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HB 6049, Engrossed 1

2018 Legislature

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 2 An act relating to medical marijuana growers; amending
 3 s. 381.986, F.S.; deleting a requirement that the
 4 Department of Health grant a medical marijuana
 5 treatment center license to a member of a specified
 6 association; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Paragraph (a) of subsection (8) of section
 11 381.986, Florida Statutes, is amended to read:

12 381.986 Medical use of marijuana.—

13 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

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

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

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

35 | 2. The department shall license as medical marijuana
36 | treatment centers 10 applicants that meet the requirements of
37 | this section, under the following parameters:

38 | a. As soon as practicable, but no later than August 1,
39 | 2017, the department shall license any applicant whose
40 | application was reviewed, evaluated, and scored by the
41 | department and which was denied a dispensing organization
42 | license by the department under former s. 381.986, Florida
43 | Statutes 2014; which had one or more administrative or judicial
44 | challenges pending as of January 1, 2017, or had a final ranking
45 | within one point of the highest final ranking in its region
46 | under former s. 381.986, Florida Statutes 2014; which meets the
47 | requirements of this section; and which provides documentation
48 | to the department that it has the existing infrastructure and
49 | technical and technological ability to begin cultivating
50 | marijuana within 30 days after registration as a medical

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51 marijuana treatment center.

52 b. As soon as practicable, ~~but no later than October 3,~~
 53 ~~2017,~~ the department shall license one applicant that is a
 54 recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82
 55 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1
 56 (D.D.C. 2011) ~~and is a member of the Black Farmers and~~
 57 ~~Agriculturalists Association Florida Chapter.~~ An applicant
 58 licensed under this sub-subparagraph is exempt from the
 59 requirement of subparagraph (b)2 ~~requirements of subparagraphs~~
 60 ~~(b)1. and 2.~~

61 c. As soon as practicable, but no later than October 3,
 62 2017, the department shall license applicants that meet the
 63 requirements of this section in sufficient numbers to result in
 64 10 total licenses issued under this subparagraph, while
 65 accounting for the number of licenses issued under sub-
 66 subparagraphs a. and b.

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

74 4. Within 6 months after the registration of 100,000
 75 active qualified patients in the medical marijuana use registry,

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

83 | 5. Dispensing facilities are subject to the following
84 | requirements:

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

95 | b. A medical marijuana treatment center may not establish
96 | more than the maximum number of dispensing facilities allowed in
97 | each of the Northwest, Northeast, Central, Southwest, and
98 | Southeast Regions. The department shall determine a medical
99 | marijuana treatment center's maximum number of dispensing
100 | facilities allowed in each region by calculating the percentage

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101 of the total statewide population contained within that region
102 and multiplying that percentage by the medical marijuana
103 treatment center's statewide maximum number of dispensing
104 facilities established under sub-subparagraph a., rounded to the
105 nearest whole number. The department shall ensure that such
106 rounding does not cause a medical marijuana treatment center's
107 total number of statewide dispensing facilities to exceed its
108 statewide maximum. The department shall initially calculate the
109 maximum number of dispensing facilities allowed in each region
110 for each medical marijuana treatment center using county
111 population estimates from the Florida Estimates of Population
112 2016, as published by the Office of Economic and Demographic
113 Research, and shall perform recalculations following the
114 official release of county population data resulting from each
115 United States Decennial Census. For the purposes of this
116 subparagraph:

117 (I) The Northwest Region consists of Bay, Calhoun,
118 Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,
119 Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,
120 Walton, and Washington Counties.

121 (II) The Northeast Region consists of Alachua, Baker,
122 Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist,
123 Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns,
124 Suwannee, and Union Counties.

125 (III) The Central Region consists of Brevard, Citrus,

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126 Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco,
 127 Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia
 128 Counties.

129 (IV) The Southwest Region consists of Charlotte, Collier,
 130 DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee,
 131 Okeechobee, and Sarasota Counties.

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

134 c. If a medical marijuana treatment center establishes a
 135 number of dispensing facilities within a region that is less
 136 than the number allowed for that region under sub-subparagraph
 137 b., the medical marijuana treatment center may sell one or more
 138 of its unused dispensing facility slots to other licensed
 139 medical marijuana treatment centers. For each dispensing
 140 facility slot that a medical marijuana treatment center sells,
 141 that medical marijuana treatment center's statewide maximum
 142 number of dispensing facilities, as determined under sub-
 143 subparagraph a., is reduced by one. The statewide maximum number
 144 of dispensing facilities for a medical marijuana treatment
 145 center that purchases an unused dispensing facility slot is
 146 increased by one per slot purchased. Additionally, the sale of a
 147 dispensing facility slot shall reduce the seller's regional
 148 maximum and increase the purchaser's regional maximum number of
 149 dispensing facilities, as determined in sub-subparagraph b., by
 150 one for that region. For any slot purchased under this sub-

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151 | subparagraph, the regional restriction applied to that slot's
152 | location under sub-subparagraph b. before the purchase shall
153 | remain in effect following the purchase. A medical marijuana
154 | treatment center that sells or purchases a dispensing facility
155 | slot must notify the department within 3 days of sale.

156 | d. This subparagraph shall expire on April 1, 2020.

157 |

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

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