

By Senator Brandes

24-00725A-20

20201860__

1 A bill to be entitled
2 An act relating to the availability of marijuana for
3 adult use; amending s. 212.08, F.S.; revising the
4 sales tax exemption for the sale of marijuana and
5 marijuana delivery devices to only include sales to
6 qualified patients or caregivers; amending s. 381.986,
7 F.S.; revising provisions related to the licensure and
8 functions of medical marijuana treatment centers
9 (MMTCs); requiring the Department of Health to adopt
10 by rule certain operating standards and procedures;
11 requiring the department to adopt by rule a certain
12 MMTC registration form; specifying registration
13 requirements; providing that a registration expires
14 within a specified timeframe; specifying that
15 registration is not sufficient for certain operations;
16 requiring an MMTC to obtain separate operating
17 licenses for certain operations; specifying
18 application requirements for MMTCs to obtain
19 cultivation licenses and processing licenses;
20 providing for the expiration of and renewal of such
21 licenses; requiring an MMTC to obtain a facility
22 permit before cultivating or processing marijuana in
23 the facility; authorizing MMTCs licensed to cultivate
24 or process marijuana to use contractors to assist with
25 the cultivation and processing of marijuana under
26 certain conditions; providing for the destruction of
27 certain marijuana byproducts within a specified
28 timeframe after their production; authorizing MMTCs
29 licensed to cultivate and process marijuana to

24-00725A-20

20201860__

30 wholesale marijuana to other registered MMTCs under
31 certain circumstances; prohibiting an MMTC from
32 transporting or delivering marijuana outside of its
33 property without a transportation license; providing
34 requirements for the cultivation and the processing of
35 marijuana; deleting the requirement that each MMTC
36 produce and make available for purchase at least one
37 low-THC cannabis product; deleting
38 tetrahydrocannabinol limits for edibles; requiring an
39 MMTC that holds a license for processing to test
40 marijuana before it is sold in addition to when it is
41 dispensed; deleting obsolete language; revising
42 marijuana packaging requirements; providing
43 application requirements for an MMTC to obtain a
44 retail license; providing for the expiration and
45 renewal of such licenses; requiring an MMTC to obtain
46 a facility permit before selling, dispensing, or
47 storing marijuana in the facility; requiring the
48 facility to cease certain operations under certain
49 circumstances; prohibiting a dispensing facility from
50 repackaging or modifying marijuana that has already
51 been packaged for sale, with certain exceptions;
52 authorizing a retail licensee to contract with an MMTC
53 that has a transportation license to transport
54 marijuana for the retail licensee under certain
55 circumstances; prohibiting onsite consumption or
56 administration of marijuana at a dispensing facility;
57 revising requirements for the dispensing of marijuana;
58 requiring a licensed retail MMTC to include specified

24-00725A-20

20201860__

59 information on a label for marijuana or a marijuana
60 delivery device dispensed to a qualified patient or
61 caregiver; authorizing an MMTC to sell marijuana to an
62 adult 21 years of age or older under certain
63 circumstances; requiring MMTC employees to verify the
64 age of such buyers using specified methods;
65 prohibiting an MMTC from requesting or storing any
66 personal information of a buyer other than to verify
67 the buyer's age; deleting a provision prohibiting an
68 MMTC from dispensing or selling specified products;
69 providing application requirements for an MMTC to
70 obtain a transportation license; providing marijuana
71 transportation requirements; prohibiting the
72 transportation of marijuana on certain properties;
73 prohibiting the transportation of marijuana in a
74 vehicle that is not owned or leased by a licensee or
75 the licensee's contractor or appropriately permitted
76 by the department; providing a process for the
77 issuance and cancellation of vehicle permits;
78 requiring that each permitted vehicle be GPS
79 monitored; specifying that a permitted vehicle
80 transporting marijuana is subject to inspection and
81 search without a search warrant by specified persons;
82 authorizing an MMTC licensed to transport marijuana
83 and marijuana delivery devices to deliver or contract
84 for the delivery of marijuana to other MMTCs, to
85 qualified patients and caregivers within this state,
86 and to adults 21 years of age or older within this
87 state; establishing that a county or municipality may

24-00725A-20

20201860__

88 not prohibit deliveries of marijuana to qualified
89 patients and caregivers within the county or
90 municipality; requiring an MMTC delivering marijuana
91 or a marijuana delivery device to a qualified patient
92 or his or her caregiver to verify the identity of the
93 qualified patient; requiring an MMTC delivering
94 marijuana to an adult 21 years of age or older to
95 verify his or her age; requiring the department to
96 adopt certain rules for the delivery of marijuana;
97 authorizing MMTCs to use contractors to assist with
98 the transportation of marijuana, but providing that an
99 MMTC is responsible for the actions and operations of
100 such a contractor which are related to the
101 transportation of marijuana; requiring an MMTC to know
102 the location of all of its marijuana products at all
103 times; requiring principals and employees of a
104 contractor to register with the department and receive
105 an MMTC employee identification card before
106 participating in the operations of the MMTC; providing
107 for the permitting of cultivation, processing,
108 dispensing, and storage facilities; requiring the
109 department to adopt by rule a facility permit
110 application form; requiring the department to inspect
111 a facility before issuing a permit; requiring the
112 department to issue or deny a facility permit within a
113 specified timeframe; providing for the expiration of
114 facility permits; requiring the department to inspect
115 a facility for compliance before the renewal of a
116 facility permit; requiring an MMTC to cease applicable

24-00725A-20

20201860__

117 operations if a facility's permit expires or is
118 suspended or revoked; requiring cultivation facilities
119 and processing facilities to be insured with specified
120 hazard and liability insurance; providing cultivation
121 facility and processing facility requirements;
122 preempting to the state all matters regarding the
123 permitting and regulation of cultivation facilities
124 and processing facilities; requiring dispensing
125 facilities and storage facilities to be insured with
126 specified hazard and liability insurance; providing
127 dispensing facility and storage facility requirements;
128 clarifying that a county or a municipality may
129 prohibit a dispensing facility from being located in
130 its jurisdiction but may not prohibit a licensed
131 retail MMTC or its permitted storage facility from
132 being located in such county's or municipality's
133 jurisdiction if the MMTC is delivering marijuana to
134 qualified patients; prohibiting the department from
135 issuing a facility permit for a dispensing facility in
136 a county or municipality that adopts a specified
137 ordinance; authorizing a county or municipality to
138 levy a local tax on a dispensing facility; providing
139 that local ordinances may not result in or provide for
140 certain outcomes; authorizing the department to adopt
141 specified requirements by rule; requiring the
142 department to adopt rules to administer the
143 registration of certain MMTC principals, employees,
144 and contractors; requiring an MMTC to apply to the
145 department for the registration of certain persons

24-00725A-20

20201860__

146 before hiring or contracting with any such person;
147 requiring the department to adopt by rule a
148 registration form that includes specified information;
149 requiring the department to register persons who
150 satisfy specified conditions and issue them MMTC
151 employee identification cards; requiring a registered
152 person and the MMTC to update the department within a
153 specified timeframe if certain information or the
154 person's employment status changes; authorizing the
155 department to contract with vendors to issue MMTC
156 employee identification cards; requiring the
157 department to inspect an MMTC and its facilities upon
158 receipt of a complaint and to inspect each permitted
159 facility at least biennially; authorizing the
160 department to conduct additional inspections of a
161 facility under certain circumstances; authorizing the
162 department to impose administrative penalties on an
163 MMTC for violating certain provisions; requiring the
164 department to refuse to renew an MMTC's cultivation,
165 processing, retail, or transportation license under
166 certain circumstances; revising provisions related to
167 penalties and fees to conform to changes made by the
168 act; providing construction; conforming provisions to
169 changes made by the act; creating s. 381.990, F.S.;
170 authorizing an adult 21 years of age or older to
171 purchase, possess, use, transport, or transfer to
172 another adult 21 years of age or older marijuana
173 products and marijuana delivery devices under certain
174 circumstances; providing that such marijuana products

24-00725A-20

20201860__

175 or marijuana delivery devices must be purchased from
176 an MMTC licensed by the department for the retail sale
177 of marijuana and registered with the Department of
178 Business and Professional Regulation (DBPR) for sale
179 of marijuana for adult use; clarifying that a private
180 property owner may restrict the smoking or vaping of
181 marijuana on his or her property but may not prevent
182 his or her tenants from using marijuana by other
183 means; providing that certain provisions do not exempt
184 a person from prosecution for a criminal offense
185 related to impairment or intoxication related to the
186 use of marijuana and do not relieve a person from any
187 legal requirement to submit to certain tests to detect
188 the presence of a controlled substance; requiring the
189 Department of Agriculture and Consumer Services to
190 conduct a study on the advisability of allowing the
191 cultivation of marijuana by members of the public for
192 private use, including use of a specified model;
193 requiring the department to report the results of the
194 study to the Governor and the Legislature by a
195 specified date; amending s. 893.13, F.S.; authorizing
196 a person 21 years of age or older to possess marijuana
197 products in a specified amount and to deliver
198 marijuana products to another person 21 years of age
199 or older, under certain circumstances; providing
200 criminal penalties for the delivery or possession of
201 marijuana products by a person younger than 21 years
202 of age under certain circumstances; creating s.
203 893.1352, F.S.; providing legislative intent;

24-00725A-20

20201860__

204 providing for the retroactive applicability of s.
205 893.13, F.S.; requiring certain sentences for
206 specified offenses; requiring sentence review hearings
207 for individuals serving certain sentences for
208 specified crimes; providing resentencing procedures;
209 requiring the waiver of certain conviction-related
210 fines, fees, and costs under certain circumstances;
211 amending s. 893.147, F.S.; authorizing a person 21
212 years of age or older to possess, use, transport, or
213 deliver, without consideration, a marijuana delivery
214 device to a person 21 years of age or older; providing
215 criminal penalties for a person younger than 21 years
216 of age who possesses, uses, transports, or delivers,
217 without consideration, a marijuana delivery device to
218 a person 21 years of age or older; creating s.
219 943.0586, F.S.; defining terms; authorizing an
220 individual convicted of certain crimes to petition the
221 court for expunction of his or her criminal history
222 under certain circumstances; requiring the individual
223 to first obtain a certificate of eligibility from the
224 Department of Law Enforcement; requiring the
225 department to adopt rules establishing the procedures
226 for applying for and issuing such certificates;
227 requiring the department to issue a certificate under
228 certain circumstances; providing for the expiration of
229 the certificate; providing requirements for the
230 petition for expunction; providing penalties;
231 providing for the court's authority over its own
232 procedures, with an exception; requiring the court to

24-00725A-20

20201860__

233 order the expunction of a criminal history record
234 under certain circumstances; clarifying that
235 expunction of certain criminal history records does
236 not affect eligibility for expunction of other
237 criminal history records; providing procedures for
238 processing expunction petitions and orders; providing
239 that a person granted an expunction may lawfully deny
240 or fail to acknowledge the underlying arrest or
241 conviction, with exceptions; providing that a person
242 may not be deemed to have committed perjury or
243 otherwise held liable for giving a false statement if
244 he or she fails to recite or acknowledge an expunged
245 criminal history record; amending s. 893.15, F.S.;
246 conforming a provision to changes made by the act;
247 providing effective dates.

248

249 Be It Enacted by the Legislature of the State of Florida:

250

251 Section 1. Paragraph (1) of subsection (2) of section
252 212.08, Florida Statutes, is amended to read:

253 212.08 Sales, rental, use, consumption, distribution, and
254 storage tax; specified exemptions.—The sale at retail, the
255 rental, the use, the consumption, the distribution, and the
256 storage to be used or consumed in this state of the following
257 are hereby specifically exempt from the tax imposed by this
258 chapter.

259 (2) EXEMPTIONS; MEDICAL.—

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

24-00725A-20

20201860__

262 when they are purchased by a qualified patient or a caregiver,
263 as those terms are defined in s. 381.986.

264 Section 2. Paragraphs (d) through (h), (j), and (k) of
265 subsection (1), paragraph (b) of subsection (3), paragraph (f)
266 of subsection (4), paragraphs (a) and (f) of subsection (5),
267 paragraph (b) of subsection (6), subsections (8) through (12),
268 paragraphs (a), (b), (c), and (e) of subsection (14), and
269 subsection (17) of section 381.986, Florida Statutes, are
270 amended to read:

271 381.986 Medical use of marijuana.—

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

273 (d) "Edibles" means commercially produced food items made
274 with marijuana oil, but no other form of marijuana, that are
275 produced and dispensed by a medical marijuana treatment center
276 (MMTC).

277 (e) "Low-THC cannabis" means a plant of the genus *Cannabis*,
278 the dried flowers of which contain 0.8 percent or less of
279 tetrahydrocannabinol and more than 10 percent of cannabidiol
280 weight for weight; the seeds thereof; the resin extracted from
281 any part of such plant; or any compound, manufacture, salt,
282 derivative, mixture, or preparation of such plant or its seeds
283 or resin that is dispensed from an MMTC ~~a medical marijuana~~
284 ~~treatment center~~.

285 (f) "Marijuana" means all parts of any plant of the genus
286 *Cannabis*, whether growing or not; the seeds thereof; the resin
287 extracted from any part of the plant; and every compound,
288 manufacture, salt, derivative, mixture, or preparation of the
289 plant or its seeds or resin, including low-THC cannabis, which
290 are dispensed from an MMTC ~~a medical marijuana treatment center~~

24-00725A-20

20201860__

291 for medical use by a qualified patient.

292 (g) "Marijuana delivery device" means an object used,
293 intended for use, or designed for use in preparing, storing,
294 ingesting, inhaling, or otherwise introducing marijuana into the
295 human body, ~~and~~ which object is dispensed from an MMTC ~~a medical~~
296 ~~marijuana treatment center~~ for medical use by a qualified
297 patient; however, such objects ~~except that delivery devices that~~
298 are intended solely for the medical use of marijuana by smoking
299 need not be dispensed from an MMTC ~~and a medical marijuana~~
300 ~~treatment center in order to~~ qualify as marijuana delivery
301 devices.

302 (h) "Marijuana testing laboratory" means a facility
303 certified by the department pursuant to s. 381.988 ~~which that~~
304 collects and analyzes marijuana samples from an MMTC ~~a medical~~
305 ~~marijuana treatment center~~ ~~and has been certified by the~~
306 ~~department pursuant to s. 381.988.~~

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

310 1. Possession, use, or administration of marijuana that was
311 not purchased or acquired from an MMTC ~~a medical marijuana~~
312 ~~treatment center.~~

313 2. Possession, use, or administration of marijuana in the
314 form of commercially produced food items other than edibles or
315 of marijuana seeds.

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

319 4. Transfer of marijuana to a person other than the

24-00725A-20

20201860__

320 qualified patient for whom it was authorized or the qualified
321 patient's caregiver on behalf of the qualified patient.

322 5. Use or administration of marijuana in the following
323 locations:

324 a. On any form of public transportation, except for low-THC
325 cannabis not in a form for smoking.

326 b. In any public place, except for low-THC cannabis not in
327 a form for smoking.

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

330 d. In a state correctional institution, as defined in s.
331 944.02, or a correctional institution, as defined in s. 944.241.

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

334 f. In a school bus, a vehicle, an aircraft, or a motorboat,
335 except for low-THC cannabis not in a form for smoking.

336 6. The smoking of marijuana in an enclosed indoor workplace
337 as defined in s. 386.203(5).

338 (k) "Physician certification" means a qualified physician's
339 authorization for a qualified patient to receive marijuana and a
340 marijuana delivery device from an MMTC ~~a medical marijuana~~
341 ~~treatment center~~.

342 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

343 (b) A qualified physician may not be employed by, or have
344 any direct or indirect economic interest in, a medical marijuana
345 treatment center (MMTC) or marijuana testing laboratory.

346 (4) PHYSICIAN CERTIFICATION.—

347 (f) A qualified physician may not issue a physician
348 certification for more than three 70-day supply limits of

24-00725A-20

20201860__

349 marijuana or more than six 35-day supply limits of marijuana in
350 a form for smoking. The department shall quantify by rule a
351 daily dose amount with equivalent dose amounts for each
352 allowable form of marijuana dispensed by a medical marijuana
353 treatment center (MMTC). The department shall use the daily dose
354 amount to calculate a 70-day supply.

355 1. A qualified physician may request an exception to the
356 daily dose amount limit, the 35-day supply limit of marijuana in
357 a form for smoking, and the 4-ounce possession limit of
358 marijuana in a form for smoking established in paragraph
359 (14) (a). The request shall be made electronically on a form
360 adopted by the department in rule and must include, at a
361 minimum:

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

363 b. The dosage and route of administration that was
364 insufficient to provide relief to the qualified patient.

365 c. A description of how the patient will benefit from an
366 increased amount.

367 d. The minimum daily dose amount of marijuana that would be
368 sufficient for the treatment of the qualified patient's
369 qualifying medical condition.

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

372 3. The department shall approve or disapprove the request
373 within 14 days after receipt of the complete documentation
374 required by this paragraph. The request shall be deemed approved
375 if the department fails to act within this time period.

376 (5) MEDICAL MARIJUANA USE REGISTRY.—

377 (a) The department shall create and maintain a secure,

24-00725A-20

20201860__

378 electronic, and online medical marijuana use registry for
379 physicians, patients, and caregivers as provided under this
380 section. The medical marijuana use registry must be accessible
381 to law enforcement agencies, qualified physicians, and medical
382 marijuana treatment centers (MMTCs) to verify the authorization
383 of a qualified patient or a caregiver to possess marijuana or a
384 marijuana delivery device and record the marijuana or marijuana
385 delivery device dispensed. The medical marijuana use registry
386 must also be accessible to practitioners licensed to prescribe
387 prescription drugs to ensure proper care for patients before
388 medications that may interact with the medical use of marijuana
389 are prescribed. The medical marijuana use registry must prevent
390 an active registration of a qualified patient by multiple
391 physicians.

392 (f) The department may revoke the registration of a
393 qualified patient or caregiver who cultivates marijuana or who
394 acquires, possesses, or delivers marijuana from any person or
395 entity other than an MMTC ~~a medical marijuana treatment center~~.

396 (6) CAREGIVERS.—

397 (b) A caregiver must:

398 1. Not be a qualified physician and not be employed by or
399 have an economic interest in a medical marijuana treatment
400 center (MMTC) or a marijuana testing laboratory.

401 2. Be 21 years of age or older and a resident of this
402 state.

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

405 4. Be registered in the medical marijuana use registry as a
406 caregiver for no more than one qualified patient, except as

24-00725A-20

20201860__

407 provided in this paragraph.

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

412 6. Pass a level 2 background screening pursuant to chapter
413 435 subsection (9), unless the patient is a close relative of
414 the caregiver. In addition to the disqualifying offenses
415 specified in s. 435.04(2) and (3), a person may not serve as a
416 caregiver if he or she has an arrest awaiting final disposition
417 for; has been found guilty of, regardless of adjudication; or
418 has entered a plea of nolo contendere or guilty to an offense
419 under chapter 837, chapter 895, or chapter 896 or a similar law
420 of another jurisdiction.

421 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

422 ~~(a) The department shall license medical marijuana~~
423 ~~treatment centers to ensure reasonable statewide accessibility~~
424 ~~and availability as necessary for qualified patients registered~~
425 ~~in the medical marijuana use registry and who are issued a~~
426 ~~physician certification under this section.~~

427 ~~1. As soon as practicable, but no later than July 3, 2017,~~
428 ~~the department shall license as a medical marijuana treatment~~
429 ~~center any entity that holds an active, unrestricted license to~~
430 ~~cultivate, process, transport, and dispense low-THC cannabis,~~
431 ~~medical cannabis, and cannabis delivery devices, under former s.~~
432 ~~381.986, Florida Statutes 2016, before July 1, 2017, and which~~
433 ~~meets the requirements of this section. In addition to the~~
434 ~~authority granted under this section, these entities are~~
435 ~~authorized to dispense low-THC cannabis, medical cannabis, and~~

24-00725A-20

20201860__

436 ~~cannabis delivery devices ordered pursuant to former s. 381.986,~~
437 ~~Florida Statutes 2016, which were entered into the compassionate~~
438 ~~use registry before July 1, 2017, and are authorized to begin~~
439 ~~dispensing marijuana under this section on July 3, 2017. The~~
440 ~~department may grant variances from the representations made in~~
441 ~~such an entity's original application for approval under former~~
442 ~~s. 381.986, Florida Statutes 2014, pursuant to paragraph (c).~~

443 ~~2. The department shall license as medical marijuana~~
444 ~~treatment centers 10 applicants that meet the requirements of~~
445 ~~this section, under the following parameters:~~

446 ~~a. As soon as practicable, but no later than August 1,~~
447 ~~2017, the department shall license any applicant whose~~
448 ~~application was reviewed, evaluated, and scored by the~~
449 ~~department and which was denied a dispensing organization~~
450 ~~license by the department under former s. 381.986, Florida~~
451 ~~Statutes 2014; which had one or more administrative or judicial~~
452 ~~challenges pending as of January 1, 2017, or had a final ranking~~
453 ~~within one point of the highest final ranking in its region~~
454 ~~under former s. 381.986, Florida Statutes 2014; which meets the~~
455 ~~requirements of this section; and which provides documentation~~
456 ~~to the department that it has the existing infrastructure and~~
457 ~~technical and technological ability to begin cultivating~~
458 ~~marijuana within 30 days after registration as a medical~~
459 ~~marijuana treatment center.~~

460 ~~b. As soon as practicable, the department shall license one~~
461 ~~applicant that is a recognized class member of *Pigford v.*~~
462 ~~*Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers*~~
463 ~~*Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed~~
464 ~~under this sub-subparagraph is exempt from the requirement of~~

24-00725A-20

20201860__

465 ~~subparagraph (b)2.~~

466 ~~e. As soon as practicable, but no later than October 3,~~
467 ~~2017, the department shall license applicants that meet the~~
468 ~~requirements of this section in sufficient numbers to result in~~
469 ~~10 total licenses issued under this subparagraph, while~~
470 ~~accounting for the number of licenses issued under sub-~~
471 ~~subparagraphs a. and b.~~

472 ~~3. For up to two of the licenses issued under subparagraph~~
473 ~~2., the department shall give preference to applicants that~~
474 ~~demonstrate in their applications that they own one or more~~
475 ~~facilities that are, or were, used for the canning,~~
476 ~~concentrating, or otherwise processing of citrus fruit or citrus~~
477 ~~molasses and will use or convert the facility or facilities for~~
478 ~~the processing of marijuana.~~

479 ~~4. Within 6 months after the registration of 100,000 active~~
480 ~~qualified patients in the medical marijuana use registry, the~~
481 ~~department shall license four additional medical marijuana~~
482 ~~treatment centers that meet the requirements of this section.~~
483 ~~Thereafter, the department shall license four medical marijuana~~
484 ~~treatment centers within 6 months after the registration of each~~
485 ~~additional 100,000 active qualified patients in the medical~~
486 ~~marijuana use registry that meet the requirements of this~~
487 ~~section.~~

488 ~~5. Dispensing facilities are subject to the following~~
489 ~~requirements:~~

490 ~~a. A medical marijuana treatment center may not establish~~
491 ~~or operate more than a statewide maximum of 25 dispensing~~
492 ~~facilities, unless the medical marijuana use registry reaches a~~
493 ~~total of 100,000 active registered qualified patients. When the~~

24-00725A-20

20201860__

494 ~~medical marijuana use registry reaches 100,000 active registered~~
495 ~~qualified patients, and then upon each further instance of the~~
496 ~~total active registered qualified patients increasing by~~
497 ~~100,000, the statewide maximum number of dispensing facilities~~
498 ~~that each licensed medical marijuana treatment center may~~
499 ~~establish and operate increases by five.~~

500 ~~b. A medical marijuana treatment center may not establish~~
501 ~~more than the maximum number of dispensing facilities allowed in~~
502 ~~each of the Northwest, Northeast, Central, Southwest, and~~
503 ~~Southeast Regions. The department shall determine a medical~~
504 ~~marijuana treatment center's maximum number of dispensing~~
505 ~~facilities allowed in each region by calculating the percentage~~
506 ~~of the total statewide population contained within that region~~
507 ~~and multiplying that percentage by the medical marijuana~~
508 ~~treatment center's statewide maximum number of dispensing~~
509 ~~facilities established under sub-subparagraph a., rounded to the~~
510 ~~nearest whole number. The department shall ensure that such~~
511 ~~rounding does not cause a medical marijuana treatment center's~~
512 ~~total number of statewide dispensing facilities to exceed its~~
513 ~~statewide maximum. The department shall initially calculate the~~
514 ~~maximum number of dispensing facilities allowed in each region~~
515 ~~for each medical marijuana treatment center using county~~
516 ~~population estimates from the Florida Estimates of Population~~
517 ~~2016, as published by the Office of Economic and Demographic~~
518 ~~Research, and shall perform recalculations following the~~
519 ~~official release of county population data resulting from each~~
520 ~~United States Decennial Census. For the purposes of this~~
521 ~~subparagraph:~~

522 ~~(I) The Northwest Region consists of Bay, Calhoun,~~

24-00725A-20

20201860__

523 ~~Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,~~
524 ~~Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,~~
525 ~~Walton, and Washington Counties.~~

526 ~~(II) The Northeast Region consists of Alachua, Baker,~~
527 ~~Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist,~~
528 ~~Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns,~~
529 ~~Suwannee, and Union Counties.~~

530 ~~(III) The Central Region consists of Brevard, Citrus,~~
531 ~~Hardee, Hernando, Indian River, Lake, Orange, Oseeola, Paseo,~~
532 ~~Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia~~
533 ~~Counties.~~

534 ~~(IV) The Southwest Region consists of Charlotte, Collier,~~
535 ~~DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee,~~
536 ~~Okeechobee, and Sarasota Counties.~~

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

539 ~~e. If a medical marijuana treatment center establishes a~~
540 ~~number of dispensing facilities within a region that is less~~
541 ~~than the number allowed for that region under sub-subparagraph~~
542 ~~b., the medical marijuana treatment center may sell one or more~~
543 ~~of its unused dispensing facility slots to other licensed~~
544 ~~medical marijuana treatment centers. For each dispensing~~
545 ~~facility slot that a medical marijuana treatment center sells,~~
546 ~~that medical marijuana treatment center's statewide maximum~~
547 ~~number of dispensing facilities, as determined under sub-~~
548 ~~subparagraph a., is reduced by one. The statewide maximum number~~
549 ~~of dispensing facilities for a medical marijuana treatment~~
550 ~~center that purchases an unused dispensing facility slot is~~
551 ~~increased by one per slot purchased. Additionally, the sale of a~~

24-00725A-20

20201860__

552 ~~dispensing facility slot shall reduce the seller's regional~~
553 ~~maximum and increase the purchaser's regional maximum number of~~
554 ~~dispensing facilities, as determined in sub-subparagraph b., by~~
555 ~~one for that region. For any slot purchased under this sub-~~
556 ~~subparagraph, the regional restriction applied to that slot's~~
557 ~~location under sub-subparagraph b. before the purchase shall~~
558 ~~remain in effect following the purchase. A medical marijuana~~
559 ~~treatment center that sells or purchases a dispensing facility~~
560 ~~slot must notify the department within 3 days of sale.~~

561 ~~d. This subparagraph shall expire on April 1, 2020.~~

562
563 ~~If this subparagraph or its application to any person or~~
564 ~~circumstance is held invalid, the invalidity does not affect~~
565 ~~other provisions or applications of this act which can be given~~
566 ~~effect without the invalid provision or application, and to this~~
567 ~~end, the provisions of this subparagraph are severable.~~

568 ~~(b) An applicant for licensure as a medical marijuana~~
569 ~~treatment center shall apply to the department on a form~~
570 ~~prescribed by the department and adopted in rule. The department~~
571 ~~shall adopt rules pursuant to ss. 120.536(1) and 120.54~~
572 ~~establishing a procedure for the issuance and biennial renewal~~
573 ~~of licenses, including initial application and biennial renewal~~
574 ~~fees sufficient to cover the costs of implementing and~~
575 ~~administering this section, and establishing supplemental~~
576 ~~licensure fees for payment beginning May 1, 2018, sufficient to~~
577 ~~cover the costs of administering ss. 381.989 and 1004.4351. The~~
578 ~~department shall identify applicants with strong diversity plans~~
579 ~~reflecting this state's commitment to diversity and implement~~
580 ~~training programs and other educational programs to enable~~

24-00725A-20

20201860__

581 ~~minority persons and minority business enterprises, as defined~~
582 ~~in s. 288.703, and veteran business enterprises, as defined in~~
583 ~~s. 295.187, to compete for medical marijuana treatment center~~
584 ~~licensure and contracts. Subject to the requirements in~~
585 ~~subparagraphs (a)2-4., the department shall issue a license to~~
586 ~~an applicant if the applicant meets the requirements of this~~
587 ~~section and pays the initial application fee. The department~~
588 ~~shall renew the licensure of a medical marijuana treatment~~
589 ~~center biennially if the licensee meets the requirements of this~~
590 ~~section and pays the biennial renewal fee. An individual may not~~
591 ~~be an applicant, owner, officer, board member, or manager on~~
592 ~~more than one application for licensure as a medical marijuana~~
593 ~~treatment center. An individual or entity may not be awarded~~
594 ~~more than one license as a medical marijuana treatment center.~~
595 ~~An applicant for licensure as a medical marijuana treatment~~
596 ~~center must demonstrate:~~

597 ~~1. That, for the 5 consecutive years before submitting the~~
598 ~~application, the applicant has been registered to do business in~~
599 ~~the state.~~

600 ~~2. Possession of a valid certificate of registration issued~~
601 ~~by the Department of Agriculture and Consumer Services pursuant~~
602 ~~to s. 581.131.~~

603 ~~3. The technical and technological ability to cultivate and~~
604 ~~produce marijuana, including, but not limited to, low-THC~~
605 ~~cannabis.~~

606 ~~4. The ability to secure the premises, resources, and~~
607 ~~personnel necessary to operate as a medical marijuana treatment~~
608 ~~center.~~

609 ~~5. The ability to maintain accountability of all raw~~

24-00725A-20

20201860__

610 ~~materials, finished products, and any byproducts to prevent~~
611 ~~diversion or unlawful access to or possession of these~~
612 ~~substances.~~

613 ~~6. An infrastructure reasonably located to dispense~~
614 ~~marijuana to registered qualified patients statewide or~~
615 ~~regionally as determined by the department.~~

616 ~~7. The financial ability to maintain operations for the~~
617 ~~duration of the 2-year approval cycle, including the provision~~
618 ~~of certified financial statements to the department.~~

619 ~~a. Upon approval, the applicant must post a \$5 million~~
620 ~~performance bond issued by an authorized surety insurance~~
621 ~~company rated in one of the three highest rating categories by a~~
622 ~~nationally recognized rating service. However, a medical~~
623 ~~marijuana treatment center serving at least 1,000 qualified~~
624 ~~patients is only required to maintain a \$2 million performance~~
625 ~~bond.~~

626 ~~b. In lieu of the performance bond required under sub-~~
627 ~~subparagraph a., the applicant may provide an irrevocable letter~~
628 ~~of credit payable to the department or provide cash to the~~
629 ~~department. If provided with cash under this sub-subparagraph,~~
630 ~~the department shall deposit the cash in the Grants and~~
631 ~~Donations Trust Fund within the Department of Health, subject to~~
632 ~~the same conditions as the bond regarding requirements for the~~
633 ~~applicant to forfeit ownership of the funds. If the funds~~
634 ~~deposited under this sub-subparagraph generate interest, the~~
635 ~~amount of that interest shall be used by the department for the~~
636 ~~administration of this section.~~

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

24-00725A-20

20201860__

639 ~~9. The employment of a medical director to supervise the~~
640 ~~activities of the medical marijuana treatment center.~~

641 ~~10. A diversity plan that promotes and ensures the~~
642 ~~involvement of minority persons and minority business~~
643 ~~enterprises, as defined in s. 288.703, or veteran business~~
644 ~~enterprises, as defined in s. 295.187, in ownership, management,~~
645 ~~and employment. An applicant for licensure renewal must show the~~
646 ~~effectiveness of the diversity plan by including the following~~
647 ~~with his or her application for renewal:~~

648 ~~a. Representation of minority persons and veterans in the~~
649 ~~medical marijuana treatment center's workforce;~~

650 ~~b. Efforts to recruit minority persons and veterans for~~
651 ~~employment; and~~

652 ~~c. A record of contracts for services with minority~~
653 ~~business enterprises and veteran business enterprises.~~

654 ~~(c) A medical marijuana treatment center may not make a~~
655 ~~wholesale purchase of marijuana from, or a distribution of~~
656 ~~marijuana to, another medical marijuana treatment center, unless~~
657 ~~the medical marijuana treatment center seeking to make a~~
658 ~~wholesale purchase of marijuana submits proof of harvest failure~~
659 ~~to the department.~~

660 ~~(a)(d)~~ Department responsibilities.—The department shall do
661 all of the following:

662 1. Adopt by rule all of the following:

663 a. Operating standards for the cultivation, processing,
664 packaging, and labeling of marijuana.

665 b. Standards for the sale of marijuana.

666 c. Procedures and requirements for all of the following:

667 (I) The registration and registration renewal of medical

24-00725A-20

20201860__

668 marijuana treatment centers (MMTCs).

669 (II) The issuance and renewal of cultivation, processing,
670 retail, and transportation operating licenses.

671 (III) The issuance and renewal of cultivation, processing,
672 dispensing, and storage facility permits and of vehicle permits.

673 (IV) The registration of all principals, employees, and
674 contractors of an MMTC who will participate in the operations of
675 the MMTC.

676 (V) The issuance of MMTC employee identification cards to
677 registered principals, employees, and contractors of MMTCs.

678 2. Establish, maintain, and control a computer software
679 tracking system that traces marijuana from seed to sale and
680 allows real-time, 24-hour access by the department to data from
681 all ~~MMTCs~~ ~~medical marijuana treatment centers~~ and marijuana
682 testing laboratories. The tracking system must allow for
683 integration of other seed-to-sale systems and, at a minimum,
684 include notification of when marijuana seeds are planted, when
685 marijuana plants are harvested and destroyed, and when marijuana
686 is transported, sold, stolen, diverted, or lost. Each MMTC must
687 ~~medical marijuana treatment center~~ shall use the seed-to-sale
688 tracking system established by the department or integrate its
689 own seed-to-sale tracking system with the seed-to-sale tracking
690 system established by the department. Each MMTC ~~medical~~
691 ~~marijuana treatment center~~ may use its own seed-to-sale system
692 until the department establishes a seed-to-sale tracking system.
693 The department may contract with a vendor to establish the seed-
694 to-sale tracking system. The vendor selected by the department
695 may not have a contractual relationship with the department to
696 perform any services pursuant to this section other than the

24-00725A-20

20201860__

697 seed-to-sale tracking system. The vendor may not have a direct
698 or indirect financial interest in an MMTC ~~a medical marijuana~~
699 ~~treatment center~~ or a marijuana testing laboratory.

700 (b) Registration.-

701 1. The department shall adopt by rule an MMTC registration
702 form that must require at least all of the following:

703 a. The applicant's full legal name.

704 b. The physical address of each location where the
705 applicant will apply for a facility permit to cultivate,
706 process, dispense, or store marijuana.

707 c. The name, address, and date of birth of the applicant's
708 principals.

709 d. The name, address, and date of birth of the applicant's
710 current employees and contractors who will participate in the
711 operations of the MMTC.

712 e. The operation or operations in which the applicant
713 intends to engage, which may include one or more of the
714 following:

715 (I) Cultivation.

716 (II) Processing.

717 (III) Retail sales.

718 (IV) Transportation.

719 2. To be registered as an MMTC, an applicant must submit
720 all of the following to the department:

721 a. The applicant's completed registration form.

722 b. Personnel registration application forms, as described
723 in subsection (9), for all principals, employees, and
724 contractors listed on the applicant's registration form who will
725 participate in the operations of the MMTC. The department may

24-00725A-20

20201860__

726 not register the applicant as an MMTC until all principals,
727 employees, and contractors listed on the applicant's
728 registration form have registered with the department and are
729 issued MMTC employee identification cards.

730 c. Proof that all principals listed on the applicant's
731 registration form who will not participate in the operations of
732 the MMTC have passed a level 2 background screening pursuant to
733 chapter 435 within the previous year.

734 d. Proof that the MMTC has the capability to comply with
735 seed-to-sale tracking system requirements.

736 e. Proof of the applicant's financial ability to maintain
737 operations for the duration of the registration.

738 f. A \$500,000 performance and compliance bond, or a \$1
739 million performance and compliance bond if the MMTC intends to
740 cultivate or process marijuana, which will be forfeited if the
741 MMTC fails to comply with:

742 (I) Registration requirements in this subsection during the
743 registration period; or

744 (II) Material requirements of this section which are
745 applicable to the functions the applicant intends to perform, as
746 indicated on the registration form.

747 3. A registration expires 2 years after the date it is
748 issued.

749 4. In addition to obtaining registration pursuant to this
750 paragraph, an MMTC must obtain an operating license for each
751 operation it will perform as provided in paragraph (c),
752 paragraph (d), or paragraph (f), as applicable.

753 (c) Cultivation licenses and processing licenses.—

754 1. A registered MMTC may apply for a cultivation license or

24-00725A-20

20201860__

755 a processing license. When applying, the MMTC shall provide the
756 department with at least all of the following:

757 a. A completed cultivation license or processing license
758 application form.

759 b. The physical address of each location where marijuana
760 will be cultivated, processed, or stored.

761 c. As applicable to the requested license or licenses:

762 (I) Proof of an established infrastructure, or the ability
763 to establish an infrastructure in a reasonable amount of time,
764 which is designed for cultivation, processing, testing,
765 packaging, and labeling marijuana; maintaining the
766 infrastructure's security; and preventing the theft or diversion
767 of any marijuana.

768 (II) Proof that the applicant possesses the technical and
769 technological ability to cultivate and test or process and test
770 marijuana.

771 d. Proof of operating procedures designed to secure and
772 maintain accountability for all marijuana and marijuana-related
773 byproducts that come into the applicant's possession, and to
774 comply with the required seed-to-sale tracking system.

775 2. Cultivation licenses and processing licenses expire 2
776 years after the date they are issued. To renew a license, the
777 licensee must meet all of the requirements for initial
778 licensure; must provide all of the documentation required under
779 subparagraph 1.; and must not have any uncorrected substantial
780 violations of the standards adopted by department rule for the
781 cultivation, processing, testing, packaging, and labeling of
782 marijuana.

783 3. Before beginning cultivation or processing at any

24-00725A-20

20201860__

784 location, the licensee must obtain a facility permit from the
785 department for that location pursuant to paragraph (g).

786 4. Licensees under this subsection may use contractors to
787 assist with the cultivation or processing of marijuana, as
788 applicable, but the licensee is ultimately responsible for all
789 of the operations performed by each contractor relating to the
790 cultivation or processing of marijuana and is responsible for
791 maintaining physical possession of the marijuana at all times.
792 All work done by a contractor must be performed at a location
793 that has a facility permit issued by the department. A licensee
794 using a contractor must register any principal or employee of a
795 contractor who will be participating in the operations of the
796 licensee as provided in subsection (9). Such principal or
797 employee may not begin participating in the operations of the
798 licensee until he or she has received an MMTC employee
799 identification card from the department.

800 5. All marijuana byproducts that cannot be processed or
801 reprocessed must be destroyed by the cultivation licensee or the
802 processing licensee or their respective contractors within 30
803 days after the production of the byproducts.

804 6. Licensees under this subsection may wholesale marijuana
805 only to other registered MMTCs. Before wholesaling marijuana,
806 the wholesaling MMTC shall provide the purchasing MMTC with
807 documentation showing that the marijuana meets the testing,
808 packaging, and labeling requirements of this section. The
809 purchasing MMTC shall review such documentation to determine
810 that the marijuana is in compliance with this section before
811 taking possession of the marijuana.

812 7. Transportation or delivery of marijuana outside of the

24-00725A-20

20201860__

813 property owned by a licensee under this subsection may be
814 performed only by an MMTC that holds a transportation license
815 issued pursuant to paragraph (f).

816 ~~(e) A licensed medical marijuana treatment center shall~~
817 ~~cultivate, process, transport, and dispense marijuana for~~
818 ~~medical use. A licensed medical marijuana treatment center may~~
819 ~~not contract for services directly related to the cultivation,~~
820 ~~processing, and dispensing of marijuana or marijuana delivery~~
821 ~~devices, except that a medical marijuana treatment center~~
822 ~~licensed pursuant to subparagraph (a)1. may contract with a~~
823 ~~single entity for the cultivation, processing, transporting, and~~
824 ~~dispensing of marijuana and marijuana delivery devices. A~~
825 ~~licensed medical marijuana treatment center must, at all times,~~
826 ~~maintain compliance with the criteria demonstrated and~~
827 ~~representations made in the initial application and the criteria~~
828 ~~established in this subsection. Upon request, the department may~~
829 ~~grant a medical marijuana treatment center a variance from the~~
830 ~~representations made in the initial application. Consideration~~
831 ~~of such a request shall be based upon the individual facts and~~
832 ~~circumstances surrounding the request. A variance may not be~~
833 ~~granted unless the requesting medical marijuana treatment center~~
834 ~~can demonstrate to the department that it has a proposed~~
835 ~~alternative to the specific representation made in its~~
836 ~~application which fulfills the same or a similar purpose as the~~
837 ~~specific representation in a way that the department can~~
838 ~~reasonably determine will not be a lower standard than the~~
839 ~~specific representation in the application. A variance may not~~
840 ~~be granted from the requirements in subparagraph 2. and~~
841 ~~subparagraphs (b)1. and 2.~~

24-00725A-20

20201860__

842 ~~1. A licensed medical marijuana treatment center may~~
843 ~~transfer ownership to an individual or entity who meets the~~
844 ~~requirements of this section. A publicly traded corporation or~~
845 ~~publicly traded company that meets the requirements of this~~
846 ~~section is not precluded from ownership of a medical marijuana~~
847 ~~treatment center. To accommodate a change in ownership:~~

848 ~~a. The licensed medical marijuana treatment center shall~~
849 ~~notify the department in writing at least 60 days before the~~
850 ~~anticipated date of the change of ownership.~~

851 ~~b. The individual or entity applying for initial licensure~~
852 ~~due to a change of ownership must submit an application that~~
853 ~~must be received by the department at least 60 days before the~~
854 ~~date of change of ownership.~~

855 ~~e. Upon receipt of an application for a license, the~~
856 ~~department shall examine the application and, within 30 days~~
857 ~~after receipt, notify the applicant in writing of any apparent~~
858 ~~errors or omissions and request any additional information~~
859 ~~required.~~

860 ~~d. Requested information omitted from an application for~~
861 ~~licensure must be filed with the department within 21 days after~~
862 ~~the department's request for omitted information or the~~
863 ~~application shall be deemed incomplete and shall be withdrawn~~
864 ~~from further consideration and the fees shall be forfeited.~~

865
866 ~~Within 30 days after the receipt of a complete application, the~~
867 ~~department shall approve or deny the application.~~

868 ~~2. A medical marijuana treatment center, and any individual~~
869 ~~or entity who directly or indirectly owns, controls, or holds~~
870 ~~with power to vote 5 percent or more of the voting shares of a~~

24-00725A-20

20201860__

871 ~~medical marijuana treatment center, may not acquire direct or~~
872 ~~indirect ownership or control of any voting shares or other form~~
873 ~~of ownership of any other medical marijuana treatment center.~~

874 ~~3. A medical marijuana treatment center may not enter into~~
875 ~~any form of profit-sharing arrangement with the property owner~~
876 ~~or lessor of any of its facilities where cultivation,~~
877 ~~processing, storing, or dispensing of marijuana and marijuana~~
878 ~~delivery devices occurs.~~

879 ~~4. All employees of a medical marijuana treatment center~~
880 ~~must be 21 years of age or older and have passed a background~~
881 ~~screening pursuant to subsection (9).~~

882 ~~5. Each medical marijuana treatment center must adopt and~~
883 ~~enforce policies and procedures to ensure employees and~~
884 ~~volunteers receive training on the legal requirements to~~
885 ~~dispense marijuana to qualified patients.~~

886 ~~8.6.~~ When growing marijuana, a licensed cultivation MMTC
887 ~~medical marijuana treatment center:~~

888 a. May use pesticides determined by the department, after
889 consultation with the Department of Agriculture and Consumer
890 Services, to be safely applied to plants intended for human
891 consumption, but may not use pesticides designated as
892 restricted-use pesticides pursuant to s. 487.042.

893 b. Shall ~~Must~~ grow marijuana within an enclosed permitted
894 cultivation facility ~~structure~~ and in a room separate from any
895 other plant.

896 c. Shall ~~Must~~ inspect seeds and growing plants for plant
897 pests that endanger or threaten the horticultural and
898 agricultural interests of the state in accordance with chapter
899 581 and any rules adopted thereunder.

24-00725A-20

20201860__

900 d. Shall ~~Must~~ perform fumigation or treatment of plants, or
901 remove and destroy infested or infected plants, in accordance
902 with chapter 581 and any rules adopted thereunder.

903 ~~7. Each medical marijuana treatment center must produce and~~
904 ~~make available for purchase at least one low-THC cannabis~~
905 ~~product.~~

906 9.8. ~~An MMTC A medical marijuana treatment center~~ that
907 produces edibles must hold a permit to operate as a food
908 establishment pursuant to chapter 500, the Florida Food Safety
909 Act, and must comply with all the requirements for food
910 establishments pursuant to chapter 500 and any rules adopted
911 thereunder. ~~Edibles may not contain more than 200 milligrams of~~
912 ~~tetrahydrocannabinol, and a single serving portion of an edible~~
913 ~~may not exceed 10 milligrams of tetrahydrocannabinol.~~ Edibles
914 may have a tetrahydrocannabinol potency variance of no greater
915 than 15 percent. Edibles may not be attractive to children; be
916 manufactured in the shape of humans, cartoons, or animals; be
917 manufactured in a form that bears any reasonable resemblance to
918 products available for consumption as commercially available
919 candy; or contain any color additives. To discourage consumption
920 of edibles by children, the department shall determine by rule
921 any shapes, forms, and ingredients allowed and prohibited for
922 edibles. MMTCs ~~Medical marijuana treatment centers~~ may not begin
923 processing or dispensing edibles until after the effective date
924 of the rule. The department shall also adopt sanitation rules
925 providing the standards and requirements for the storage,
926 display, or dispensing of edibles.

927 ~~9. Within 12 months after licensure, a medical marijuana~~
928 ~~treatment center must demonstrate to the department that all of~~

24-00725A-20

20201860__

929 ~~its processing facilities have passed a Food Safety Good~~
930 ~~Manufacturing Practices, such as Global Food Safety Initiative~~
931 ~~or equivalent, inspection by a nationally accredited certifying~~
932 ~~body. A medical marijuana treatment center must immediately stop~~
933 ~~processing at any facility which fails to pass this inspection~~
934 ~~until it demonstrates to the department that such facility has~~
935 ~~met this requirement.~~

936 ~~10. A medical marijuana treatment center that produces~~
937 ~~prerolled marijuana cigarettes may not use wrapping paper made~~
938 ~~with tobacco or hemp.~~

939 ~~10.11.~~ When processing marijuana, a licensed processing
940 MMTC shall ~~medical marijuana treatment center must:~~

941 a. Process the marijuana within an enclosed permitted
942 processing facility ~~structure~~ and in a room separate from other
943 plants or products.

944 b. Comply with department rules when processing marijuana
945 with hydrocarbon solvents or other solvents or gases exhibiting
946 potential toxicity to humans. The department shall determine by
947 rule the requirements for the ~~medical marijuana treatment~~
948 ~~centers to use~~ of such solvents or gases by MMTCs ~~exhibiting~~
949 ~~potential toxicity to humans.~~

950 c. Comply with federal and state laws and regulations and
951 department rules for solid and liquid wastes. The department
952 shall determine by rule procedures for the storage, handling,
953 transportation, management, and disposal of solid and liquid
954 waste generated during marijuana production and processing. The
955 Department of Environmental Protection shall assist the
956 department in developing such rules.

957 d. Test the processed marijuana using a medical marijuana

24-00725A-20

20201860__

958 testing laboratory before it is sold or dispensed. Results must
959 be verified and signed by two MMTC ~~medical marijuana treatment~~
960 ~~center~~ employees. Before selling, wholesaling, or dispensing,
961 the MMTC shall ~~medical marijuana treatment center must~~ determine
962 that the test results indicate that low-THC cannabis meets the
963 definition of low-THC cannabis, the concentration of
964 tetrahydrocannabinol meets the potency requirements of this
965 section, the labeling of the concentration of
966 tetrahydrocannabinol and cannabidiol is accurate, and all
967 marijuana is safe for human consumption and free from
968 contaminants that are unsafe for human consumption. The
969 department shall determine by rule which contaminants must be
970 tested for and the maximum levels of each contaminant which are
971 safe for human consumption. The Department of Agriculture and
972 Consumer Services shall assist the department in developing the
973 testing requirements for contaminants that are unsafe for human
974 consumption in edibles. The department shall also determine by
975 rule the procedures for the treatment of marijuana that fails to
976 meet the testing requirements of this section, s. 381.988, or
977 department rule. The department may select a random sample from
978 edibles available for purchase in a dispensing facility, which
979 must ~~shall~~ be tested by the department to determine that the
980 edible meets the potency requirements of this section and ~~is~~
981 safe for human consumption, and that the labeling of the
982 tetrahydrocannabinol and cannabidiol concentration is accurate.
983 An MMTC ~~A medical marijuana treatment center~~ may not require
984 payment from the department for the sample. An MMTC shall ~~A~~
985 ~~medical marijuana treatment center must~~ recall edibles,
986 including all edibles made from the same batch of marijuana,

24-00725A-20

20201860__

987 which fail to meet the potency requirements of this section,
988 which are unsafe for human consumption, or for which the
989 labeling of the tetrahydrocannabinol and cannabidiol
990 concentration is inaccurate. An MMTC shall ~~The medical marijuana~~
991 ~~treatment center must~~ retain records of all testing and samples
992 of each homogenous batch of marijuana for at least 9 months. An
993 MMTC shall ~~The medical marijuana treatment center must~~ contract
994 with a marijuana testing laboratory to perform audits on the
995 MMTC's ~~medical marijuana treatment center's~~ standard operating
996 procedures, testing records, and samples and provide the results
997 to the department to confirm that the marijuana or low-THC
998 cannabis meets the requirements of this section and that the
999 marijuana or low-THC cannabis is safe for human consumption. An
1000 MMTC ~~A medical marijuana treatment center~~ shall reserve two
1001 processed samples from each batch and retain such samples for at
1002 least 9 months for the purpose of such audits. An MMTC ~~A medical~~
1003 ~~marijuana treatment center~~ may use a laboratory that has not
1004 been certified by the department under s. 381.988 until such
1005 time as at least one laboratory holds the required
1006 certification, ~~but in no event later than July 1, 2018.~~

1007 e. Package the marijuana in compliance with the United
1008 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
1009 1471 et seq.

1010 f. Package the marijuana in a receptacle that has a firmly
1011 affixed and legible label stating the following information:

1012 (I) That the marijuana or low-THC cannabis meets the
1013 requirements of sub-subparagraph d.

1014 (II) The name of the MMTC ~~medical marijuana treatment~~
1015 ~~center~~ from which the marijuana originates.

24-00725A-20

20201860__

1016 (III) The batch number and harvest number from which the
 1017 marijuana originates and the date that the marijuana is sold or
 1018 dispensed.

1019 ~~(IV) The name of the physician who issued the physician~~
 1020 ~~certification.~~

1021 ~~(V) The name of the patient.~~

1022 ~~(VI)~~ The product name, if applicable, and dosage form,
 1023 including concentration of tetrahydrocannabinol and cannabidiol.
 1024 The product name may not contain wording commonly associated
 1025 with products marketed by or to children.

1026 (V) ~~(VII)~~ The recommended dose.

1027 (VI) ~~(VIII)~~ A warning that it is illegal to transfer ~~medical~~
 1028 marijuana to a another person younger than 21 years of age.

1029 (VII) ~~(IX)~~ A marijuana universal symbol developed by the
 1030 department.

1031 ~~11.12.~~ The MMTC that packages the marijuana ~~medical~~
 1032 ~~marijuana treatment center~~ shall include in each package an a
 1033 ~~patient package~~ insert with information on the specific product
 1034 dispensed related to:

- 1035 a. Clinical pharmacology.
- 1036 b. Indications and use.
- 1037 c. Dosage and administration.
- 1038 d. Dosage forms and strengths.
- 1039 e. Contraindications.
- 1040 f. Warnings and precautions.
- 1041 g. Adverse reactions.

1042 ~~12.13.~~ In addition to the packaging and labeling
 1043 requirements specified in subparagraphs 10. and 11. and 12.,
 1044 marijuana in a form for smoking must be packaged in a sealed

24-00725A-20

20201860__

1045 receptacle with a legible and prominent warning to keep the
1046 receptacle away from children and a warning that states that
1047 marijuana smoke contains carcinogens and may negatively affect
1048 health. Such receptacles for marijuana in a form for smoking
1049 must be plain, opaque, and white without depictions of the
1050 product or images other than the MMTC's ~~medical marijuana~~
1051 ~~treatment center's~~ department-approved logo and the marijuana
1052 universal symbol.

1053 ~~13.14.~~ The department shall adopt rules to regulate the
1054 types, appearance, and labeling of marijuana delivery devices
1055 dispensed from an MMTC ~~a medical marijuana treatment center~~. The
1056 rules must require marijuana delivery devices to have an
1057 appearance consistent with medical use.

1058 ~~14.15.~~ Each edible must ~~shall~~ be individually sealed in
1059 plain, opaque wrapping marked only with the marijuana universal
1060 symbol. ~~Where practical,~~ Each edible must ~~shall~~ be marked with
1061 the marijuana universal symbol. In addition to the packaging and
1062 labeling requirements in subparagraphs 10. and 11. and 12.,
1063 edible receptacles must be plain, opaque, and white without
1064 depictions of the product or images other than the MMTC's
1065 ~~medical marijuana treatment center's~~ department-approved logo
1066 and the marijuana universal symbol. The receptacle must also
1067 include a list of all the edible's ingredients, storage
1068 instructions, information on the estimated amount of time for
1069 the edible to take effect, an expiration date, a legible and
1070 prominent warning to keep the receptacle away from children and
1071 pets, and a warning that the edible has not been produced or
1072 inspected pursuant to federal food safety laws.

1073 (d) Retail licenses.-

24-00725A-20

20201860__

1074 1. A registered MMTC may apply for a retail license. When
1075 applying, the MMTC must provide the department with at least all
1076 of the following:

1077 a. A completed retail license application form.

1078 b. A statement by the applicant which indicates whether the
1079 applicant intends to dispense by delivery. A retail licensee may
1080 not deliver marijuana without also obtaining a transportation
1081 license pursuant to paragraph (f).

1082 c. The physical address of each location where the
1083 applicant will dispense or store marijuana.

1084 d. Identifying information for all other current or
1085 previous retail licenses held by the applicant or any of the
1086 applicant's principals.

1087 e. Proof of operating procedures designed to secure and
1088 maintain accountability for all marijuana that the applicant
1089 receives and possesses, to ensure that only the allowed amount
1090 of marijuana is sold or dispensed, to ensure that the specified
1091 type of marijuana is correctly dispensed to a qualified patient
1092 or his or her caregiver pursuant to a physician certification,
1093 and to monitor the medical marijuana patient registry and
1094 electronically update the registry with dispensing information.

1095 2. A retail license expires 2 years after the date it is
1096 issued. The retail licensee must apply for license renewal
1097 before the expiration date. To renew a license, a retail
1098 licensee must meet all of the requirements for initial
1099 licensure; must provide all of the documents required under
1100 paragraph (b); and must not have any outstanding substantial
1101 violations of the applicable standards adopted by department
1102 rule.

24-00725A-20

20201860

1103 3. Before beginning to sell, dispense, or store marijuana,
1104 the licensee shall obtain a facility permit from the department
1105 for each location where marijuana will be sold, dispensed, or
1106 stored. If a facility's permit expires or is suspended or
1107 revoked, the MMTC must cease all applicable operations at that
1108 facility until the department inspects the facility and renews
1109 or reinstates the facility's permit.

1110 4. A dispensing facility may not repackage or modify
1111 marijuana that has already been packaged for sale by a
1112 cultivation licensee or processing licensee, unless the
1113 repackaging is of unprocessed marijuana; is done in accordance
1114 with instructions from the cultivator; and is documented in the
1115 required seed-to-sale tracking system.

1116 5. A retail licensee may contract with an MMTC that has a
1117 transportation license to transport marijuana between properties
1118 owned by the retail licensee, to deliver the marijuana for sale
1119 or dispensing, and to pick up returns of marijuana.

1120 6. Onsite consumption or administration of marijuana at a
1121 dispensing facility is prohibited.

1122 7.16. ~~When dispensing marijuana or a marijuana delivery~~
1123 ~~device, a licensed retail MMTC medical marijuana treatment~~
1124 ~~center:~~

1125 a. May dispense any active, valid order for low-THC
1126 cannabis, medical cannabis and cannabis delivery devices issued
1127 pursuant to former s. 381.986, Florida Statutes 2016, which was
1128 entered into the medical marijuana use registry before July 1,
1129 2017.

1130 b. May not dispense more than one ~~a~~ 70-day supply of
1131 marijuana within any 70-day period to a qualified patient or

24-00725A-20

20201860__

1132 caregiver ~~and~~, may not dispense more than one 35-day supply of
1133 marijuana in a form for smoking within any 35-day period to a
1134 qualified patient or caregiver. A 35-day supply of marijuana in
1135 a form for smoking may not exceed 2.5 ounces unless an exception
1136 to this amount is approved by the department pursuant to
1137 paragraph (4) (f).

1138 c. ~~Shall require~~ ~~Must have~~ the MMTC's ~~medical marijuana~~
1139 ~~treatment center's~~ employee who dispenses the marijuana or a
1140 marijuana delivery device to enter into the medical marijuana
1141 use registry his or her name or unique employee identifier.

1142 d. When dispensing to a qualified patient or caregiver,
1143 shall ~~must~~ verify that the qualified patient and, if applicable,
1144 the caregiver, ~~if applicable,~~ each have an active registration
1145 in the medical marijuana use registry and an active and valid
1146 medical marijuana use registry identification card; that, ~~the~~
1147 amount and type of marijuana dispensed matches the physician
1148 certification in the medical marijuana use registry for that
1149 qualified patient; ~~and~~ that the physician certification has not
1150 already been filled.

1151 e. When dispensing to a qualified patient or caregiver,
1152 shall label the marijuana or the marijuana delivery device with
1153 the name of the physician who issued the physician certification
1154 and the name of the patient for whom the certification was
1155 issued before it is dispensed.

1156 ~~f.e.~~ May not dispense marijuana to a qualified patient who
1157 is younger than 18 years of age. If the qualified patient is
1158 younger than 18 years of age, marijuana may ~~only~~ be dispensed
1159 only to the qualified patient's caregiver.

1160 g. May sell marijuana to an adult 21 years of age or older

24-00725A-20

20201860__

1161 pursuant to s. 381.990, provided that the MMTC is registered
1162 with the Department of Business and Professional Regulation
1163 pursuant to that section. When selling marijuana pursuant to
1164 that section, the employee selling the marijuana must determine
1165 that the appearance of the buyer is such that a prudent person
1166 would believe the buyer to be 21 years of age or older or must
1167 carefully check the buyer's driver license, identification card
1168 issued by this state or another state of the United States,
1169 passport, or United States Armed Services identification card to
1170 determine the buyer's age. Other than for the purpose of
1171 determining a buyer's age, an MMTC may not request or store any
1172 personal information provided by the buyer.

1173 ~~h.f. May not dispense or sell any other type of cannabis,~~
1174 ~~alcohol, or illicit drug-related product, including pipes or~~
1175 ~~wrapping papers made with tobacco or hemp, other than a~~
1176 ~~marijuana delivery device required for the medical use of~~
1177 ~~marijuana and which is specified in a physician certification.~~

1178 ~~i.g. Must,~~ Upon dispensing the marijuana or marijuana
1179 delivery device to a qualified patient or caregiver, shall
1180 record in the registry the date, time, quantity, and form of
1181 marijuana dispensed; the type of marijuana delivery device
1182 dispensed; and the name and medical marijuana use registry
1183 identification number of the qualified patient or caregiver to
1184 whom the marijuana delivery device was dispensed.

1185 ~~j.h. Shall Must~~ ensure that patient records are not visible
1186 to anyone other than the qualified patient, his or her
1187 caregiver, and authorized MMTC ~~medical marijuana treatment~~
1188 ~~center~~ employees.

1189 ~~(e) (f)~~ Security.—To ensure the safety and security of

24-00725A-20

20201860__

1190 premises where the cultivation, processing, storing, or
1191 dispensing of marijuana occurs, and to maintain adequate
1192 controls against the diversion, theft, and loss of marijuana or
1193 marijuana delivery devices, an MMTC ~~a medical marijuana~~
1194 ~~treatment center~~ shall do all of the following:

1195 1.a. Maintain a fully operational security alarm system
1196 that secures all entry points and perimeter windows and is
1197 equipped with motion detectors; pressure switches; and duress,
1198 panic, and hold-up alarms. ~~;~~ ~~and~~

1199 b. Maintain a video surveillance system that records
1200 continuously, 24 hours a day, and meets all of the following
1201 criteria:

1202 (I) Cameras are fixed in a place that allows for the clear
1203 identification of persons and activities in controlled areas of
1204 the premises. Controlled areas include grow rooms, processing
1205 rooms, storage rooms, disposal rooms or areas, and point-of-sale
1206 rooms.

1207 (II) Cameras are fixed in entrances and exits to the
1208 premises in a place that allows recording, ~~which shall record~~
1209 from both indoor and outdoor, or ingress and egress, vantage
1210 points.

1211 (III) Produces recorded images that ~~must~~ clearly and
1212 accurately display the time and date of recording.

1213 ~~c. (IV)~~ Retain video surveillance recordings for at least 45
1214 days or longer upon the request of a law enforcement agency.

1215 2. Ensure that the MMTC's ~~medical marijuana treatment~~
1216 ~~center's~~ outdoor premises have sufficient lighting from dusk
1217 until dawn.

1218 3. Ensure that the indoor premises where dispensing occurs

24-00725A-20

20201860__

1219 include ~~includes~~ a waiting area with sufficient space and
 1220 seating to accommodate qualified patients and caregivers and at
 1221 least one private consultation area that is isolated from the
 1222 waiting area and the area where dispensing occurs. An MMTC ~~A~~
 1223 ~~medical marijuana treatment center~~ may not display products or
 1224 dispense marijuana or marijuana delivery devices in the waiting
 1225 area.

1226 4. Cease dispensing ~~Not dispense from its premises~~
 1227 marijuana or ~~a~~ marijuana delivery devices from its premises
 1228 ~~device~~ between the hours of 11 p.m. ~~9 p.m.~~ and 7 a.m., but may
 1229 perform all other operations and deliver marijuana to qualified
 1230 patients 24 hours a day.

1231 5. Store marijuana in a secured, locked room or a vault.

1232 6. Require at least two of its employees, or two employees
 1233 of a security agency with whom it contracts, to be on the
 1234 premises ~~at all times~~ where cultivation, processing, or storing
 1235 of marijuana occurs, at all times.

1236 7. Require each employee or contractor to wear a photo
 1237 identification badge at all times while on the premises.

1238 8. Require each visitor to wear a visitor pass at all times
 1239 while on the premises.

1240 9. Implement an alcohol and drug-free workplace policy.

1241 10. Report to a local law enforcement agency within 24
 1242 hours after the MMTC ~~medical marijuana treatment center~~ is
 1243 notified or becomes aware of the theft, diversion, or loss of
 1244 marijuana.

1245 (f) Transportation licenses; vehicle permits.-

1246 1. A registered MMTC may apply for a transportation
 1247 license. When applying, the MMTC shall provide the department

24-00725A-20

20201860__

1248 with at least all of the following:

1249 a. The physical address of the MMTC's place of business.

1250 b. Proof that the MMTC has a documentation system in
1251 accordance with the required seed-to-sale tracking system,
1252 including transportation manifests, for transporting marijuana
1253 between licensed facilities and to qualified patients.

1254 Transportation manifests may be electronically stored and
1255 presented.

1256 c. Proof of the MMTC's compliance with health and
1257 sanitation standards for the transportation of marijuana.

1258 d. Proof that all marijuana transported between licensed
1259 facilities will be transported in tamper-evident shipping
1260 containers.

1261 2. An MMTC with a transportation license may not transport
1262 marijuana on the property of an airport, a seaport, a spaceport,
1263 or any property of the Federal Government.

1264 3. An MMTC with a transportation license may transport
1265 marijuana and marijuana delivery devices only in a vehicle that
1266 is owned or leased by the MMTC or the MMTC's contractor and for
1267 which a valid vehicle permit has been issued by the department.

1268 4. An MMTC with a transportation license may obtain a
1269 vehicle permit upon submission of an application. The MMTC must
1270 designate as the driver for each permitted vehicle an employee
1271 or contracted employee who is registered with the department and
1272 who is authorized to possess marijuana when not on the property
1273 of the MMTC. Such designation must be displayed in the vehicle
1274 at all times. Each permitted vehicle must be GPS monitored. A
1275 vehicle permit remains valid and does not expire unless the MMTC
1276 or its contractor disposes of the permitted vehicle or the

24-00725A-20

20201860__

1277 MMTC's registration or transportation license is transferred,
1278 canceled, not renewed, or revoked by the department. The
1279 department shall cancel a vehicle permit upon the request of the
1280 MMTC or its contractor.

1281 5. When transporting marijuana, a permitted vehicle is
1282 subject to inspection and search without a search warrant by
1283 authorized employees of the department, sheriffs, deputy
1284 sheriffs, police officers, or other law enforcement officers to
1285 determine that the MMTC is operating in compliance with this
1286 section.

1287 6. An MMTC with a transportation license may deliver, or
1288 contract for the delivery of, marijuana and marijuana delivery
1289 devices to other MMTCs, to qualified patients and caregivers
1290 within this state, and to adults 21 years of age or older within
1291 this state. A county or municipality may not prohibit deliveries
1292 of marijuana and marijuana delivery devices to qualified
1293 patients within the county or municipality. Deliveries may be
1294 made only to the qualified patient who placed the order or his
1295 or her caregiver. When delivering to a qualified patient or
1296 caregiver, an MMTC or its contractor shall verify the identity
1297 of the qualified patient upon placement of the delivery order
1298 and, again, upon delivery. When delivering marijuana to an adult
1299 21 years of age or older, an MMTC or its contractor shall verify
1300 the age of the buyer upon placement of the order and, again,
1301 upon delivery. In order to verify the age of the buyer, the MMTC
1302 must determine that the appearance of the buyer is such that a
1303 prudent person would believe the buyer to be 21 years of age or
1304 older or must carefully check the buyer's driver license,
1305 identification card issued by this state or another state of the

24-00725A-20

20201860__

1306 United States, passport, or United States Armed Services
1307 identification card to determine the buyer's age. The department
1308 shall adopt rules specific to the delivery of marijuana which
1309 include both of the following:

1310 a. Procedures for verifying the age and identity of the
1311 person submitting and receiving a delivery, as appropriate,
1312 including required training for delivery personnel.

1313 b. A maximum dispensary value for all marijuana and
1314 currency that may be in the possession of a registered MMTC
1315 employee or contractor while he or she makes a delivery. The
1316 maximum value established by rule may not be less than \$5,000.

1317 7. Licensees under this subsection may use contractors to
1318 assist with the transportation of marijuana, but the licensee is
1319 ultimately responsible for all of the actions and operations of
1320 each contractor relating to the transportation of marijuana and
1321 must know the location of all marijuana at all times. To
1322 participate in the operations of a licensee under this
1323 subsection, a principal or employee of a contractor contracted
1324 by the licensee must first register with the department and be
1325 issued an MMTC employee identification card.

1326 (g) *Facility permits.*-

1327 1. Before cultivating, processing, dispensing, or storing
1328 marijuana at any location, an MMTC shall apply to the department
1329 for the applicable facility permit for that facility. The
1330 department shall adopt by rule an application form. Upon
1331 receiving a request for a permit from a licensee, the department
1332 shall inspect the facility for compliance with this section and
1333 rules adopted hereunder, and, upon a determination of
1334 compliance, shall issue a permit to the facility. The department

24-00725A-20

20201860__

1335 shall issue or deny a facility permit within 30 days after
1336 receiving the request for the permit.

1337 2. A facility permit expires 2 years after the date it is
1338 issued. Each facility must be inspected by the department for
1339 compliance with this section and department rules before the
1340 facility's permit is renewed.

1341 3. If a facility permit expires or is suspended or revoked,
1342 the MMTC must cease all applicable operations at that facility
1343 until the department inspects the facility and renews or
1344 reinstates the facility's permit.

1345 4. Cultivation facilities and processing facilities:

1346 a. Shall maintain insurance with at least \$1 million of
1347 hazard and liability insurance per location; and

1348 b. Must be secure, closed to the public, and, unless an
1349 ordinance allows the facility to be located closer, must be
1350 located at least 1,000 feet away from any existing public or
1351 private elementary or secondary school, a child care facility as
1352 defined in s. 402.302, or a licensed service provider offering
1353 substance abuse services.

1354 5. All matters regarding the permitting and regulation of
1355 cultivation facilities and processing facilities, including the
1356 location of such facilities, are preempted to the state.

1357 6. Dispensing facilities and storage facilities:

1358 a. Shall maintain insurance with at least \$500,000 of
1359 hazard and liability insurance for each facility where marijuana
1360 is dispensed or stored; and

1361 b. Unless an ordinance allows the facility to be located
1362 closer, must be located at least 1,000 feet away from any
1363 existing public or private elementary or secondary school, child

24-00725A-20

20201860__

1364 care facility as defined in s. 402.302, or licensed service
1365 provider offering substance abuse services.

1366 7. The governing body of a county or municipality, by
1367 ordinance, may prohibit or limit the number of dispensing
1368 facilities located within its jurisdiction but may not prohibit
1369 an MMTC with a retail license or its permitted storage facility
1370 from being located within its jurisdiction if the licensee is
1371 delivering or contracting to deliver marijuana within that
1372 jurisdiction. The department may not issue a facility permit for
1373 a dispensing facility in a county or municipality in which the
1374 board of county commissioners or other local governing body, as
1375 applicable, has adopted such an ordinance. A county or
1376 municipality may not require, request, or accept financial
1377 contributions or similar benefits from MMTCs, but, in addition
1378 to other taxes authorized by law, a county or municipality may
1379 levy a local business tax on a dispensing facility. An ordinance
1380 adopted by a municipality or county pursuant to this paragraph
1381 may not do any of the following:

1382 a. Provide exclusive access to one or several individuals
1383 or entities to operate dispensing facilities within the
1384 jurisdiction.

1385 b. Prohibit specific individuals or entities from operating
1386 a dispensing facility within the jurisdiction if the ordinance
1387 allows dispensing facilities to operate in the jurisdiction.

1388 c. Prohibit the delivery of marijuana within the
1389 jurisdiction by a properly licensed MMTC located within the
1390 jurisdiction.

1391 8. The department may adopt by rule additional requirements
1392 for the permitting of cultivation, processing, dispensing, and

24-00725A-20

20201860__

1393 storage facilities to ensure the sanitary, safe, and secure
1394 cultivation, processing, dispensing, storage, and sale of
1395 marijuana.

1396 ~~To ensure the safe transport of marijuana and marijuana~~
1397 ~~delivery devices to medical marijuana treatment centers,~~
1398 ~~marijuana testing laboratories, or qualified patients, a medical~~
1399 ~~marijuana treatment center must:~~

1400 ~~1. Maintain a marijuana transportation manifest in any~~
1401 ~~vehicle transporting marijuana. The marijuana transportation~~
1402 ~~manifest must be generated from a medical marijuana treatment~~
1403 ~~center's seed-to-sale tracking system and include the:~~

1404 ~~a. Departure date and approximate time of departure.~~

1405 ~~b. Name, location address, and license number of the~~
1406 ~~originating medical marijuana treatment center.~~

1407 ~~e. Name and address of the recipient of the delivery.~~

1408 ~~d. Quantity and form of any marijuana or marijuana delivery~~
1409 ~~device being transported.~~

1410 ~~e. Arrival date and estimated time of arrival.~~

1411 ~~f. Delivery vehicle make and model and license plate~~
1412 ~~number.~~

1413 ~~g. Name and signature of the medical marijuana treatment~~
1414 ~~center employees delivering the product.~~

1415 ~~(I) A copy of the marijuana transportation manifest must be~~
1416 ~~provided to each individual, medical marijuana treatment center,~~
1417 ~~or marijuana testing laboratory that receives a delivery. The~~
1418 ~~individual, or a representative of the center or laboratory,~~
1419 ~~must sign a copy of the marijuana transportation manifest~~
1420 ~~acknowledging receipt.~~

1421 ~~(II) An individual transporting marijuana or a marijuana~~

24-00725A-20

20201860__

1422 ~~delivery device must present a copy of the relevant marijuana~~
1423 ~~transportation manifest and his or her employee identification~~
1424 ~~card to a law enforcement officer upon request.~~

1425 ~~(III) Medical marijuana treatment centers and marijuana~~
1426 ~~testing laboratories must retain copies of all marijuana~~
1427 ~~transportation manifests for at least 3 years.~~

1428 ~~2. Ensure only vehicles in good working order are used to~~
1429 ~~transport marijuana.~~

1430 ~~3. Lock marijuana and marijuana delivery devices in a~~
1431 ~~separate compartment or container within the vehicle.~~

1432 ~~4. Require employees to have possession of their employee~~
1433 ~~identification card at all times when transporting marijuana or~~
1434 ~~marijuana delivery devices.~~

1435 ~~5. Require at least two persons to be in a vehicle~~
1436 ~~transporting marijuana or marijuana delivery devices, and~~
1437 ~~require at least one person to remain in the vehicle while the~~
1438 ~~marijuana or marijuana delivery device is being delivered.~~

1439 ~~6. Provide specific safety and security training to~~
1440 ~~employees transporting or delivering marijuana and marijuana~~
1441 ~~delivery devices.~~

1442 (h) Advertising.—~~An MMTC A medical marijuana treatment~~
1443 ~~center~~ may not engage in advertising that is visible to members
1444 of the public from any street, sidewalk, park, or other public
1445 place, except:

1446 1. An MMTC dispensing facility ~~The dispensing location of A~~
1447 ~~medical marijuana treatment center~~ may have a sign that is
1448 affixed to the outside or hanging in the window of the premises
1449 which identifies the dispensing facility ~~dispensary~~ by the
1450 licensee's business name, a department-approved trade name, or a

24-00725A-20

20201860__

1451 department-approved logo. An MMTC's ~~A medical marijuana~~
1452 ~~treatment center's~~ trade name and logo may not contain wording
1453 or images commonly associated with marketing targeted toward
1454 children ~~or which promote recreational use of marijuana.~~

1455 2. An MMTC ~~A medical marijuana treatment center~~ may engage
1456 in Internet advertising and marketing under the following
1457 conditions:

1458 a. All advertisements must be approved by the department.

1459 b. An advertisement may not have any content that
1460 specifically targets individuals under the age of 18, including
1461 cartoon characters or similar images.

1462 c. An advertisement may not be an unsolicited pop-up
1463 advertisement.

1464 d. Opt-in marketing must include an easy and permanent opt-
1465 out feature.

1466 (i) Online retail catalogs.—Each retail MMTC ~~medical~~
1467 ~~marijuana treatment center~~ that dispenses marijuana and
1468 marijuana delivery devices shall make available to the public on
1469 its website:

1470 1. Each marijuana and low-THC product available for
1471 purchase, including the form, strain of marijuana from which it
1472 was extracted, cannabidiol content, tetrahydrocannabinol
1473 content, dose unit, total number of doses available, and the
1474 ratio of cannabidiol to tetrahydrocannabinol for each product.

1475 2. The price for a 30-day, 50-day, and 70-day supply at a
1476 standard dose for each marijuana and low-THC product available
1477 for purchase.

1478 3. The price for each marijuana delivery device available
1479 for purchase.

24-00725A-20

20201860__

1480 4. If applicable, any discount policies and eligibility
1481 criteria for such discounts.

1482 (j) Sourcing of marijuana for medical use.—~~MMTCs Medical~~
1483 ~~marijuana treatment centers~~ are the sole source from which a
1484 person qualified patient may legally obtain marijuana.

1485 (k) Rulemaking.—The department may adopt rules pursuant to
1486 ss. 120.536(1) and 120.54 to implement this subsection.

1487 (9) MEDICAL MARIJUANA TREATMENT CENTER PERSONNEL;
1488 REGISTRATION; EMPLOYEE IDENTIFICATION CARDS.—

1489 (a) The department shall adopt rules to administer the
1490 registration of medical marijuana treatment center (MMTC)
1491 principals, employees, and contractors who participate in the
1492 operations of an MMTC. Before hiring or contracting with any
1493 individual who is not registered with the department or who does
1494 not possess a current MMTC employee identification card, an MMTC
1495 must apply to the department to register that person as an MMTC
1496 employee. The department shall adopt by rule a form for such
1497 applications for registration, which must require the applicant
1498 to provide all of the following:

1499 1. His or her full legal name, social security number, date
1500 of birth, and home address.

1501 2. A full-face, passport-type, color photograph of the
1502 applicant taken within the 90 days immediately preceding
1503 submission of the application.

1504 3. Proof that he or she has passed a level 2 background
1505 screening pursuant to chapter 435 within the previous year.

1506 4. An indication as to whether the applicant will be
1507 authorized by the MMTC to possess marijuana while not on MMTC
1508 property.

24-00725A-20

20201860__

1509 (b) Once the department has received a completed
 1510 application form from an MMTC, the department shall register the
 1511 principal, employee, or contractor associated with the MMTC and
 1512 issue him or her an MMTC employee identification card that, at a
 1513 minimum, includes all of the following:

1514 1. The employee's name and the name of the MMTC that
 1515 employs him or her.

1516 2. The employee's photograph, as required under paragraph
 1517 (a).

1518 3. The expiration date of the card, which must be 1 year
 1519 after the date it is issued.

1520 4. An indication of whether the employee is authorized by
 1521 the MMTC to possess marijuana while not on MMTC property.

1522 (c) If any information provided to the department for the
 1523 registration of an MMTC principal, employee, or contractor or in
 1524 the application for an MMTC employee identification card changes
 1525 or if the registered person's employment status with the MMTC
 1526 changes, the registered person and the MMTC must provide the
 1527 department with the new information or status within 7 days
 1528 after the change.

1529 (d) The department may contract with one or more vendors
 1530 for the purpose of issuing MMTC employee identification cards
 1531 under this subsection.

1532 ~~BACKGROUND SCREENING. An individual required to undergo a~~
 1533 ~~background screening pursuant to this section must pass a level~~
 1534 ~~2 background screening as provided under chapter 435, which, in~~
 1535 ~~addition to the disqualifying offenses provided in s. 435.04,~~
 1536 ~~shall exclude an individual who has an arrest awaiting final~~
 1537 ~~disposition for, has been found guilty of, regardless of~~

24-00725A-20

20201860__

1538 ~~adjudication, or has entered a plea of nolo contendere or guilty~~
1539 ~~to an offense under chapter 837, chapter 895, or chapter 896 or~~
1540 ~~similar law of another jurisdiction.~~

1541 ~~(a) Such individual must submit a full set of fingerprints~~
1542 ~~to the department or to a vendor, entity, or agency authorized~~
1543 ~~by s. 943.053(13). The department, vendor, entity, or agency~~
1544 ~~shall forward the fingerprints to the Department of Law~~
1545 ~~Enforcement for state processing, and the Department of Law~~
1546 ~~Enforcement shall forward the fingerprints to the Federal Bureau~~
1547 ~~of Investigation for national processing.~~

1548 ~~(b) Fees for state and federal fingerprint processing and~~
1549 ~~retention shall be borne by the individual. The state cost for~~
1550 ~~fingerprint processing shall be as provided in s. 943.053(3)(c)~~
1551 ~~for records provided to persons or entities other than those~~
1552 ~~specified as exceptions therein.~~

1553 ~~(c) Fingerprints submitted to the Department of Law~~
1554 ~~Enforcement pursuant to this subsection shall be retained by the~~
1555 ~~Department of Law Enforcement as provided in s. 943.05(2)(g) and~~
1556 ~~(h) and, when the Department of Law Enforcement begins~~
1557 ~~participation in the program, enrolled in the Federal Bureau of~~
1558 ~~Investigation's national retained print arrest notification~~
1559 ~~program. Any arrest record identified shall be reported to the~~
1560 ~~department.~~

1561 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;
1562 ADMINISTRATIVE ACTIONS.—

1563 (a) ~~The department shall conduct announced or unannounced~~
1564 ~~inspections of medical marijuana treatment centers to determine~~
1565 ~~compliance with this section or rules adopted pursuant to this~~
1566 ~~section.~~

24-00725A-20

20201860__

1567 ~~(b) The department shall inspect a medical marijuana~~
1568 ~~treatment center~~ Upon receiving a complaint or notice that a the
1569 medical marijuana treatment center (MMTC) has dispensed
1570 marijuana containing mold, bacteria, or another ~~other~~
1571 contaminant that may cause or has caused an adverse effect to
1572 human health or the environment, the department shall inspect
1573 the MMTC, its facilities, and, as appropriate, any cultivation
1574 or processing facility of the MMTC from which the batch of
1575 marijuana was purchased.

1576 (b)(e) The department shall conduct at least a biennial
1577 inspection of each MMTC ~~medical marijuana treatment center~~ to
1578 evaluate its ~~the medical marijuana treatment center's~~ records,
1579 personnel, equipment, processes, security measures, sanitation
1580 practices, and quality assurance practices.

1581 (c) The department shall conduct at least a biennial
1582 inspection of each permitted facility. The department may
1583 conduct additional announced or unannounced inspections of a
1584 permitted facility within reasonable hours in order to ensure
1585 compliance with this section and rules adopted hereunder.

1586 (d) The Department of Agriculture and Consumer Services and
1587 the department shall enter into an interagency agreement to
1588 ensure cooperation and coordination in the performance of their
1589 obligations under this section and their respective regulatory
1590 and authorizing laws. The department, the Department of Highway
1591 Safety and Motor Vehicles, and the Department of Law Enforcement
1592 may enter into interagency agreements for the purposes specified
1593 in this subsection or subsection (7).

1594 (e) The department shall publish a list of all approved
1595 MMTCs ~~medical marijuana treatment centers~~, medical directors,

24-00725A-20

20201860__

1596 and qualified physicians on its website.

1597 (f) The department may impose administrative penalties,
1598 including reasonable fines not to exceed \$10,000, on an MMTC a
1599 ~~medical marijuana treatment center~~ for any of the following
1600 violations:

- 1601 1. Violating this section or department rule.
- 1602 2. Failing to maintain qualifications for approval.
- 1603 3. Endangering the health, safety, or security of a
1604 qualified patient or an adult purchasing marijuana pursuant to
1605 s. 381.990.
- 1606 4. Improperly disclosing personal and confidential
1607 information of the qualified patient.
- 1608 5. Attempting to procure MMTC ~~medical marijuana treatment~~
1609 ~~center~~ approval by bribery, fraudulent misrepresentation, or
1610 extortion.
- 1611 6. Being convicted or found guilty of, or entering a plea
1612 of guilty or nolo contendere to, regardless of adjudication, a
1613 crime in any jurisdiction which directly relates to the business
1614 of an MMTC a ~~medical marijuana treatment center~~.
- 1615 7. Making or filing a report or record that the MMTC
1616 ~~medical marijuana treatment center~~ knows to be false.
- 1617 8. Willfully failing to maintain a record required by this
1618 section or department rule.
- 1619 9. Willfully impeding or obstructing an employee or agent
1620 of the department in the furtherance of his or her official
1621 duties.
- 1622 10. Engaging in fraud or deceit, negligence, incompetence,
1623 or misconduct in the business practices of an MMTC a ~~medical~~
1624 ~~marijuana treatment center~~.

24-00725A-20

20201860__

1625 11. Making misleading, deceptive, or fraudulent
1626 representations in or related to the business practices of an
1627 MMTC ~~a medical marijuana treatment center~~.

1628 12. Having a license or the authority to engage in any
1629 regulated profession, occupation, or business that is related to
1630 the business practices of an MMTC ~~a medical marijuana treatment~~
1631 ~~center~~ suspended, revoked, or otherwise acted against by the
1632 licensing authority of any jurisdiction, including its agencies
1633 or subdivisions, for a violation that would constitute a
1634 violation under Florida law.

1635 13. Violating a lawful order of the department or an agency
1636 of the state, or failing to comply with a lawfully issued
1637 subpoena of the department or an agency of the state.

1638 14. Failing to adequately determine the age of a buyer who
1639 is not a qualified patient or caregiver.

1640 (g) The department may suspend, revoke, or refuse to renew
1641 an MMTC's registration, operating licenses, and any vehicle
1642 permits or facility permits ~~a medical marijuana treatment center~~
1643 ~~license~~ if the MMTC ~~medical marijuana treatment center~~ commits
1644 any of the violations specified in paragraph (f).

1645 (h) The department shall refuse to renew the cultivation,
1646 processing, retail, or transportation license of an MMTC that
1647 has been issued such a license and has not begun to cultivate,
1648 process, dispense, or transport marijuana, as applicable, by the
1649 date that the MMTC is required to renew such license.

1650 (i) ~~(h)~~ The department may adopt rules pursuant to ss.
1651 120.536(1) and 120.54 to implement this subsection.

1652 (11) PREEMPTION.—Regulation of cultivation, processing, and
1653 delivery of marijuana by medical marijuana treatment centers

24-00725A-20

20201860__

1654 (MMTCs) is preempted to the state except as provided in this
1655 subsection.

1656 (a) An MMTC ~~A medical marijuana treatment center~~
1657 cultivating or processing facility may not be located within 500
1658 feet of the real property that comprises a public or private
1659 elementary school, middle school, or secondary school.

1660 (b)1. A county or municipality may, by ordinance, ban MMTC
1661 ~~medical marijuana treatment center~~ dispensing facilities from
1662 being located within the boundaries of that county or
1663 municipality. A county or municipality that does not ban
1664 dispensing facilities under this subparagraph may not place
1665 specific limits, by ordinance, on the number of dispensing
1666 facilities that may locate within that county or municipality.

1667 2. A municipality may determine by ordinance the criteria
1668 for the location of, and other permitting requirements that do
1669 not conflict with state law or department rule for, MMTC ~~medical~~
1670 ~~marijuana treatment center~~ dispensing facilities located within
1671 the boundaries of that municipality. A county may determine by
1672 ordinance the criteria for the location of, and other permitting
1673 requirements that do not conflict with state law or department
1674 rule for, all such dispensing facilities located within the
1675 unincorporated areas of that county. Except as provided in
1676 paragraph (c), a county or municipality may not enact ordinances
1677 for permitting or for determining the location of dispensing
1678 facilities which are more restrictive than its ordinances
1679 permitting or determining the locations for pharmacies licensed
1680 under chapter 465. A municipality or county may not charge an
1681 MMTC ~~a medical marijuana treatment center~~ a license or permit
1682 fee in an amount greater than the fee charged by such

24-00725A-20

20201860__

1683 municipality or county to pharmacies. A dispensing facility
1684 location approved by a municipality or county pursuant to former
1685 s. 381.986(8)(b), Florida Statutes 2016, is not subject to the
1686 location requirements of this subsection.

1687 (c) An MMTC ~~A medical marijuana treatment center~~ dispensing
1688 facility may not be located within 500 feet of the real property
1689 that comprises a public or private elementary school, middle
1690 school, or secondary school unless the county or municipality
1691 approves the location through a formal proceeding open to the
1692 public at which the county or municipality determines that the
1693 location promotes the public health, safety, and general welfare
1694 of the community.

1695 (d) This subsection does not prohibit any local
1696 jurisdiction from ensuring that MMTC ~~medical marijuana treatment~~
1697 ~~center~~ facilities comply with the Florida Building Code, the
1698 Florida Fire Prevention Code, or any local amendments to the
1699 Florida Building Code or the Florida Fire Prevention Code.

1700 (12) PENALTIES.—

1701 (a) A qualified physician commits a misdemeanor of the
1702 first degree, punishable as provided in s. 775.082 or s.
1703 775.083, if he or she ~~the qualified physician~~ issues a physician
1704 certification for the medical use of marijuana for a patient
1705 without a reasonable belief that the patient is suffering from a
1706 qualifying medical condition.

1707 (b) A person who fraudulently represents that he or she has
1708 a qualifying medical condition to a qualified physician for the
1709 purpose of being issued a physician certification commits a
1710 misdemeanor of the first degree, punishable as provided in s.
1711 775.082 or s. 775.083.

24-00725A-20

20201860__

1712 (c) 1. A person ~~qualified patient~~ who uses marijuana, not
1713 including low-THC cannabis, or a caregiver who administers
1714 marijuana, not including low-THC cannabis, in plain view of or
1715 in a place open to the general public is subject to a civil fine
1716 not exceeding \$100.

1717 2. A person who uses marijuana, not including low-THC
1718 cannabis, in a school bus, a moving vehicle, or an aircraft, ~~or~~
1719 ~~a boat~~; or on the grounds of a school except as provided in s.
1720 1006.062, commits a misdemeanor of the first degree, punishable
1721 as provided in s. 775.082 or s. 775.083.

1722 (d) A person ~~qualified patient or caregiver~~ who cultivates
1723 marijuana or who purchases ~~or acquires~~ marijuana from any person
1724 or entity other than a medical marijuana treatment center (MMTC)
1725 violates s. 893.13 and is subject to the penalties provided
1726 therein.

1727 ~~(c)1. A qualified patient or caregiver in possession of~~
1728 ~~marijuana or a marijuana delivery device who fails or refuses to~~
1729 ~~present his or her marijuana use registry identification card~~
1730 ~~upon the request of a law enforcement officer commits a~~
1731 ~~misdemeanor of the second degree, punishable as provided in s.~~
1732 ~~775.082 or s. 775.083, unless it can be determined through the~~
1733 ~~medical marijuana use registry that the person is authorized to~~
1734 ~~be in possession of that marijuana or marijuana delivery device.~~

1735 ~~2. A person charged with a violation of this paragraph may~~
1736 ~~not be convicted if, before or at the time of his or her court~~
1737 ~~or hearing appearance, the person produces in court or to the~~
1738 ~~clerk of the court in which the charge is pending a medical~~
1739 ~~marijuana use registry identification card issued to him or her~~
1740 ~~which is valid at the time of his or her arrest. The clerk of~~

24-00725A-20

20201860__

1741 ~~the court is authorized to dismiss such case at any time before~~
1742 ~~the defendant's appearance in court. The clerk of the court may~~
1743 ~~assess a fee of \$5 for dismissing the case under this paragraph.~~

1744 (e)~~(f)~~ A caregiver who violates any of the applicable
1745 provisions of this section or applicable department rules, for
1746 the first offense, commits a misdemeanor of the second degree,
1747 punishable as provided in s. 775.082 or s. 775.083 and, for a
1748 second or subsequent offense, commits a misdemeanor of the first
1749 degree, punishable as provided in s. 775.082 or s. 775.083.

1750 (f)~~(g)~~ A qualified physician who issues a physician
1751 certification for marijuana or a marijuana delivery device and
1752 receives compensation from an MMTC ~~a medical marijuana treatment~~
1753 ~~center~~ related to the issuance of a physician certification for
1754 marijuana or a marijuana delivery device is subject to
1755 disciplinary action under the applicable practice act and s.
1756 456.072 (1) (n).

1757 (g)~~(h)~~ A person transporting marijuana or marijuana
1758 delivery devices on behalf of an MMTC ~~a medical marijuana~~
1759 ~~treatment center~~ or marijuana testing laboratory who fails or
1760 refuses to present a transportation manifest, whether in paper
1761 or electronic format, upon the request of a law enforcement
1762 officer commits a misdemeanor of the second degree, punishable
1763 as provided in s. 775.082 or s. 775.083.

1764 (h)~~(i)~~ Persons and entities conducting activities
1765 authorized and governed by this section and s. 381.988 are
1766 subject to ss. 456.053, 456.054, and 817.505, as applicable.

1767 (i)~~(j)~~ A person or entity that cultivates, processes,
1768 distributes, sells, or dispenses marijuana, as defined in s.
1769 29(b)(4), Art. X of the State Constitution, and is not licensed

24-00725A-20

20201860__

1770 as an MMTC ~~a medical marijuana treatment center~~ violates s.
 1771 893.13 and is subject to the penalties provided therein. This
 1772 paragraph does not apply to a transfer of marijuana products or
 1773 marijuana which is authorized by this section, s. 381.990, or s.
 1774 893.13.

1775 (j) ~~(k)~~ A person who manufactures, distributes, sells,
 1776 gives, or possesses with the intent to manufacture, distribute,
 1777 sell, or give marijuana or a marijuana delivery device that he
 1778 or she holds out to have originated from a licensed MMTC ~~medical~~
 1779 ~~marijuana treatment center~~ but that is counterfeit commits a
 1780 felony of the third degree, punishable as provided in s.
 1781 775.082, s. 775.083, or s. 775.084. For the purposes of this
 1782 paragraph, the term "counterfeit" means marijuana; a marijuana
 1783 delivery device; or a marijuana or marijuana delivery device
 1784 container, seal, or label which, without authorization, bears
 1785 the trademark, trade name, or other identifying mark, imprint,
 1786 or device, or any likeness thereof, of a licensed MMTC ~~medical~~
 1787 ~~marijuana treatment center~~ and which thereby falsely purports or
 1788 is represented to be the product of, or to have been distributed
 1789 by, that licensed MMTC ~~medical marijuana treatment facility~~.

1790 (k) ~~(l)~~ Any person who possesses or manufactures a blank,
 1791 forged, stolen, fictitious, fraudulent, counterfeit, or
 1792 otherwise unlawfully issued medical marijuana use registry
 1793 identification card commits a felony of the third degree,
 1794 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1795 (14) EXCEPTIONS TO OTHER LAWS.—

1796 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
 1797 any other ~~provision of~~ law, but subject to the requirements of
 1798 this section, a qualified patient and the qualified patient's

24-00725A-20

20201860__

1799 caregiver may purchase from a medical marijuana treatment center
1800 (MMTC) for the patient's medical use a marijuana delivery device
1801 and up to the amount of marijuana authorized in the physician
1802 certification, but may not possess more than a 70-day supply of
1803 marijuana, or the greater of 4 ounces of marijuana in a form for
1804 smoking or an amount of marijuana in a form for smoking approved
1805 by the department pursuant to paragraph (4)(f), at any given
1806 time and all marijuana purchased must remain in its original
1807 packaging.

1808 (b) Notwithstanding paragraph (a), s. 893.13, s. 893.135,
1809 s. 893.147, or any other ~~provision of~~ law, a qualified patient
1810 and the qualified patient's caregiver may purchase and possess a
1811 marijuana delivery device intended for the medical use of
1812 marijuana by smoking from a vendor other than an MMTC ~~a medical~~
1813 ~~marijuana treatment center~~.

1814 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1815 any other ~~provision of~~ law, but subject to the requirements of
1816 this section, an approved MMTC ~~medical marijuana treatment~~
1817 ~~center~~ and its owners, managers, and employees may manufacture,
1818 possess, sell, deliver, distribute, dispense, and lawfully
1819 dispose of marijuana or a marijuana delivery device as provided
1820 in this section, s. 381.988, s. 381.990, and by department rule.
1821 For the purposes of this subsection, the terms "manufacture,"
1822 "possession," "deliver," "distribute," and "dispense" have the
1823 same meanings as provided in s. 893.02.

1824 (e) A licensed MMTC ~~medical marijuana treatment center~~ and
1825 its owners, managers, and employees are not subject to licensure
1826 or regulation under chapter 465 or chapter 499 for
1827 manufacturing, possessing, selling, delivering, distributing,

24-00725A-20

20201860__

1828 dispensing, or lawfully disposing of marijuana or a marijuana
1829 delivery device, as provided in this section, in s. 381.988, and
1830 by department rule.

1831 ~~(17) Rules adopted pursuant to this section before July 1,~~
1832 ~~2020, are not subject to ss. 120.54(3)(b) and 120.541.~~
1833 ~~Notwithstanding paragraph (8)(c), a medical marijuana treatment~~
1834 ~~center may use a laboratory that has not been certified by the~~
1835 ~~department under s. 381.988 until such time as at least one~~
1836 ~~laboratory holds the required certification pursuant to s.~~
1837 ~~381.988, but in no event later than July 1, 2020. This~~
1838 ~~subsection expires July 1, 2020.~~

1839 Section 3. Section 381.990, Florida Statutes, is created to
1840 read:

1841 381.990 Adult use of marijuana.-

1842 (1) A person 21 years of age or older may purchase
1843 marijuana products containing up to 2,000 milligrams of
1844 tetrahydrocannabinol; up to 2.5 ounces of marijuana in a form
1845 for smoking; and one or more marijuana delivery devices, as
1846 defined in s. 381.986, provided that such marijuana products,
1847 marijuana, and marijuana delivery devices are purchased from a
1848 medical marijuana treatment center (MMTC) that is licensed by
1849 the department pursuant to s. 381.986 for the retail sale of
1850 marijuana and is registered by the Department of Business and
1851 Professional Regulation for the sale of marijuana for adult use.
1852 A violation of this subsection is punishable as provided in s.
1853 893.13.

1854 (2) A person who purchases marijuana products, marijuana in
1855 a form for smoking, or marijuana delivery devices in accordance
1856 with subsection (1) may possess, use, transport, and transfer,

24-00725A-20

20201860__

1857 without consideration, to a person 21 years of age or older such
1858 products or devices. However, a person may not possess at any
1859 given time marijuana products that contain, in total, more than
1860 2,000 milligrams of tetrahydrocannabinol or more than 4.0 ounces
1861 of marijuana in a form for smoking. A violation of this
1862 subsection is punishable as provided in s. 893.13.

1863 (3) This section does not limit the ability of a private
1864 property owner to restrict the smoking or vaping of marijuana on
1865 his or her private property; however, a landlord may not prevent
1866 his or her tenants from possessing or using marijuana by other
1867 means.

1868 (4) This section does not exempt a person from prosecution
1869 for a criminal offense related to impairment or intoxication
1870 resulting from the use of marijuana or relieve a person from any
1871 requirement under law to submit to a breath, blood, urine, or
1872 other test to detect the presence of a controlled substance.

1873 Section 4. Effective July 1, 2020, the Department of
1874 Agriculture and Consumer Services shall conduct a study on the
1875 potential harms and benefits of allowing the cultivation of
1876 marijuana by members of the public for private use, including
1877 the use of a cooperative model. The department shall report the
1878 results of the study to the Governor, the President of the
1879 Senate, and the Speaker of the House of Representatives by
1880 January 1, 2021.

1881 Section 5. Subsection (3) and paragraphs (a) and (b) of
1882 subsection (6) of section 893.13, Florida Statutes, are amended
1883 to read:

1884 893.13 Prohibited acts; penalties.—

1885 (3) (a) A person 21 years of age or older may deliver,

24-00725A-20

20201860__

1886 without consideration, to another person 21 years of age or
1887 older:

1888 1. Marijuana products that contain a total of 2,000
1889 milligrams or less of tetrahydrocannabinol; and

1890 2. A quantity of 2.5 ounces or less of cannabis, as defined
1891 in this chapter.

1892 (b) A person younger than 21 years of age who delivers,
1893 without consideration, to another person marijuana products that
1894 contain a total of 2,000 milligrams or less of
1895 tetrahydrocannabinol or a quantity of 2.5 ounces or less of
1896 cannabis, as defined in this chapter, commits a misdemeanor of
1897 the second degree, punishable as provided in s. 775.082 or s.
1898 775.083, for a first conviction of a violation of this paragraph
1899 and commits a misdemeanor of the first degree, punishable as
1900 provided in s. 775.082 or s. 775.083, for a second or subsequent
1901 conviction of a violation of this paragraph ~~who delivers,~~
1902 ~~without consideration, 20 grams or less of cannabis, as defined~~
1903 ~~in this chapter, commits a misdemeanor of the first degree,~~
1904 ~~punishable as provided in s. 775.082 or s. 775.083. As used in~~
1905 ~~this subsection, the term "cannabis" does not include the resin~~
1906 ~~extracted from the plants of the genus Cannabis or any compound~~
1907 ~~manufacture, salt, derivative, mixture, or preparation of such~~
1908 ~~resin.~~

1909 (6) (a) Except as otherwise provided in this subsection, a
1910 person may not be in actual or constructive possession of a
1911 controlled substance unless such controlled substance was
1912 lawfully obtained from a practitioner or pursuant to a valid
1913 prescription or order of a practitioner while acting in the
1914 course of his or her professional practice or to be in actual or

24-00725A-20

20201860__

1915 constructive possession of a controlled substance except as
1916 otherwise authorized by this chapter. A person who violates this
1917 provision commits a felony of the third degree, punishable as
1918 provided in s. 775.082, s. 775.083, or s. 775.084.

1919 (b)1. A person 21 years of age or older may possess
1920 marijuana products that contain a total of 2,000 milligrams or
1921 less of tetrahydrocannabinol and may possess 4.0 ounces or less
1922 of cannabis, as defined in this chapter ~~If the offense is the~~
1923 ~~possession of 20 grams or less of cannabis, as defined in this~~
1924 ~~chapter, the person commits a misdemeanor of the first degree,~~
1925 ~~punishable as provided in s. 775.082 or s. 775.083. As used in~~
1926 ~~this subsection, the term "cannabis" does not include the resin~~
1927 ~~extracted from the plants of the genus Cannabis, or any compound~~
1928 ~~manufacture, salt, derivative, mixture, or preparation of such~~
1929 ~~resin.~~

1930 2. A person under 21 years of age who possesses marijuana
1931 products that contain a total of 2,000 milligrams or less of
1932 tetrahydrocannabinol or who possesses 4 ounces or less of
1933 cannabis, as defined in this chapter, commits a misdemeanor of
1934 the second degree, punishable as provided in s. 775.082 or s.
1935 775.083, for a first conviction of a violation of this
1936 paragraph, and a misdemeanor of the first degree, punishable as
1937 provided in s. 775.082 or s. 775.083, for a second or subsequent
1938 conviction of a violation of this paragraph.

1939 Section 6. Section 893.1352, Florida Statutes, is created
1940 to read:

1941 893.1352 Retroactive application of s. 893.13.-

1942 (1) It is the intent of the Legislature to retroactively
1943 apply amendments to s. 893.13 to certain persons who were

24-00725A-20

20201860__

1944 convicted of possession of cannabis, before January 1, 2021.

1945 (2) As used in this section, a reference to "former s.
1946 893.13, Florida Statutes 2020," is a reference to s. 893.13 as
1947 it existed at any time before January 1, 2021.

1948 (3) (a) A person who was convicted of a violation of former
1949 s. 893.13, Florida Statutes 2020, by possessing 4 ounces or less
1950 of cannabis as defined in chapter 893, but was not sentenced
1951 under that section before January 1, 2021, must be sentenced in
1952 accordance with s. 775.082, s. 775.083, or s. 775.084, for the
1953 degree of offense as provided for in s. 893.13.

1954 (b) A person who was convicted of a violation of former s.
1955 893.13, Florida Statutes 2020, by possessing 4 ounces or less of
1956 cannabis as defined in chapter 893, was sentenced before January
1957 1, 2021, to a term of imprisonment or probation pursuant to
1958 former s. 893.13, Florida Statutes 2020, and who is serving the
1959 term of imprisonment or probation on or after January 1, 2021,
1960 must have an opportunity for a sentence review hearing. If the
1961 person requests a sentence review hearing, he or she must be
1962 resentenced in accordance with paragraph (c).

1963 (c) Resentencing under this section must occur in the
1964 following manner:

1965 1. The Department of Corrections shall notify the person
1966 described in paragraph (b) of his or her eligibility to request
1967 a sentence review hearing.

1968 2. A person seeking sentence review under this section may
1969 submit an application to the court of original jurisdiction
1970 requesting that a sentence review hearing be held. The
1971 sentencing court retains original jurisdiction for the duration
1972 of the sentence for the purpose of this review.

24-00725A-20

20201860__

1973 3. A person who is eligible for a sentence review hearing
1974 under this section is entitled to representation by legal
1975 counsel. If the person is indigent and unable to employ counsel,
1976 the court shall appoint counsel under s. 27.52. Determination of
1977 indigence and costs of representation is as provided in ss.
1978 27.52 and 938.29.

1979 4. Upon receipt of a request for a sentence review hearing,
1980 the court of original jurisdiction shall hold such a hearing to
1981 determine if the person meets the criteria for resentencing
1982 under this section. If the court determines by a preponderance
1983 of the evidence that the person is currently serving a sentence
1984 for a violation of former s. 893.13, Florida Statutes 2020, and
1985 that the violation was for possession of cannabis in the amount
1986 of 4 ounces or less, the court shall resentence the person in
1987 accordance with this section. If the court determines that the
1988 person does not meet the criteria for resentencing under this
1989 section, the court must provide written findings as to why the
1990 person does not meet the criteria.

1991 5. If the court finds that the underlying facts of the
1992 person's conviction that is subject to resentencing are
1993 classified as a crime under s. 893.13, the person must be
1994 resentenced to a term that would not exceed the maximum sentence
1995 provided by that section. The person is entitled to receive
1996 credit for his or her time served.

1997 6. If the court finds that the underlying facts of the
1998 person's conviction that is subject to resentencing are not
1999 classified as a crime under s. 893.13, the person must be
2000 resentenced to time served and released from supervision as soon
2001 as reasonably possible.

24-00725A-20

20201860__

2002 (4) Notwithstanding any other law, a person who has been
2003 convicted of a crime under former s. 893.13, Florida Statutes
2004 2020, and whose offense would not be classified as a crime under
2005 s. 893.13, must have all fines, fees, and costs related to such
2006 conviction waived.

2007 Section 7. Present subsections (5), (6), and (7) of section
2008 893.147, Florida Statutes, are redesignated as subsections (6),
2009 (7), and (8), respectively, a new subsection (5) is added to
2010 that section, and subsections (1), (2), and (4) of that section
2011 are amended, to read:

2012 893.147 Use, possession, manufacture, delivery,
2013 transportation, advertisement, or retail sale of drug
2014 paraphernalia, specified machines, and materials.—

2015 (1) USE OR POSSESSION OF DRUG PARAPHERNALIA.—Except as
2016 provided in subsection (5), it is unlawful for any person to
2017 use, or to possess with intent to use, drug paraphernalia:

2018 (a) To plant, propagate, cultivate, grow, harvest,
2019 manufacture, compound, convert, produce, process, prepare, test,
2020 analyze, pack, repack, store, contain, or conceal a controlled
2021 substance in violation of this chapter; or

2022 (b) To inject, ingest, inhale, or otherwise introduce into
2023 the human body a controlled substance in violation of this
2024 chapter.

2025
2026 Any person who violates this subsection is guilty of a
2027 misdemeanor of the first degree, punishable as provided in s.
2028 775.082 or s. 775.083.

2029 (2) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.—Except
2030 as provided in subsection (5), it is unlawful for any person to

24-00725A-20

20201860__

2031 deliver, possess with intent to deliver, or manufacture with
2032 intent to deliver drug paraphernalia, knowing, or under
2033 circumstances where one reasonably should know, that it will be
2034 used:

2035 (a) To plant, propagate, cultivate, grow, harvest,
2036 manufacture, compound, convert, produce, process, prepare, test,
2037 analyze, pack, repack, store, contain, or conceal a controlled
2038 substance in violation of this act; or

2039 (b) To inject, ingest, inhale, or otherwise introduce into
2040 the human body a controlled substance in violation of this act.

2041
2042 Any person who violates this subsection is guilty of a felony of
2043 the third degree, punishable as provided in s. 775.082, s.
2044 775.083, or s. 775.084.

2045 (4) TRANSPORTATION OF DRUG PARAPHERNALIA.—Except as
2046 provided in subsection (5), it is unlawful to use, possess with
2047 the intent to use, or manufacture with the intent to use drug
2048 paraphernalia, knowing or under circumstances in which one
2049 reasonably should know that it will be used to transport:

2050 (a) A controlled substance in violation of this chapter; or

2051 (b) Contraband as defined in s. 932.701(2)(a)1.

2052
2053 Any person who violates this subsection commits a felony of the
2054 third degree, punishable as provided in s. 775.082, s. 775.083,
2055 or s. 775.084.

2056 (5) ACTS INVOLVING A MARIJUANA DELIVERY DEVICE.—

2057 (a) A person 21 years of age or older may possess, use,
2058 transport, or deliver, without consideration, to a person 21
2059 years of age or older a marijuana delivery device, as defined in

24-00725A-20

20201860__

2060
2061
2062
2063
2064
2065
2066
2067
2068
2069
2070
2071
2072
2073
2074
2075
2076
2077
2078
2079
2080
2081
2082
2083
2084
2085
2086
2087
2088

s. 381.986.
(b) A person younger than 21 years of age who possesses,
uses, transports, or delivers, without consideration, to a
person 21 years of age or older a marijuana delivery device, as
defined in s. 381.986, commits a misdemeanor of the second
degree, punishable as provided in s. 775.082 or s. 775.083 for a
first conviction of a violation of this paragraph, and a
misdemeanor of the first degree, punishable as provided in s.
775.082 or s. 775.083, for a second or subsequent conviction of
a violation of this paragraph.

Section 8. Section 943.0586, Florida Statutes, is created to read:

943.0586 Cannabis expunction.—

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

(a) "Cannabis" has the same meaning as provided in chapter
893.

(b) "Expunction" has the same meaning and effect as
provided in s. 943.0585.

(c) "Former s. 893.13, Florida Statutes 2020," is a
reference to s. 893.13 as it existed at any time before January
1, 2021.

(2) ELIGIBILITY.—Notwithstanding any other law, a person is
eligible to petition a court to expunge a criminal history
record for the conviction of former s. 893.13, Florida Statutes
2020, if:

(a) The person received a withhold of adjudication or
adjudication of guilt for a violation of former 893.13, Florida
Statutes 2020, for the possession of cannabis;

(b) The person possessed 4 ounces or less of cannabis; and

24-00725A-20

20201860__

2089 (c) The person is no longer under court supervision related
2090 to the disposition of arrest or alleged criminal activity for
2091 which the petition to expunge pertains.

2092 (3) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court
2093 to expunge a criminal history record under this section, a
2094 person seeking to expunge a criminal history record must apply
2095 to the department for a certificate of eligibility for
2096 expunction. The department shall adopt rules to establish
2097 procedures for applying for and issuing a certificate of
2098 eligibility for expunction.

2099 (a) The department shall issue a certificate of eligibility
2100 for expunction to a person who is the subject of a criminal
2101 history record under this section, if that person:

2102 1. Satisfies the eligibility criteria in subsection (2);

2103 2. Has submitted to the department a written certified
2104 statement from the appropriate state attorney or statewide
2105 prosecutor which confirms the criminal history record complies
2106 with the criteria in subsection (2);

2107 3. Has submitted to the department a certified copy of the
2108 disposition of the charge to which the petition to expunge
2109 pertains; and

2110 4. Remits a \$75 processing fee to the department for
2111 placement in the Department of Law Enforcement Operating Trust
2112 Fund, unless the executive director waives such fee.

2113 (b) A certificate of eligibility for expunction is valid
2114 for 12 months after the date of issuance stamped by the
2115 department on the certificate. After that time, the petitioner
2116 must reapply to the department for a new certificate of
2117 eligibility. The petitioner's status and the law in effect at

24-00725A-20

20201860__

2118 the time of the renewal application determine the petitioner's
2119 eligibility.

2120 (4) PETITION.—Each petition to expunge a criminal history
2121 record must be accompanied by:

2122 (a) A valid certificate of eligibility issued by the
2123 department.

2124 (b) The petitioner's sworn statement that he or she:
2125 1. Satisfies the eligibility requirements for expunction in
2126 subsection (2); and

2127 2. Is eligible for expunction to the best of his or her
2128 knowledge.

2129 (5) PENALTIES.—A person who knowingly provides false
2130 information on such sworn statement commits a felony of the
2131 third degree, punishable as provided in s. 775.082, s. 775.083,
2132 or s. 775.084.

2133 (6) COURT AUTHORITY.—

2134 (a) The courts of this state have jurisdiction over their
2135 own procedures, including the maintenance, expunction, and
2136 correction of judicial records containing criminal history
2137 information to the extent that such procedures are not
2138 inconsistent with the conditions, responsibilities, and duties
2139 established by this section.

2140 (b) A court of competent jurisdiction shall order a
2141 criminal justice agency to expunge the criminal history record
2142 of a person who complies with this section. The court may not
2143 order a criminal justice agency to expunge a criminal history
2144 record under this section until the person seeking to expunge a
2145 criminal history record has applied for and received a
2146 certificate of eligibility under subsection (3).

24-00725A-20

20201860__

2147 (c) Expunction granted under this section does not prevent
2148 the person who receives such relief from petitioning for the
2149 expunction or sealing of a later criminal history record as
2150 provided for in ss. 943.0583, 943.0585, and 943.059, if the
2151 person is otherwise eligible under those sections.

2152 (7) PROCESSING OF A PETITION OR AN ORDER.—

2153 (a) In judicial proceedings under this section, a copy of
2154 the completed petition to expunge shall be served upon the
2155 appropriate state attorney or the statewide prosecutor and upon
2156 the arresting agency; however, it is not necessary to make any
2157 agency other than the state a party. The appropriate state
2158 attorney or the statewide prosecutor and the arresting agency
2159 may respond to the court regarding the completed petition to
2160 expunge.

2161 (b) If relief is granted by the court, the clerk of the
2162 court shall certify copies of the order to the appropriate state
2163 attorney or the statewide prosecutor and the arresting agency.
2164 The arresting agency shall forward the order to any other agency
2165 to which the arresting agency disseminated the criminal history
2166 record information to which the order pertains. The department
2167 shall forward the order to expunge to the Federal Bureau of
2168 Investigation. The clerk of the court shall certify a copy of
2169 the order to any other agency which the records of the court
2170 reflect has received the criminal history record from the court.

2171 (c) The department or any other criminal justice agency is
2172 not required to act on an order to expunge entered by a court if
2173 such order does not comply with the requirements of this
2174 section. Upon receipt of such an order, the department shall
2175 notify the issuing court, the appropriate state attorney or

24-00725A-20

20201860__

2176 statewide prosecutor, the petitioner or the petitioner's
2177 attorney, and the arresting agency of the reason for
2178 noncompliance. The appropriate state attorney or statewide
2179 prosecutor shall take action within 60 days to correct the
2180 record and petition the court to void the order. No cause of
2181 action, including contempt of court, may arise against any
2182 criminal justice agency for failure to comply with an order to
2183 expunge if the petitioner for such order failed to obtain the
2184 certificate of eligibility as required by this section or such
2185 order does not otherwise comply with the requirements of this
2186 section.

2187 (8) EFFECT OF CANNABIS EXPUNCTION ORDER.—

2188 (a) The person who is the subject of a criminal history
2189 record that is expunged under this section may lawfully deny or
2190 fail to acknowledge the arrests and convictions covered by the
2191 expunged record, except if the person who is the subject of the
2192 record:

- 2193 1. Is a candidate for employment with a criminal justice
2194 agency;
2195 2. Is a defendant in a criminal prosecution;
2196 3. Concurrently or subsequently petitions for relief under
2197 this section, s. 943.0583, s. 943.059, or s. 943.0585;
2198 4. Is a candidate for admission to The Florida Bar;
2199 5. Is seeking to be employed or licensed by or to contract
2200 with the Department of Children and Families, the Division of
2201 Vocational Rehabilitation within the Department of Education,
2202 the Agency for Health Care Administration, the Agency for
2203 Persons with Disabilities, the Department of Health, the
2204 Department of Elderly Affairs, or the Department of Juvenile

24-00725A-20

20201860__

2205 Justice or to be employed or used by such contractor or licensee
2206 in a sensitive position having direct contact with children,
2207 persons with disabilities, or the elderly;

2208 6. Is seeking to be employed or licensed by the Department
2209 of Education, any district school board, any university
2210 laboratory school, any charter school, any private or parochial
2211 school, or any local governmental entity that licenses child
2212 care facilities;

2213 7. Is seeking to be licensed by the Division of Insurance
2214 Agent and Agency Services within the Department of Financial
2215 Services; or

2216 8. Is seeking to be appointed as a guardian pursuant to s.
2217 744.3125.

2218 (b) A person who has been granted an expunction under this
2219 section and who is authorized under paragraph (a) to lawfully
2220 deny or fail to acknowledge the arrests and convictions covered
2221 by an expunged record may not be held under any law of this
2222 state to commit perjury or to be otherwise liable for giving a
2223 false statement by reason of such person's failure to recite or
2224 acknowledge an expunged criminal history record.

2225 Section 9. Section 893.15, Florida Statutes, is amended to
2226 read:

2227 893.15 Rehabilitation.—Any person who violates s.
2228 893.13(6) (a) ~~or (b)~~ relating to possession may, in the
2229 discretion of the trial judge, be required to participate in a
2230 substance abuse services program approved or regulated by the
2231 Department of Children and Families pursuant to the provisions
2232 of chapter 397, provided the director of such program approves
2233 the placement of the defendant in such program. Such required

24-00725A-20

20201860__

2234 participation shall be imposed in addition to any penalty or
2235 probation otherwise prescribed by law. However, the total time
2236 of such penalty, probation, and program participation shall not
2237 exceed the maximum length of sentence possible for the offense.

2238 Section 10. Except as otherwise expressly provided in this
2239 act and except for this section, which shall take effect upon
2240 becoming a law, this act shall take effect January 1, 2021.