

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Jenne offered the following:

Amendment

Remove lines 1445-1491 and insert:

(11) PREEMPTION.-

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

(b) A municipality may determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of medical marijuana treatment centers located within its municipal boundaries, or ban such

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14 dispensing facilities. A county may determine by ordinance the
15 criteria for the number, location, and other permitting
16 requirements that do not conflict with state law or department
17 rule for all dispensing facilities of medical marijuana
18 treatment centers located within the unincorporated areas of
19 that county, or ban such dispensing facilities. If a county or
20 municipality passes an ordinance that limits the number of
21 dispensing facilities they may not accept applications for those
22 facilities until November 1, 2017.

23 (c) A municipality or county that does not ban medical
24 marijuana treatment center dispensing facilities must permit at
25 least two separately licensed medical marijuana treatment
26 centers to locate dispensing facilities within that municipality
27 or unincorporated areas of that county.

28 (d) A county or municipality may not enact ordinances for
29 determining the location of dispensing facilities which are more
30 restrictive than its ordinances determining the locations for
31 pharmacies licensed under chapter 465; however, a county or
32 municipality may enact minimum required distances between
33 dispensing facilities.

34 (e) A medical marijuana treatment center dispensing
35 facility may not be located within 500 feet of real property
36 that compromises of a public or private elementary school,
37 middle school, or secondary school unless the county or
38 municipality approves the location through a formal proceeding

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39 open to the public at which the county or municipality
40 determines that the location promotes the public health, safety,
41 general welfare of the community.

42 (f) A municipality or county may not charge a medical
43 marijuana treatment center a license or permit fee in an amount
44 greater than the fee charged by such municipality or county to
45 pharmacies licensed under chapter 465.

46 (g) This subsection does not prohibit any local
47 jurisdiction from ensuring medical marijuana treatment center
48 facilities comply with the Florida Building Code, the Florida
49 Fire Prevention Code, or any local amendments to the Florida
50 Building Code or the Florida Fire Prevention Code.

51 (h) A dispensing facility location approved by a
52 municipality or county pursuant to former s. 381.986(8)(b),
53 Florida Statutes 2016, is not subject to the requirements of
54 this section.

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