

By the Committees on Rules; Appropriations; and Health Policy;
and Senators Rouson, Bradley, and Young

595-04004-18

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1 A bill to be entitled
2 An act relating to Department of Health
3 responsibilities related to the medical use of
4 marijuana; amending s. 381.986, F.S.; deleting an
5 obsolete date; revising a requirement that the
6 department license one applicant who is a member of a
7 certain class to exclude a requirement that the
8 applicant also be a member of the Black Farmers and
9 Agriculturalist Association-Florida Chapter; providing
10 an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (a) of subsection (8) of section
15 381.986, Florida Statutes, is amended to read:

16 381.986 Medical use of marijuana.—

17 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

18 (a) The department shall license medical marijuana
19 treatment centers to ensure reasonable statewide accessibility
20 and availability as necessary for qualified patients registered
21 in the medical marijuana use registry and who are issued a
22 physician certification under this section.

23 1. As soon as practicable, but no later than July 3, 2017,
24 the department shall license as a medical marijuana treatment
25 center any entity that holds an active, unrestricted license to
26 cultivate, process, transport, and dispense low-THC cannabis,
27 medical cannabis, and cannabis delivery devices, under former s.
28 381.986, Florida Statutes 2016, before July 1, 2017, and which
29 meets the requirements of this section. In addition to the

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30 authority granted under this section, these entities are
31 authorized to dispense low-THC cannabis, medical cannabis, and
32 cannabis delivery devices ordered pursuant to former s. 381.986,
33 Florida Statutes 2016, which were entered into the compassionate
34 use registry before July 1, 2017, and are authorized to begin
35 dispensing marijuana under this section on July 3, 2017. The
36 department may grant variances from the representations made in
37 such an entity's original application for approval under former
38 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

39 2. The department shall license as medical marijuana
40 treatment centers 10 applicants that meet the requirements of
41 this section, under the following parameters:

42 a. As soon as practicable, but no later than August 1,
43 2017, the department shall license any applicant whose
44 application was reviewed, evaluated, and scored by the
45 department and which was denied a dispensing organization
46 license by the department under former s. 381.986, Florida
47 Statutes 2014; which had one or more administrative or judicial
48 challenges pending as of January 1, 2017, or had a final ranking
49 within one point of the highest final ranking in its region
50 under former s. 381.986, Florida Statutes 2014; which meets the
51 requirements of this section; and which provides documentation
52 to the department that it has the existing infrastructure and
53 technical and technological ability to begin cultivating
54 marijuana within 30 days after registration as a medical
55 marijuana treatment center.

56 b. As soon as practicable, ~~but no later than October 3,~~
57 ~~2017,~~ the department shall license one applicant that is a
58 recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82

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59 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1
60 (D.D.C. 2011) ~~and is a member of the Black Farmers and~~
61 ~~Agriculturalists Association-Florida Chapter.~~ An applicant
62 licensed under this sub-subparagraph is exempt from the
63 requirement of subparagraph (b)2 ~~requirements of subparagraphs~~
64 ~~(b)1. and 2.~~

65 c. As soon as practicable, but no later than October 3,
66 2017, the department shall license applicants that meet the
67 requirements of this section in sufficient numbers to result in
68 10 total licenses issued under this subparagraph, while
69 accounting for the number of licenses issued under sub-
70 subparagraphs a. and b.

71 3. For up to two of the licenses issued under subparagraph
72 2., the department shall give preference to applicants that
73 demonstrate in their applications that they own one or more
74 facilities that are, or were, used for the canning,
75 concentrating, or otherwise processing of citrus fruit or citrus
76 molasses and will use or convert the facility or facilities for
77 the processing of marijuana.

78 4. Within 6 months after the registration of 100,000 active
79 qualified patients in the medical marijuana use registry, the
80 department shall license four additional medical marijuana
81 treatment centers that meet the requirements of this section.
82 Thereafter, the department shall license four medical marijuana
83 treatment centers within 6 months after the registration of each
84 additional 100,000 active qualified patients in the medical
85 marijuana use registry that meet the requirements of this
86 section.

87 5. Dispensing facilities are subject to the following

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88 requirements:

89 a. A medical marijuana treatment center may not establish
90 or operate more than a statewide maximum of 25 dispensing
91 facilities, unless the medical marijuana use registry reaches a
92 total of 100,000 active registered qualified patients. When the
93 medical marijuana use registry reaches 100,000 active registered
94 qualified patients, and then upon each further instance of the
95 total active registered qualified patients increasing by
96 100,000, the statewide maximum number of dispensing facilities
97 that each licensed medical marijuana treatment center may
98 establish and operate increases by five.

99 b. A medical marijuana treatment center may not establish
100 more than the maximum number of dispensing facilities allowed in
101 each of the Northwest, Northeast, Central, Southwest, and
102 Southeast Regions. The department shall determine a medical
103 marijuana treatment center's maximum number of dispensing
104 facilities allowed in each region by calculating the percentage
105 of the total statewide population contained within that region
106 and multiplying that percentage by the medical marijuana
107 treatment center's statewide maximum number of dispensing
108 facilities established under sub-subparagraph a., rounded to the
109 nearest whole number. The department shall ensure that such
110 rounding does not cause a medical marijuana treatment center's
111 total number of statewide dispensing facilities to exceed its
112 statewide maximum. The department shall initially calculate the
113 maximum number of dispensing facilities allowed in each region
114 for each medical marijuana treatment center using county
115 population estimates from the Florida Estimates of Population
116 2016, as published by the Office of Economic and Demographic

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117 Research, and shall perform recalculations following the
118 official release of county population data resulting from each
119 United States Decennial Census. For the purposes of this
120 subparagraph:

121 (I) The Northwest Region consists of Bay, Calhoun,
122 Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,
123 Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,
124 Walton, and Washington Counties.

125 (II) The Northeast Region consists of Alachua, Baker,
126 Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist,
127 Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns,
128 Suwannee, and Union Counties.

129 (III) The Central Region consists of Brevard, Citrus,
130 Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco,
131 Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia
132 Counties.

133 (IV) The Southwest Region consists of Charlotte, Collier,
134 DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee,
135 Okeechobee, and Sarasota Counties.

136 (V) The Southeast Region consists of Broward, Miami-Dade,
137 Martin, Monroe, and Palm Beach Counties.

138 c. If a medical marijuana treatment center establishes a
139 number of dispensing facilities within a region that is less
140 than the number allowed for that region under sub-subparagraph
141 b., the medical marijuana treatment center may sell one or more
142 of its unused dispensing facility slots to other licensed
143 medical marijuana treatment centers. For each dispensing
144 facility slot that a medical marijuana treatment center sells,
145 that medical marijuana treatment center's statewide maximum

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146 number of dispensing facilities, as determined under sub-
147 subparagraph a., is reduced by one. The statewide maximum number
148 of dispensing facilities for a medical marijuana treatment
149 center that purchases an unused dispensing facility slot is
150 increased by one per slot purchased. Additionally, the sale of a
151 dispensing facility slot shall reduce the seller's regional
152 maximum and increase the purchaser's regional maximum number of
153 dispensing facilities, as determined in sub-subparagraph b., by
154 one for that region. For any slot purchased under this sub-
155 subparagraph, the regional restriction applied to that slot's
156 location under sub-subparagraph b. before the purchase shall
157 remain in effect following the purchase. A medical marijuana
158 treatment center that sells or purchases a dispensing facility
159 slot must notify the department within 3 days of sale.

160 d. This subparagraph shall expire on April 1, 2020.

161
162 If this subparagraph or its application to any person or
163 circumstance is held invalid, the invalidity does not affect
164 other provisions or applications of this act which can be given
165 effect without the invalid provision or application, and to this
166 end, the provisions of this subparagraph are severable.

167 Section 2. This act shall take effect upon becoming a law.