under s. 381.988 until such time as at least one laboratory
799 holds the required certification, but in no event later than
800 July 1, 2018.

801 d. Package the marijuana in compliance with the United
802 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
803 1471 et seq.

804 e. Package the marijuana in a receptacle that has a firmly
805 affixed and legible label stating the following information:

806 (I) The marijuana or low-THC cannabis meets the
807 requirements of sub-subparagraph c.

808 (II) The name of the medical marijuana treatment center
809 from which the marijuana originates.

810 (III) The batch number and harvest number from which the
811 marijuana originates and the date dispensed.

812 (IV) The name of the physician who issued the physician
813 certification.

814 (V) The name of the patient.

815 (VI) The product name, if applicable, and dosage form,
816 including concentration of tetrahydrocannabinol and cannabidiol.
817 The product name may not contain wording commonly associated
818 with products marketed by or to children.

819 (VII) The recommended dose.

820 (VIII) A warning that it is illegal to transfer medical
821 marijuana to another person.

822 (IX) A marijuana universal symbol developed by the
823 department.



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824 9. The medical marijuana treatment center shall include in
825 each package a patient package insert with information on the
826 specific product dispensed related to:

- 827 a. Clinical pharmacology.
- 828 b. Indications and use.
- 829 c. Dosage and administration.
- 830 d. Dosage forms and strengths.
- 831 e. Contraindications.
- 832 f. Warnings and precautions.
- 833 g. Adverse reactions.

834 10. Each edible shall be individually sealed in plain,
835 opaque wrapping marked only with the marijuana universal symbol.
836 Where practical, each edible shall be marked with the marijuana
837 universal symbol. In addition to the packaging and labeling
838 requirements in subparagraphs 8. and 9., edible receptacles must
839 be plain, opaque, and white without depictions of the product or
840 images other than the medical marijuana treatment center's
841 department-approved logo and the marijuana universal symbol. The
842 receptacle must also include a list all of the edible's
843 ingredients, storage instructions, an expiration date, a legible
844 and prominent warning to keep away from children and pets, and a
845 warning that the edible has not been produced or inspected
846 pursuant to federal food safety laws.

847 11. A medical marijuana treatment center may not establish
848 or operate more than five dispensing facilities, unless the
849 medical marijuana use registry reaches a total of 75,000 active
850 registered qualified patients, and then, upon each further
851 instance of the total active registered qualified patients
852 increasing by 75,000, each medical marijuana treatment center



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853 licensed by the department at that time may establish and
854 operate one additional dispensing facility. When dispensing
855 marijuana or a marijuana delivery device, a medical marijuana
856 treatment center:

857 a. May dispense any active, valid order for low-THC
858 cannabis, medical cannabis and cannabis delivery devices issued
859 pursuant to former s. 381.986, Florida Statutes 2016, which was
860 entered into the medical marijuana use registry before July 1,
861 2017.

862 b. May not dispense more than a 70-day supply of marijuana
863 to a qualified patient or caregiver.

864 c. Must have the medical marijuana treatment center's
865 employee who dispenses the marijuana or a marijuana delivery
866 device enter into the medical marijuana use registry his or her
867 name or unique employee identifier.

868 d. Must verify that the qualified patient and the
869 caregiver, if applicable, each has an active registration in the
870 medical marijuana use registry and an active and valid medical
871 marijuana use registry identification card, the amount and type
872 of marijuana dispensed matches the physician's certification in
873 the medical marijuana use registry for that qualified patient,
874 and the physician certification has not already been filled.

875 e. May not dispense marijuana to a qualified patient who is
876 younger than 18 years of age. If the qualified patient is
877 younger than 18 years of age, marijuana may only be dispensed to
878 the qualified patient's caregiver.

879 f. May not dispense or sell any other type of cannabis,
880 alcohol, or illicit drug-related product, including pipes,
881 bongs, or wrapping papers, other than a marijuana delivery



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882 device required for the medical use of marijuana and which is
883 specified in a physician certification.

884 g. Must, upon dispensing the marijuana or marijuana
885 delivery device, record in the registry the date, time,
886 quantity, and form of marijuana dispensed; the type of marijuana
887 delivery device dispensed; and the name and medical marijuana
888 use registry identification number of the qualified patient or
889 caregiver to whom the marijuana delivery device was dispensed.

890 h. Must ensure that patient records are not visible to
891 anyone other than the qualified patient, his or her caregiver,
892 and authorized medical marijuana treatment center employees.

893 (f) To ensure the safety and security of premises where the
894 cultivation, processing, storing, or dispensing of marijuana
895 occurs, and to maintain adequate controls against the diversion,
896 theft, and loss of marijuana or marijuana delivery devices, a
897 medical marijuana treatment center shall:

898 1.a. Maintain a fully operational security alarm system
899 that secures all entry points and perimeter windows and is
900 equipped with motion detectors; pressure switches; and duress,
901 panic, and hold-up alarms; and

902 b. Maintain a video surveillance system that records
903 continuously 24 hours a day and meets the following criteria:

904 (I) Cameras are fixed in a place that allows for the clear
905 identification of persons and activities in controlled areas of
906 the premises. Controlled areas include grow rooms, processing
907 rooms, storage rooms, disposal rooms or areas, and point-of-sale
908 rooms.

909 (II) Cameras are fixed in entrances and exits to the
910 premises, which shall record from both indoor and outdoor, or



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911 ingress and egress, vantage points.

912 (III) Recorded images must clearly and accurately display
913 the time and date.

914 (IV) Retain video surveillance recordings for at least 45
915 days or longer upon the request of a law enforcement agency.

916 2. Ensure that the medical marijuana treatment center's
917 outdoor premises have sufficient lighting from dusk until dawn.

918 3. Ensure that the indoor premises where dispensing occurs
919 includes a waiting area with sufficient space and seating to
920 accommodate qualified patients and caregivers and at least one
921 private consultation area that is isolated from the waiting area
922 and area where dispensing occurs. A medical marijuana treatment
923 center may not display products or dispense marijuana or
924 marijuana delivery devices in the waiting area.

925 4. Not dispense from its premises marijuana or a marijuana
926 delivery device between the hours of 9 p.m. and 7 a.m., but may
927 perform all other operations and deliver marijuana to qualified
928 patients 24 hours a day.

929 5. Store marijuana in a secured, locked room or a vault.

930 6. Require at least two of its employees, or two employees
931 of a security agency with whom it contracts, to be on the
932 premises at all times where cultivation, processing, or storing
933 of marijuana occurs.

934 7. Require each employee or contractor to wear a photo
935 identification badge at all times while on the premises.

936 8. Require each visitor to wear a visitor pass at all times
937 while on the premises.

938 9. Implement an alcohol and drug-free workplace policy.

939 10. Report to local law enforcement within 24 hours after



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940 the medical marijuana treatment center is notified or becomes
941 aware of the theft, diversion, or loss of marijuana.

942 (g) To ensure the safe transport of marijuana and marijuana
943 delivery devices to medical marijuana treatment centers,
944 marijuana testing laboratories, or qualified patients, a medical
945 marijuana treatment center must:

946 1. Maintain a marijuana transportation manifest in any
947 vehicle transporting marijuana. The marijuana transportation
948 manifest must be generated from a medical marijuana treatment
949 center's seed-to-sale tracking system and include the:

950 a. Departure date and approximate time of departure.

951 b. Name, location address, and license number of the
952 originating medical marijuana treatment center.

953 c. Name and address of the recipient of the delivery.

954 d. Quantity and form of any marijuana or marijuana delivery
955 device being transported.

956 e. Arrival date and estimated time of arrival.

957 f. Delivery vehicle make and model and license plate
958 number.

959 g. Name and signature of the medical marijuana treatment
960 center employees delivering the product.

961 (I) A copy of the marijuana transportation manifest must be
962 provided to each individual, medical marijuana treatment center,
963 or marijuana testing laboratory that receives a delivery. The
964 individual, or a representative of the center or laboratory,
965 must sign a copy of the marijuana transportation manifest
966 acknowledging receipt.

967 (II) An individual transporting marijuana or a marijuana
968 delivery device must present a copy of the relevant marijuana



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969 transportation manifest and his or her employee identification
970 card to a law enforcement officer upon request.

971 (III) Medical marijuana treatment centers and marijuana
972 testing laboratories must retain copies of all marijuana
973 transportation manifests for at least 3 years.

974 2. Ensure only vehicles in good working order are used to
975 transport marijuana.

976 3. Lock marijuana and marijuana delivery devices in a
977 separate compartment or container within the vehicle.

978 4. Require employees to have possession of their employee
979 identification cards at all times when transporting marijuana or
980 marijuana delivery devices.

981 5. Require at least two persons to be in a vehicle
982 transporting marijuana or marijuana delivery devices, and
983 require at least one person to remain in the vehicle while the
984 marijuana or marijuana delivery device is being delivered.

985 6. Provide specific safety and security training to
986 employees transporting or delivering marijuana and marijuana
987 delivery devices.

988 (h) A medical marijuana treatment center may not engage in
989 advertising that is visible to members of the public from any
990 street, sidewalk, park, or other public place, except:

991 1. The dispensing location of a medical marijuana treatment
992 center may have a sign that is affixed to the outside or hanging
993 in the window of the premises which identifies the dispensary by
994 the licensee's business name, a department-approved trade name,
995 or a department-approved logo. A medical marijuana treatment
996 center's trade name and logo may not contain wording or images
997 commonly associated with marketing targeted toward children or



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998 which promote recreational use of marijuana.

999 2. A medical marijuana treatment center may engage in
1000 Internet advertising and marketing under the following
1001 conditions:

1002 a. All advertisements must be approved by the department.

1003 b. An advertisement may not have any content that
1004 specifically targets individuals under the age of 18, including
1005 cartoon characters or similar images.

1006 c. An advertisement may not be an unsolicited pop-up
1007 advertisement.

1008 d. Opt-in marketing must include an easy and permanent opt-
1009 out feature.

1010 (i) Each medical marijuana treatment center that dispenses
1011 marijuana and marijuana delivery devices shall make available to
1012 the public on its website:

1013 1. Each marijuana and low-THC product available for
1014 purchase, including the form, strain of marijuana from which it
1015 was extracted, cannabidiol content, tetrahydrocannabinol
1016 content, dose unit, total number of doses available, and the
1017 ratio of cannabidiol to tetrahydrocannabinol for each product.

1018 2. The price for a 30-day, 50-day, and 70-day supply at a
1019 standard dose for each marijuana and low-THC product available
1020 for purchase.

1021 3. The price for each marijuana delivery device available
1022 for purchase.

1023 4. If applicable, any discount policies and eligibility
1024 criteria for such discounts.

1025 (j) Medical marijuana treatment centers are the sole source
1026 from which a qualified patient may legally obtain marijuana.



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1027 (k) The department may adopt rules pursuant to ss.
1028 120.536(1) and 120.54 to implement this subsection.

1029 (9) BACKGROUND SCREENING.—An individual required to undergo
1030 a background screening pursuant to this section must pass a
1031 level 2 background screening as provided under chapter 435,
1032 which, in addition to the disqualifying offenses provided in s.
1033 435.04, shall exclude an individual who has an arrest awaiting
1034 final disposition for, has been found guilty of, regardless of
1035 adjudication, or has entered a plea of nolo contendere or guilty
1036 to, an offense under chapter 837, chapter 895, or chapter 896 or
1037 similar law of another jurisdiction.

1038 (a) Such individual must submit a full set of fingerprints
1039 to the department or to a vendor, entity, or agency authorized
1040 by s. 943.053(13). The department, vendor, entity, or agency
1041 shall forward the fingerprints to the Department of Law
1042 Enforcement for state processing, and the Department of Law
1043 Enforcement shall forward the fingerprints to the Federal Bureau
1044 of Investigation for national processing.

1045 (b) Fees for state and federal fingerprint processing and
1046 retention shall be borne by the individual. The state cost for
1047 fingerprint processing shall be as provided in s. 943.053(3) (e)
1048 for records provided to persons or entities other than those
1049 specified as exceptions therein.

1050 (c) Fingerprints submitted to the Department of Law
1051 Enforcement pursuant to this subsection shall be retained by the
1052 Department of Law Enforcement as provided in s. 943.05(2) (g) and
1053 (h) and, when the Department of Law Enforcement begins
1054 participation in the program, enrolled in the Federal Bureau of
1055 Investigation's national retained print arrest notification



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1056 program. Any arrest record identified shall be reported to the
1057 department.

1058 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;
1059 ADMINISTRATIVE ACTIONS.—

1060 (a) The department shall conduct announced or unannounced
1061 inspections of medical marijuana treatment centers to determine
1062 compliance with this section or rules adopted pursuant to this
1063 section.

1064 (b) The department shall inspect a medical marijuana
1065 treatment center upon receiving a complaint or notice that the
1066 medical marijuana treatment center has dispensed marijuana
1067 containing mold, bacteria, or other contaminant that may cause
1068 or has caused an adverse effect to human health or the
1069 environment.

1070 (c) The department shall conduct at least a biennial
1071 inspection of each medical marijuana treatment center to
1072 evaluate the medical marijuana treatment center's records,
1073 personnel, equipment, processes, security measures, sanitation
1074 practices, and quality assurance practices.

1075 (d) The Department of Agriculture and Consumer Services and
1076 the department shall enter into an interagency agreement to
1077 ensure cooperation and coordination in the performance of their
1078 obligations under this section and their respective regulatory
1079 and authorizing laws. The department, the Department of Highway
1080 Safety and Motor Vehicles, and the Department of Law Enforcement
1081 may enter into interagency agreements for the purposes specified
1082 in this subsection or subsection (7).

1083 (e) The department shall publish a list of all approved
1084 medical marijuana treatment centers, medical directors, and



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1085 qualified physicians on its website.

1086 (f) The department may impose reasonable fines not to
1087 exceed \$10,000 on a medical marijuana treatment center for any
1088 of the following violations:

1089 1. Violating this section or department rule.

1090 2. Failing to maintain qualifications for approval.

1091 3. Endangering the health, safety, or security of a
1092 qualified patient.

1093 4. Improperly disclosing personal and confidential
1094 information of a qualified patient.

1095 5. Attempting to procure medical marijuana treatment center
1096 approval by bribery, fraudulent misrepresentation, or extortion.

1097 6. Being convicted or found guilty of, or entering a plea
1098 of guilty or nolo contendere to, regardless of adjudication, a
1099 crime in any jurisdiction which directly relates to the business
1100 of a medical marijuana treatment center.

1101 7. Making or filing a report or record that the medical
1102 marijuana treatment center knows to be false.

1103 8. Willfully failing to maintain a record required by this
1104 section or department rule.

1105 9. Willfully impeding or obstructing an employee or agent
1106 of the department in the furtherance of his or her official
1107 duties.

1108 10. Engaging in fraud or deceit, negligence, incompetence,
1109 or misconduct in the business practices of a medical marijuana
1110 treatment center.

1111 11. Making misleading, deceptive, or fraudulent
1112 representations in or related to the business practices of a
1113 medical marijuana treatment center.



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1114 12. Having a license or the authority to engage in any
1115 regulated profession, occupation, or business that is related to
1116 the business practices of a medical marijuana treatment center
1117 suspended, revoked, or otherwise acted against by the licensing
1118 authority of any jurisdiction, including its agencies or
1119 subdivisions, for a violation of Florida law.

1120 13. Violating a lawful order of the department or an agency
1121 of the state, or failing to comply with a lawfully issued
1122 subpoena of the department or an agency of the state.

1123 (g) The department may suspend, revoke, or refuse to renew
1124 a medical marijuana treatment center license if the medical
1125 marijuana treatment center commits any of the violations in
1126 paragraph (f).

1127 (h) The department may adopt rules pursuant to ss.
1128 120.536(1) and 120.54 to implement this subsection.

1129 (11) PREEMPTION.—Regulation of cultivation, processing, and
1130 delivery of marijuana by medical marijuana treatment centers is
1131 preempted to the state except as provided in this subsection.

1132 (a) A medical marijuana treatment center cultivating or
1133 processing facility may not be located within 500 feet of the
1134 real property that comprises a public or private elementary
1135 school, middle school, or secondary school.

1136 (b) A municipality may determine by ordinance the criteria
1137 for the number and location of, and other permitting
1138 requirements that do not conflict with state law or department
1139 rule for, medical marijuana treatment center dispensing
1140 facilities located within the boundaries of the municipality. A
1141 county may determine by ordinance the criteria for the number
1142 and location of, and other permitting requirements that do not



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1143 conflict with state law or department rule for, all such
1144 dispensing facilities located within the unincorporated areas of
1145 that county. Except as provided in paragraph (c), a county or
1146 municipality may not enact ordinances for permitting or for
1147 determining the location of dispensing facilities which are more
1148 restrictive than that its ordinances permitting or determining
1149 the locations for pharmacies licensed under chapter 465. A
1150 municipality or county may not charge a medical marijuana
1151 treatment center a license or permit fee in an amount greater
1152 than the fee charged by such municipality or county to
1153 pharmacies. A dispensing facility location approved by a
1154 municipality or county pursuant to former s. 381.986(8)(b),
1155 Florida Statutes 2016, is not subject to the location
1156 requirements of this subsection.

1157 (c) A medical marijuana treatment center dispensing
1158 facility may not be located within 500 feet of the real property
1159 that comprises a public or private elementary school, middle
1160 school, or secondary school unless the county or municipality
1161 approves the location through a formal proceeding open to the
1162 public at which the county or municipality determines that the
1163 location promotes the public health, safety, and general welfare
1164 of the community.

1165 (d) This subsection does not prohibit any local
1166 jurisdiction from ensuring medical marijuana treatment center
1167 facilities comply with the Florida Building Code, the Florida
1168 Fire Prevention Code, or any local amendments to the Florida
1169 Building Code or the Florida Fire Prevention Code.

1170 (12) PENALTIES.—

1171 (a) A qualified physician commits a misdemeanor of the



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1172 first degree, punishable as provided in s. 775.082 or s.
1173 775.083, if the qualified physician issues a physician
1174 certification for the medical use of marijuana to a patient
1175 without a reasonable belief that the patient is suffering from a
1176 qualifying medical condition.

1177 (b) A person who fraudulently represents that he or she has
1178 a qualifying medical condition to a qualified physician for the
1179 purpose of being issued a physician certification commits a
1180 misdemeanor of the first degree, punishable as provided in s.
1181 775.082 or s. 775.083.

1182 (c) A qualified patient who uses marijuana, not including
1183 low-THC cannabis, or a caregiver who administers marijuana, not
1184 including low-THC cannabis, in plain view of or in a place open
1185 to the general public; in a school bus, a vehicle, an aircraft,
1186 or a boat; or on the grounds of a school except as provided in
1187 s. 1006.062, commits a misdemeanor of the first degree,
1188 punishable as provided in s. 775.082 or s. 775.083.

1189 (d) A qualified patient or caregiver who cultivates
1190 marijuana or who purchases or acquires marijuana from any person
1191 or entity other than a medical marijuana treatment center
1192 violates s. 893.13 and is subject to the penalties provided
1193 therein.

1194 (e)1. A qualified patient or caregiver in possession of
1195 marijuana or a marijuana delivery device who fails or refuses to
1196 present his or her marijuana use registry identification card
1197 upon the request of a law enforcement officer commits a
1198 misdemeanor of the second degree, punishable as provided in s.
1199 775.082 or s. 775.083, unless it can be determined through the
1200 medical marijuana use registry that the person is authorized to



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1201 be in possession of that marijuana or marijuana delivery device.

1202 2. A person charged with a violation of this paragraph may
1203 not be convicted if, before or at the time of his or her court
1204 or hearing appearance, the person produces in court or to the
1205 clerk of the court in which the charge is pending a medical
1206 marijuana use registry identification card issued to him or her
1207 which is valid at the time of his or her arrest. The clerk of
1208 the court is authorized to dismiss such case at any time before
1209 the defendant's appearance in court. The clerk of the court may
1210 assess a fee of \$5 for dismissing the case under this paragraph.

1211 (f) A caregiver who violates any of the applicable
1212 provisions of this section or applicable department rules, for
1213 the first offense, commits a misdemeanor of the second degree,
1214 punishable as provided in s. 775.082 or s. 775.083 and, for a
1215 second or subsequent offense, commits a misdemeanor of the first
1216 degree, punishable as provided in s. 775.082 or s. 775.083.

1217 (g) A qualified physician who issues a physician
1218 certification for marijuana or a marijuana delivery device and
1219 receives compensation from a medical marijuana treatment center
1220 related to the issuance of a physician certification for
1221 marijuana or a marijuana delivery device is subject to
1222 disciplinary action under the applicable practice act and s.
1223 456.072(1)(n).

1224 (h) A person transporting marijuana or marijuana delivery
1225 devices on behalf of a medical marijuana treatment center or
1226 marijuana testing laboratory who fails or refuses to present a
1227 transportation manifest upon the request of a law enforcement
1228 officer commits a misdemeanor of the second degree, punishable
1229 as provided in s. 775.082 or s. 775.083.



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1230 (i) Persons and entities conducting activities authorized
1231 and governed by this section and s. 381.988 are subject to ss.
1232 456.053, 456.054, and 817.505, as applicable.

1233 (j) A person or entity that cultivates, processes,
1234 distributes, sells, or dispenses marijuana, as defined in s.
1235 29(b)(4), Art. X of the State Constitution, and is not licensed
1236 as a medical marijuana treatment center violates s. 893.13 and
1237 is subject to the penalties provided therein.

1238 (13) UNLICENSED ACTIVITY.—

1239 (a) If the department has probable cause to believe that a
1240 person or entity that is not registered or licensed with the
1241 department has violated this section, s. 381.988, or any rule
1242 adopted pursuant to this section, the department may issue and
1243 deliver to such person or entity a notice to cease and desist
1244 from such violation. The department also may issue and deliver a
1245 notice to cease and desist to any person or entity who aids and
1246 abets such unlicensed activity. The issuance of a notice to
1247 cease and desist does not constitute agency action for which a
1248 hearing under s. 120.569 or s. 120.57 may be sought. For the
1249 purpose of enforcing a cease and desist order, the department
1250 may file a proceeding in the name of the state seeking issuance
1251 of an injunction or a writ of mandamus against any person or
1252 entity who violates any such order.

1253 (b) In addition to the remedies under paragraph (a), the
1254 department may impose by citation an administrative penalty not
1255 to exceed \$5,000 per incident. The citation shall be issued to
1256 the subject and shall contain the subject's name and any other
1257 information the department determines to be necessary to
1258 identify the subject, a brief factual statement, the sections of



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1259 the law allegedly violated, and the penalty imposed. If the
1260 subject does not dispute the matter in the citation with the
1261 department within 30 days after the citation is served, the
1262 citation shall become a final order of the department. The
1263 department may adopt rules pursuant to ss. 120.536(1) and 120.54
1264 to implement this section. Each day that the unlicensed activity
1265 continues after issuance of a notice to cease and desist
1266 constitutes a separate violation. The department shall be
1267 entitled to recover the costs of investigation and prosecution
1268 in addition to the fine levied pursuant to the citation. Service
1269 of a citation may be made by personal service or by mail to the
1270 subject at the subject's last known address or place of
1271 practice. If the department is required to seek enforcement of
1272 the cease and desist or agency order, it shall be entitled to
1273 collect attorney fees and costs.

1274 (c) In addition to or in lieu of any other administrative
1275 remedy, the department may seek the imposition of a civil
1276 penalty through the circuit court for any violation for which
1277 the department may issue a notice to cease and desist. The civil
1278 penalty shall be no less than \$5,000 and no more than \$10,000
1279 for each offense. The court may also award to the prevailing
1280 party court costs and reasonable attorney fees and, in the event
1281 the department prevails, may also award reasonable costs of
1282 investigation and prosecution.

1283 (d) In addition to the other remedies provided in this
1284 section, the department or any state attorney may bring an
1285 action for an injunction to restrain any unlicensed activity or
1286 to enjoin the future operation or maintenance of the unlicensed
1287 activity or the performance of any service in violation of this



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1288 section.

1289 (e) The department must notify local law enforcement of
1290 such unlicensed activity for a determination of any criminal
1291 violation of chapter 893.

1292 (14) EXCEPTIONS TO OTHER LAWS.—

1293 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1294 any other provision of law, but subject to the requirements of
1295 this section, a qualified patient and the qualified patient's
1296 caregiver may purchase from a medical marijuana treatment center
1297 for the patient's medical use a marijuana delivery device and up
1298 to the amount of marijuana authorized in the physician
1299 certification, but may not possess more than a 70-day supply of
1300 marijuana at any given time and all marijuana purchased must
1301 remain in its original packaging.

1302 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1303 any other provision of law, but subject to the requirements of
1304 this section, an approved medical marijuana treatment center and
1305 its owners, managers, and employees may manufacture, possess,
1306 sell, deliver, distribute, dispense, and lawfully dispose of
1307 marijuana or a marijuana delivery device as provided in this
1308 section, s. 381.988, and by department rule. For purposes of
1309 this subsection, the terms "manufacture," "possession,"
1310 "deliver," "distribute," and "dispense" have the same meanings
1311 as provided in s. 893.02.

1312 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1313 any other provision of law, but subject to the requirements of
1314 this section, a certified marijuana testing laboratory,
1315 including an employee of a certified marijuana testing
1316 laboratory acting within the scope of his or her employment, may



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1317 acquire, possess, test, transport, and lawfully dispose of
1318 marijuana as provided in this section, in s. 381.988, and by
1319 department rule.

1320 (d) A licensed medical marijuana treatment center and its
1321 owners, managers, and employees are not subject to licensure or
1322 regulation under chapter 465 or chapter 499 for manufacturing,
1323 possessing, selling, delivering, distributing, dispensing, or
1324 lawfully disposing of marijuana or a marijuana delivery device,
1325 as provided in this section, s. 381.988, and by department rule.

1326 (e) This subsection does not exempt a person from
1327 prosecution for a criminal offense related to impairment or
1328 intoxication resulting from the medical use of marijuana or
1329 relieve a person from any requirement under law to submit to a
1330 breath, blood, urine, or other test to detect the presence of a
1331 controlled substance.

1332 (f) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1333 any other provision of law, but subject to the requirements of
1334 this section and pursuant to policies and procedures established
1335 pursuant to s. 1006.62(8), school personnel may possess
1336 marijuana that is obtained for medical use pursuant to this
1337 section by a student who is a qualified patient.

1338 (g) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1339 any other provision of law, but subject to the requirements of
1340 this section, a research institute established by a public
1341 postsecondary educational institution, such as the H. Lee
1342 Moffitt Cancer Center and Research Institute established under
1343 s. 1004.43 or a state university that has achieved the
1344 preeminent state research university designation under s.
1345 1001.7065, may possess, test, transport, and lawfully dispose of



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1346 marijuana for research purposes as provided by this section.

1347 (15) APPLICABILITY.—This section does not limit the ability
1348 of an employer to establish, continue, or enforce a drug-free
1349 workplace program or policy. This section does not require an
1350 employer to accommodate the medical use of marijuana in any
1351 workplace or any employee working while under the influence of
1352 marijuana. This section does not create a cause of action
1353 against an employer for wrongful discharge or discrimination.

1354 Section 3. Paragraph (uu) is added to subsection (1) of
1355 section 458.331, Florida Statutes, to read:

1356 458.331 Grounds for disciplinary action; action by the
1357 board and department.—

1358 (1) The following acts constitute grounds for denial of a
1359 license or disciplinary action, as specified in s. 456.072(2):

1360 (uu) Issuing a physician certification, as defined in s.
1361 381.986, in a manner out of compliance with the requirements of
1362 that section and rules adopted thereunder.

1363 Section 4. Paragraph (ww) is added to subsection (1) of
1364 section 459.015, Florida Statutes, to read:

1365 459.015 Grounds for disciplinary action; action by the
1366 board and department.—

1367 (1) The following acts constitute grounds for denial of a
1368 license or disciplinary action, as specified in s. 456.072(2):

1369 (ww) Issuing a physician certification, as defined in s.
1370 381.986, in a manner not in compliance with the requirements of
1371 that section and rules adopted thereunder.

1372 Section 5. Section 381.988, Florida Statutes, is created to
1373 read:

1374 381.988 Medical marijuana testing laboratories; marijuana



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1375 tests conducted by a certified laboratory.-

1376 (1) A person or entity seeking to be a certified marijuana
1377 testing laboratory must:

1378 (a) Not be owned or controlled by a medical marijuana
1379 treatment center.

1380 (b) Submit a completed application accompanied by an
1381 application fee, as established by department rule.

1382 (c) Submit proof of an accreditation or a certification
1383 approved by the department issued by an accreditation or a
1384 certification organization approved by the department. The
1385 department shall adopt by rule a list of approved laboratory
1386 accreditations or certifications and accreditation or
1387 certification organizations.

1388 (d) Require all owners and managers to submit to and pass a
1389 level 2 background screening pursuant to s. 435.04 and shall
1390 deny certification if the person or entity has been found guilty
1391 of, or has entered a plea of guilty or nolo contendere to,
1392 regardless of adjudication, any offense listed in chapter 837,
1393 chapter 895, or chapter 896 or similar law of another
1394 jurisdiction.

1395 1. Such owners and managers must submit a full set of
1396 fingerprints to the department or to a vendor, entity, or agency
1397 authorized by s. 943.053(13). The department, vendor, entity, or
1398 agency shall forward the fingerprints to the Department of Law
1399 Enforcement for state processing, and the Department of Law
1400 Enforcement shall forward the fingerprints to the Federal Bureau
1401 of Investigation for national processing.

1402 2. Fees for state and federal fingerprint processing and
1403 retention shall be borne by such owners or managers. The state



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1404 cost for fingerprint processing shall be as provided in s.
1405 943.053(3) (e) for records provided to persons or entities other
1406 than those specified as exceptions therein.

1407 3. Fingerprints submitted to the Department of Law
1408 Enforcement pursuant to this paragraph shall be retained by the
1409 Department of Law Enforcement as provided in s. 943.05(2) (g) and
1410 (h) and, when the Department of Law Enforcement begins
1411 participation in the program, enrolled in the Federal Bureau of
1412 Investigation's national retained print arrest notification
1413 program. Any arrest record identified shall be reported to the
1414 department.

1415 (e) Demonstrate to the department the capability of meeting
1416 the standards for certification required by this subsection, and
1417 the testing requirements of s. 381.986 and this section and
1418 rules adopted thereunder.

1419 (2) The department shall adopt rules pursuant to ss.
1420 120.536(1) and 120.54 establishing a procedure for initial
1421 certification and biennial renewal, including initial
1422 application and biennial renewal fees sufficient to cover the
1423 costs of administering this certification program. The
1424 department shall renew the certification biennially if the
1425 laboratory meets the requirements of this section and pays the
1426 biennial renewal fee.

1427 (3) The department shall adopt rules pursuant to ss.
1428 120.536(1) and 120.54 establishing the standards for
1429 certification of marijuana testing laboratories under this
1430 section. The Department of Agriculture and Consumer Services and
1431 the Department of Environmental Protection shall assist the
1432 department in developing the rule, which must include, but is



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- 1433 not limited to:
- 1434 (a) Security standards.
- 1435 (b) Minimum standards for personnel.
- 1436 (c) Sample collection method and process standards.
- 1437 (d) Proficiency testing for tetrahydrocannabinol potency,
1438 concentration of cannabidiol, and contaminants unsafe for human
1439 consumption, as determined by department rule.
- 1440 (e) Reporting content, format, and frequency.
- 1441 (f) Audits and onsite inspections.
- 1442 (g) Quality assurance.
- 1443 (h) Equipment and methodology.
- 1444 (i) Chain of custody.
- 1445 (j) Any other standard the department deems necessary to
1446 ensure the health and safety of the public.
- 1447 (4) A marijuana testing laboratory may acquire marijuana
1448 only from a medical marijuana treatment center. A marijuana
1449 testing laboratory is prohibited from selling, distributing, or
1450 transferring marijuana received from a marijuana treatment
1451 center, except that a marijuana testing laboratory may transfer
1452 a sample to another marijuana testing laboratory in this state.
- 1453 (5) A marijuana testing laboratory must properly dispose of
1454 all samples it receives, unless transferred to another marijuana
1455 testing laboratory, after all necessary tests have been
1456 conducted and any required period of storage has elapsed, as
1457 established by department rule.
- 1458 (6) A marijuana testing laboratory shall use the computer
1459 software tracking system selected by the department under s.
1460 381.986.
- 1461 (7) The following acts constitute grounds for which



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1462 disciplinary action specified in subsection (8) may be taken
1463 against a certified marijuana testing laboratory:
1464 (a) Permitting unauthorized persons to perform technical
1465 procedures or issue reports.
1466 (b) Demonstrating incompetence or making consistent errors
1467 in the performance of testing or erroneous reporting.
1468 (c) Performing a test and rendering a report thereon to a
1469 person or entity not authorized by law to receive such services.
1470 (d) Failing to file any report required under this section
1471 or s. 381.986 or the rules adopted thereunder.
1472 (e) Reporting a test result if the test was not performed.
1473 (f) Failing to correct deficiencies within the time
1474 required by the department.
1475 (g) Violating or aiding and abetting in the violation of
1476 any provision of s. 381.986 or this section or any rules adopted
1477 thereunder.
1478 (8) The department may refuse to issue or renew, or may
1479 suspend or revoke, the certification of a marijuana testing
1480 laboratory that is found to be in violation of this section or
1481 any rules adopted hereunder. The department may impose fines for
1482 violations of this section or rules adopted thereunder, based on
1483 a schedule adopted in rule. In determining the administrative
1484 action to be imposed for a violation, the department must
1485 consider the following factors:
1486 (a) The severity of the violation, including the
1487 probability of death or serious harm to the health or safety of
1488 any person that may result or has resulted; the severity or
1489 potential harm; and the extent to which the provisions of s.
1490 381.986 or this section were violated.



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1491 (b) The actions taken by the marijuana testing laboratory
1492 to correct the violation or to remedy the complaint.

1493 (c) Any previous violation by the marijuana testing
1494 laboratory.

1495 (d) The financial benefit to the marijuana testing
1496 laboratory of committing or continuing the violation.

1497 (9) The department may adopt rules pursuant to ss.
1498 120.536(1) and 120.54 to implement this section.

1499 Section 6. Section 381.989, Florida Statutes, is created to
1500 read:

1501 381.989 Public education campaigns.—

1502 (1) DEFINITIONS.—As used in this section, the term:

1503 (a) "Cannabis" has the same meaning as in s. 893.02.

1504 (b) "Department" means the Department of Health.

1505 (c) "Marijuana" has the same meaning as in s. 381.986.

1506 (2) STATEWIDE CANNABIS AND MARIJUANA EDUCATION AND ILLICIT
1507 USE PREVENTION CAMPAIGN.—

1508 (a) The department shall implement a statewide cannabis and
1509 marijuana education and illicit use prevention campaign to
1510 publicize accurate information regarding:

1511 1. The legal requirements for licit use and possession of
1512 marijuana in this state.

1513 2. Safe use of marijuana, including preventing access by
1514 persons other than qualified patients as defined in s. 381.986,
1515 particularly children.

1516 3. The short-term and long-term health effects of cannabis
1517 and marijuana use, particularly on minors and young adults.

1518 4. Other cannabis-related and marijuana-related education
1519 determined by the department to be necessary to the public



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1520 health and safety.

1521 (b) The department shall provide educational materials
1522 regarding the eligibility for medical use of marijuana by
1523 individuals diagnosed with a terminal condition to individuals
1524 that provide palliative care or hospice services.

1525 (c) The department may use television messaging, radio
1526 broadcasts, print media, digital strategies, social media, and
1527 any other form of messaging deemed necessary and appropriate by
1528 the department to implement the campaign. The department may
1529 work with school districts, community organizations, and
1530 businesses and business organizations and other entities to
1531 provide training and programming.

1532 (d) The department may contract with one or more vendors to
1533 implement the campaign.

1534 (e) The department shall contract with an independent
1535 entity to conduct annual evaluations of the campaign. The
1536 evaluations shall assess the reach and impact of the campaign,
1537 success in educating the citizens of the state regarding the
1538 legal parameters for marijuana use, success in preventing
1539 illicit access by adults and youth, and success in preventing
1540 negative health impacts from the legalization of marijuana. The
1541 first year of the program, the evaluator shall conduct surveys
1542 to establish baseline data on youth and adult cannabis use, the
1543 attitudes of youth and the general public toward cannabis and
1544 marijuana, and any other data deemed necessary for long-term
1545 analysis. By January 31 of each year, the department shall
1546 submit to the Governor, the President of the Senate, and the
1547 Speaker of the House of Representatives the annual evaluation of
1548 the campaign.



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1549 (3) STATEWIDE IMPAIRED DRIVING EDUCATION CAMPAIGN.—

1550 (a) The Department of Highway Safety and Motor Vehicles
1551 shall implement a statewide impaired driving education campaign
1552 to raise awareness and prevent marijuana-related and cannabis-
1553 related impaired driving and may contract with one or more
1554 vendors to implement the campaign. The Department of Highway
1555 Safety and Motor Vehicles may use television messaging, radio
1556 broadcasts, print media, digital strategies, social media, and
1557 any other form of messaging deemed necessary and appropriate by
1558 the department to implement the campaign.

1559 (b) At a minimum, the Department of Highway Safety and
1560 Motor Vehicles or a contracted vendor shall establish baseline
1561 data on the number of marijuana-related citations for driving
1562 under the influence, marijuana-related traffic arrests,
1563 marijuana-related traffic accidents, and marijuana-related
1564 traffic fatalities, and shall track these measures annually
1565 thereafter. The Department of Highway Safety and Motor Vehicles
1566 or a contracted vendor shall annually evaluate and compile a
1567 report on the efficacy of the campaign based on those measures
1568 and other measures established by the Department of Highway
1569 Safety and Motor Vehicles. By January 31 of each year, the
1570 Department of Highway Safety and Motor Vehicles shall submit the
1571 report on the evaluation of the campaign to the Governor, the
1572 President of the Senate, and the Speaker of the House of
1573 Representatives.

1574 Section 7. Subsection (1) of section 385.211, Florida
1575 Statutes, is amended to read:

1576 385.211 Refractory and intractable epilepsy treatment and
1577 research at recognized medical centers.—



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1578 (1) As used in this section, the term "low-THC cannabis"
1579 means "low-THC cannabis" as defined in s. 381.986 that is
1580 dispensed only from a dispensing organization as defined in
1581 former s. 381.986, Florida Statutes 2016, or a medical marijuana
1582 treatment center as defined in s. 381.986.

1583 Section 8. Paragraphs (b) through (e) of subsection (2) of
1584 section 499.0295, Florida Statutes, are redesignated as
1585 paragraphs (a) through (d), respectively, and present paragraphs
1586 (a) and (c) of that subsection, and subsection (3) of that
1587 section are amended, to read:

1588 499.0295 Experimental treatments for terminal conditions.-

1589 (2) As used in this section, the term:

1590 ~~(a) "Dispensing organization" means an organization~~
1591 ~~approved by the Department of Health under s. 381.986(5) to~~
1592 ~~cultivate, process, transport, and dispense low-THC cannabis,~~
1593 ~~medical cannabis, and cannabis delivery devices.~~

1594 (b)(e) "Investigational drug, biological product, or
1595 device" means:

1596 ~~1.~~ a drug, biological product, or device that has
1597 successfully completed phase 1 of a clinical trial but has not
1598 been approved for general use by the United States Food and Drug
1599 Administration and remains under investigation in a clinical
1600 trial approved by the United States Food and Drug
1601 Administration; ~~or~~

1602 ~~2. Medical cannabis that is manufactured and sold by a~~
1603 ~~dispensing organization.~~

1604 (3) Upon the request of an eligible patient, a manufacturer
1605 may, ~~or upon a physician's order pursuant to s. 381.986, a~~
1606 ~~dispensing organization may:~~



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1607 (a) Make its investigational drug, biological product, or
1608 device available under this section.

1609 (b) Provide an investigational drug, biological product, or
1610 ~~device, or cannabis delivery device as defined in s. 381.986~~ to
1611 an eligible patient without receiving compensation.

1612 (c) Require an eligible patient to pay the costs of, or the
1613 costs associated with, the manufacture of the investigational
1614 drug, biological product, or device, ~~or cannabis delivery device~~
1615 ~~as defined in s. 381.986.~~

1616 Section 9. Subsection (3) of section 893.02, Florida
1617 Statutes, is amended to read:

1618 893.02 Definitions.—The following words and phrases as used
1619 in this chapter shall have the following meanings, unless the
1620 context otherwise requires:

1621 (3) "Cannabis" means all parts of any plant of the genus
1622 *Cannabis*, whether growing or not; the seeds thereof; the resin
1623 extracted from any part of the plant; and every compound,
1624 manufacture, salt, derivative, mixture, or preparation of the
1625 plant or its seeds or resin. The term does not include
1626 "marijuana," ~~"low-THC cannabis,"~~ as defined in s. 381.986, if
1627 manufactured, possessed, sold, purchased, delivered,
1628 distributed, or dispensed, in conformance with s. 381.986.

1629 Section 10. Section 1004.4351, Florida Statutes, is created
1630 to read:

1631 1004.4351 Medical marijuana research and education.—

1632 (1) SHORT TITLE.—This section shall be known and may be
1633 cited as the "Medical Marijuana Research and Education Act."

1634 (2) LEGISLATIVE FINDINGS.—The Legislature finds that:

1635 (a) The present state of knowledge concerning the use of



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1636 marijuana to alleviate pain and treat illnesses is limited
1637 because permission to perform clinical studies on marijuana is
1638 difficult to obtain, with access to research-grade marijuana so
1639 restricted that little or no unbiased studies have been
1640 performed.

1641 (b) Under the State Constitution, marijuana is available
1642 for the treatment of certain debilitating medical conditions.

1643 (c) Additional clinical studies are needed to ensure that
1644 the residents of this state obtain the correct dosing,
1645 formulation, route, modality, frequency, quantity, and quality
1646 of marijuana for specific illnesses.

1647 (d) An effective medical marijuana research and education
1648 program would mobilize the scientific, educational, and medical
1649 resources that presently exist in this state to determine the
1650 appropriate and best use of marijuana to treat illness.

1651 (3) DEFINITIONS.—As used in this section, the term:

1652 (a) "Board" means the Medical Marijuana Research and
1653 Education Board.

1654 (b) "Coalition" means the Coalition for Medical Marijuana
1655 Research and Education.

1656 (c) "Marijuana" has the same meaning as provided in s. 29,
1657 Art. X of the State Constitution.

1658 (4) COALITION FOR MEDICAL MARIJUANA RESEARCH AND
1659 EDUCATION.—

1660 (a) There is established within the H. Lee Moffitt Cancer
1661 Center and Research Institute, Inc., the Coalition for Medical
1662 Marijuana Research and Education. The purpose of the coalition
1663 is to conduct rigorous scientific research, provide education,
1664 disseminate research, and guide policy for the adoption of a



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1665 statewide policy on ordering and dosing practices for the
1666 medical use of marijuana. The coalition shall be physically
1667 located at the H. Lee Moffitt Cancer Center and Research
1668 Institute, Inc.

1669 (b) The Medical Marijuana Research and Education Board is
1670 established to direct the operations of the coalition. The board
1671 shall be composed of seven members appointed by the chief
1672 executive officer of the H. Lee Moffitt Cancer Center and
1673 Research Institute, Inc. Board members must have experience in a
1674 variety of scientific and medical fields, including, but not
1675 limited to, oncology, neurology, psychology, pediatrics,
1676 nutrition, and addiction. Members shall be appointed to 4-year
1677 terms and may be reappointed to serve additional terms. The
1678 chair shall be elected by the board from among its members to
1679 serve a 2-year term. The board shall meet no less than
1680 semiannually at the call of the chair or, in his or her absence
1681 or incapacity, the vice chair. Four members constitute a quorum.
1682 A majority vote of the members present is required for all
1683 actions of the board. The board may prescribe, amend, and repeal
1684 a charter governing the manner in which it conducts its
1685 business. A board member shall serve without compensation but is
1686 entitled to be reimbursed for travel expenses by the coalition
1687 or the organization he or she represents in accordance with s.
1688 112.061.

1689 (c) The coalition shall be administered by a coalition
1690 director, who shall be appointed by and serve at the pleasure of
1691 the board. The coalition director shall, subject to the approval
1692 of the board:

1693 1. Propose a budget for the coalition.



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1694 2. Foster the collaboration of scientists, researchers, and
1695 other appropriate personnel in accordance with the coalition's
1696 charter.

1697 3. Identify and prioritize the research to be conducted by
1698 the coalition.

1699 4. Prepare the Medical Marijuana Research and Education
1700 Plan for submission to the board.

1701 5. Apply for grants to obtain funding for research
1702 conducted by the coalition.

1703 6. Perform other duties as determined by the board.

1704 (d) The board shall advise the Board of Governors, the
1705 State Surgeon General, the Governor, and the Legislature with
1706 respect to medical marijuana research and education in this
1707 state. The board shall explore methods of implementing and
1708 enforcing medical marijuana laws in relation to cancer control,
1709 research, treatment, and education.

1710 (e) The board shall annually adopt a plan for medical
1711 marijuana research, known as the "Medical Marijuana Research and
1712 Education Plan," which must be in accordance with state law and
1713 coordinate with existing programs in this state. The plan must
1714 include recommendations for the coordination and integration of
1715 medical, pharmacological, nursing, paramedical, community, and
1716 other resources connected with the treatment of debilitating
1717 medical conditions; research related to the treatment of such
1718 medical conditions; and education.

1719 (f) By February 15 of each year, the board shall issue a
1720 report to the Governor, the President of the Senate, and the
1721 Speaker of the House of Representatives on research projects,
1722 community outreach initiatives, and future plans for the



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1723 coalition.

1724 (g) Beginning January 15, 2018, and quarterly thereafter,
1725 the Department of Health shall submit to the board a data set
1726 that includes, for each patient registered in the medical
1727 marijuana use registry, the patient's qualifying medical
1728 condition and the daily dose amount and forms of marijuana
1729 certified for the patient.

1730 (5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER
1731 AND RESEARCH INSTITUTE, INC.—The H. Lee Moffitt Cancer Center
1732 and Research Institute, Inc., shall allocate staff and provide
1733 information and assistance, as the coalition's budget permits,
1734 to assist the board in fulfilling its responsibilities.

1735 Section 11. Subsection (1) of section 1004.441, Florida
1736 Statutes, is amended to read:

1737 1004.441 Refractory and intractable epilepsy treatment and
1738 research.—

1739 (1) As used in this section, the term "low-THC cannabis"
1740 means "low-THC cannabis" as defined in s. 381.986 that is
1741 dispensed only from a dispensing organization as defined in
1742 former s. 381.986, Florida Statutes 2016, or a medical marijuana
1743 treatment center as defined in s. 381.986.

1744 Section 12. Subsection (8) is added to section 1006.062,
1745 Florida Statutes, to read:

1746 1006.062 Administration of medication and provision of
1747 medical services by district school board personnel.—

1748 (8) Each district school board shall adopt a policy and a
1749 procedure for allowing a student who is a qualified patient, as
1750 defined in s. 381.986, to use marijuana obtained pursuant to
1751 that section. Such policy and procedure shall ensure access by



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1752 the qualified patient; identify how the marijuana will be
1753 received, accounted for, and stored; and establish processes to
1754 prevent access by other students and school personnel
1755 unnecessary to the implementation of the policy.

1756 Section 13. Department of Health; authority to adopt rules;
1757 cause of action.-

1758 (1) EMERGENCY RULEMAKING.-

1759 (a) The Department of Health and the applicable boards
1760 shall adopt emergency rules pursuant to s. 120.54(4), Florida
1761 Statutes, and this section necessary to implement ss. 381.986
1762 and 381.988, Florida Statutes. If an emergency rule adopted
1763 under this section is held to be unconstitutional or an invalid
1764 exercise of delegated legislative authority, and becomes void,
1765 the department or the applicable boards may adopt an emergency
1766 rule pursuant to this section to replace the rule that has
1767 become void. If the emergency rule adopted to replace the void
1768 emergency rule is also held to be unconstitutional or an invalid
1769 exercise of delegated legislative authority and becomes void,
1770 the department and the applicable boards must follow the
1771 nonemergency rulemaking procedures of the Administrative
1772 Procedures Act to replace the rule that has become void.

1773 (b) For emergency rules adopted under this section, the
1774 department and the applicable boards need not make the findings
1775 required by s. 120.54(4)(a), Florida Statutes. Emergency rules
1776 adopted under this section are exempt from ss. 120.54(3)(b) and
1777 120.541, Florida Statutes. The department and the applicable
1778 boards shall meet the procedural requirements in s. 120.54(a),
1779 Florida Statutes, if the department or the applicable boards
1780 have, prior to the effective date of this act, held any public



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1781 workshops or hearings on the subject matter of the emergency
1782 rules adopted under this subsection. Challenges to emergency
1783 rules adopted under this subsection shall be subject to the time
1784 schedules provided in s. 120.56(5), Florida Statutes.

1785 (c) Emergency rules adopted under this section are exempt
1786 from s. 120.54(4)(c), Florida Statutes, and shall remain in
1787 effect until replaced by rules adopted under the nonemergency
1788 rulemaking procedures of the Administrative Procedures Act. By
1789 January 1, 2018, the department and the applicable boards shall
1790 initiate nonemergency rulemaking pursuant to the Administrative
1791 Procedures Act to replace all emergency rules adopted under this
1792 section by publishing a notice of rule development in the
1793 Florida Administrative Register. Except as provided in paragraph
1794 (a), after January 1, 2018, the department and applicable boards
1795 may not adopt rules pursuant to the emergency rulemaking
1796 procedures provided in this section.

1797 (2) CAUSE OF ACTION.—

1798 (a) As used in s. 29(d)(3), Art. X of the State
1799 Constitution, the term:

1800 1. "Issue regulations" means the filing by the department
1801 of a rule or emergency rule for adoption with the Department of
1802 State.

1803 2. "Judicial relief" means an action for declaratory
1804 judgment pursuant to chapter 86, Florida Statutes.

1805 (b) The venue for actions brought against the department
1806 pursuant to s. 29(d)(3), Art. X of the State Constitution shall
1807 be in the circuit court in and for Leon County.

1808 (c) If the department is not issuing patient and caregiver
1809 identification cards or licensing medical marijuana treatment



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1810 centers by October 3, 2017, the following shall be a defense to
1811 a cause of action brought under s. 29(d)(3), Art. X of the State
1812 Constitution:

1813 1. The department is unable to issue patient and caregiver
1814 identification cards or license medical marijuana treatment
1815 centers due to litigation challenging a rule as an invalid
1816 exercise of delegated legislative authority or unconstitutional.

1817 2. The department is unable to issue patient or caregiver
1818 identification cards or license medical marijuana treatment
1819 centers due to a rule being held as an invalid exercise of
1820 delegated legislative authority or unconstitutional.

1821 Section 14. Department of Law Enforcement; training related
1822 to medical use of marijuana.—The Department of Law Enforcement
1823 shall develop a 4-hour online initial training course, and a 2-
1824 hour online continuing education course, which shall be made
1825 available for use by all law enforcement agencies in this state.
1826 Such training shall cover the legal parameters of marijuana-
1827 related activities governed by ss. 381.986 and 381.988, Florida
1828 Statutes, relating to criminal laws governing marijuana.

1829 Section 15. Section 385.212, Florida Statutes, is amended
1830 to read:

1831 385.212 Powers and duties of the Department of Health;
1832 Office of ~~Medical Marijuana~~ Compassionate Use.—

1833 (1) The Department of Health shall establish an Office of
1834 Medical Marijuana ~~Compassionate~~ Use under the direction of the
1835 Deputy State Health Officer.

1836 (2) The Office of ~~Medical Marijuana~~ Compassionate Use may
1837 enhance access to investigational new drugs for Florida patients
1838 through approved clinical treatment plans or studies. The Office



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1839 of Medical Marijuana ~~Compassionate~~ Use may:

1840 (a) Create a network of state universities and medical
1841 centers recognized pursuant to s. 381.925.

1842 (b) Make any necessary application to the United States
1843 Food and Drug Administration or a pharmaceutical manufacturer to
1844 facilitate enhanced access to medical ~~compassionate~~ use of
1845 marijuana for Florida patients.

1846 (c) Enter into any agreements necessary to facilitate
1847 enhanced access to medical ~~compassionate~~ use of marijuana for
1848 Florida patients.

1849 (3) The department may adopt rules necessary to implement
1850 this section.

1851 (4) The Office of Medical Marijuana Use shall administer
1852 and enforce the provisions of s. 381.986.

1853 Section 16. This act shall take effect upon becoming a law.

1854
1855 ===== T I T L E A M E N D M E N T =====

1856 And the title is amended as follows:

1857 Delete everything before the enacting clause
1858 and insert:

1859 A bill to be entitled

1860 An act relating to medical use of marijuana; amending
1861 s. 212.08, F.S.; providing an exemption from the state
1862 tax on sales, use, and other transactions for
1863 marijuana and marijuana delivery devices used for
1864 medical purposes; amending s. 381.986, F.S.;
1865 providing, revising, and deleting definitions;
1866 providing qualifying medical conditions for a patient
1867 to be eligible to receive marijuana or a marijuana



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1868 delivery device; providing requirements for
1869 designating a qualified physician or medical director;
1870 providing criteria for certification of a patient for
1871 medical marijuana treatment by a qualified physician;
1872 providing for certain patients registered with the
1873 medical marijuana use registry to be deemed qualified;
1874 requiring the Department of Health to monitor
1875 physician registration and certifications in the
1876 medical marijuana use registry; requiring the Board of
1877 Medicine and the Board of Osteopathic Medicine to
1878 create a physician certification pattern review panel;
1879 providing rulemaking authority to the department and
1880 the boards; requiring the department to establish a
1881 medical marijuana use registry; specifying entities
1882 and persons who have access to the registry; providing
1883 requirements for registration of, and maintenance of
1884 registered status by, qualified patients and
1885 caregivers; providing criteria for nonresidents to
1886 prove residency for registration as a qualified
1887 patient; defining the term "seasonal resident";
1888 authorizing the department to suspend or revoke the
1889 registration of a patient or caregiver under certain
1890 circumstances; providing requirements for the issuance
1891 of medical marijuana use registry identification
1892 cards; requiring the department to issue licenses to a
1893 certain number of medical marijuana treatment centers;
1894 providing for license renewal and revocation;
1895 providing conditions for change of ownership;
1896 providing for continuance of certain entities



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1897 authorized to dispense low-THC cannabis, medical
1898 cannabis, and cannabis delivery devices; requiring a
1899 medical marijuana treatment center to comply with
1900 certain standards in the production and distribution
1901 of edibles; requiring the department to establish,
1902 maintain, and control a computer software seed-to-sale
1903 marijuana tracking system; requiring background
1904 screening of owners, officers, board members, and
1905 managers of medical marijuana treatment centers;
1906 requiring the department to establish protocols and
1907 procedures for operation, conduct periodic
1908 inspections, and restrict location of medical
1909 marijuana treatment centers; providing a limit on
1910 county and municipal permit fees; authorizing counties
1911 and municipalities to determine the location of
1912 medical marijuana treatment centers by ordinance under
1913 certain conditions; providing penalties; authorizing
1914 the department to impose sanctions on persons or
1915 entities engaging in unlicensed activities; providing
1916 that a person is not exempt from prosecution for
1917 certain offenses and is not relieved from certain
1918 requirements of law under certain circumstances;
1919 providing for certain school personnel to possess
1920 marijuana pursuant to certain established policies and
1921 procedures; providing that certain research
1922 institutions may possess, test, transport, and dispose
1923 of marijuana subject to certain conditions; providing
1924 applicability with respect to employer-instituted
1925 drug-free workplace programs; amending ss. 458.331 and



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1926 459.015, F.S.; providing additional acts by a
1927 physician or an osteopathic physician which constitute
1928 grounds for denial of a license or disciplinary action
1929 to which penalties apply; creating s. 381.988, F.S.;
1930 providing for the establishment of medical marijuana
1931 testing laboratories; requiring the Department of
1932 Health, in collaboration with the Department of
1933 Agriculture and Consumer Services and the Department
1934 of Environmental Protection, to develop certification
1935 standards and rules; providing limitations on the
1936 acquisition and distribution of marijuana by a testing
1937 laboratory; providing an exception for transfer of
1938 marijuana under certain conditions; requiring a
1939 testing laboratory to use a department-selected
1940 computer tracking system; providing grounds for
1941 disciplinary and administrative action; authorizing
1942 the department to refuse to issue or renew, or suspend
1943 or revoke, a testing laboratory license; creating s.
1944 381.989, F.S.; defining terms; directing the
1945 department and the Department of Highway Safety and
1946 Motor Vehicles to institute public education campaigns
1947 relating to cannabis and marijuana and impaired
1948 driving; requiring evaluations of public education
1949 campaigns; authorizing the department and the
1950 Department of Highway Safety and Motor Vehicles to
1951 contract with vendors to implement and evaluate the
1952 campaigns; amending ss. 385.211, 499.0295, and 893.02,
1953 F.S.; conforming provisions to changes made by the
1954 act; creating s. 1004.4351, F.S.; providing a short



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1955 title; providing legislative findings; defining terms;
1956 establishing the Coalition for Medical Marijuana
1957 Research and Education within the H. Lee Moffitt
1958 Cancer Center and Research Institute, Inc.; providing
1959 a purpose for the coalition; establishing the Medical
1960 Marijuana Research and Education Board to direct the
1961 operations of the coalition; providing for the
1962 appointment of board members; providing for terms of
1963 office, reimbursement for certain expenses, and
1964 meetings of the board; authorizing the board to
1965 appoint a coalition director; prescribing the duties
1966 of the coalition director; requiring the board to
1967 advise specified entities and officials regarding
1968 medical marijuana research and education in this
1969 state; requiring the board to annually adopt a Medical
1970 Marijuana Research and Education Plan; providing
1971 requirements for the plan; requiring the board to
1972 issue an annual report to the Governor and the
1973 Legislature by a specified date; requiring the
1974 Department of Health to submit reports to the board
1975 containing specified data; specifying responsibilities
1976 of the H. Lee Moffitt Cancer Center and Research
1977 Institute, Inc.; amending s. 1004.441, F.S.; revising
1978 a definition; amending s. 1006.062, F.S.; requiring
1979 district school boards to adopt policies and
1980 procedures for access to medical marijuana by
1981 qualified patients who are students; providing
1982 emergency rulemaking authority; providing for venue
1983 for a cause of action against the department;



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1984 providing for defense against certain causes of
1985 action; directing the Department of Law Enforcement to
1986 develop training for law enforcement officers and
1987 agencies; amending s. 385.212, F.S.; renaming the
1988 department's Office of Compassionate Use; providing an
1989 effective date.